United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, JUNE 4, 2009 *No. 83*

House of Representatives

The House met at 10 a.m.

The Reverend Kenneth L. Simon, New Bethel Baptist Church, Youngstown, Ohio, offered the following prayer:

Gracious God, we come thanking You today for all of Your blessings and the privilege You have given each of us to serve You by serving Your people.

We thank You for our President, Barack Obama, who You have called and appointed to lead this Nation for such a time as this, and I ask Your continued blessings upon him and his family.

We ask Your blessings upon our Congressmen and -women, leaders of this great Nation who You have given the charge to govern Your people in the pursuit of liberty, justice and equality for all.

Bless this session in the midst of the many challenges our Nation faces today. May Your spirit grant wisdom and give guidance to every decision that is made in this place. Help us to move beyond our differences and party lines to the place where we can agree to differ, resolve to love and unite to serve.

In Your name, we do pray and give thanks. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. MCNERNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNERNEY 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 THE REVEREND KENNETH L. SIMON

The SPEAKER. Without objection, the gentleman from Ohio is recognized for 1 minute.

There was no objection.

Mr. RYAN of Ohio. Madam Speaker, I would like to welcome Reverend Kenny Simon to the House to lead us in prayer today. He is Youngstown born and Youngstown educated. He is a graduate of East High School and Youngstown State University. He did his biblical and religious training in Wheaton, Illinois. He was ordained in 1993, and in 1995 he succeeded his father, Reverend Lonnie Simon, as pastor of the New Bethel Baptist Church in Youngstown, Ohio.

In addition to his pastorate, Reverend Kenny Simon is very much involved in our community. He is the president of the board of Eagle Heights Academy. He is the chairman of the Mayor's Human Relations Commission. He is a board member of Crime Stoppers of Youngstown, past president of the Mahoning Valley Association of Churches, past board member of the Western Reserve Port Authority, and a 2002 graduate of Leadership Mahoning Valley. Pastor Simon is the president of the Community Mobilization Coalition, a political organization that promotes voter registration and informs the urban community about the importance of voting and voting issues.

Reverend Kenny Simon and his wife, Wendy Wainwright, have three children, Keisha, Kenny and David. And as most of us do, he stands on the shoulders of his father, who is now pastor emeritus of New Bethel Baptist Church where he has served since 1962, Reverend Lonnie Simon. He too has been involved in many community activities, including service on the Youngstown Board of Education from 1972 to 1975 and was in the first Leadership Youngstown class in 1985.

In 1965, Reverend Lonnie Simon was one of the charter leaders of the March on Montgomery under the leadership of Dr. Martin Luther King, Jr., and participated in the Poor People's Campaign here in Washington, D.C. in 1969. Reverend Lonnie Simon and his wife of 58 years, Florence, have four children, seven grandchildren and four great-grandchildren.

Madam Speaker, it was an honor for us to be addressed by such a distinguished individual with such a distinguished family here at the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

HONORING THE LIFE OF GORDON HAYES MEDLIN

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

Mr. MCNERNEY. Mr. Speaker, I ask my colleagues to join me in honoring Gordon Hayes Medlin, also known as Gordy, who passed away last week. Gordy was born in Modesto, California, in 1922 and moved to Stockton in high school. Later Gordy enlisted in the Marine Corps to serve in World War II. Twenty-four years ago, inspired by the nearby Gilroy Garlic Festival, Mr. Medlin cofounded the Stockton Asparagus Festival. This festival is a 3-day food and entertainment festival celebrating asparagus, one of the signature crops of San Joaquin County, California. Attendance at the festival often reaches 100,000 people. To this date, the

festival has raised more than $4.5 million for participating charities. Mr. Medlin's influence on the community is tremendous, and the results of his efforts will continue to be felt for years to come.

I am saddened by Gordy's passing and proud to honor his lifetime of service and good work.

VOTER INTIMIDATION

(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, a recent news story highlights political appointees at the Justice Department running roughshod over both their civil counterparts and the law itself.

In November, members of the New Black Panther Party for Self-Defense stood in paramilitary uniforms, one of them wielding a nightstick, and intimidated voters at a Philadelphia polling place. The facts are not in question. You can see the video on YouTube. Career lawyers at the Justice Department rightly pursued the case in order to bring charges. They even obtained an affidavit from a prominent civil rights activist who was present and described it as ''the most blatant form of voter intimidation'' that he had seen, including the voting rights crisis he was a part of in Mississippi in the 1960s. The civil suit filed claimed the individuals engaged in ''coercion, threats and intimidation, racial threats and insults, and menacing and intimidating gestures.''

Yet now political appointees have stepped in to order the suit dropped. Apparently this Justice Department has no problem with voter intimidation or politicization of justice.

BAYONNE MEMORIAL DAY CO-GRAND MARSHALS

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

Mr. SIRES. Mr. Speaker, I rise today to honor two very distinguished women for their service in our Armed Forces. Victoria Del Regno served in the U.S. Air Force from 1969 to 1972, and Isabella De Marco served in the U.S. Army from 1993 to 2004 and is currently an active duty reservist. Both women were selected as the Co-Grand Marshals for the Memorial Day parade in Bayonne, New Jersey, in my district. Ms. Del Regno and Ms. De Marco were both born and raised in Bayonne, served as nurses in the military, and both are members of the F.A. MacKenzie American Legion Post 165 in Bayonne.

Mr. Speaker, for the first time in the 91-year history of the parade, two females were selected by the parade committee to serve as Grand Marshals. I am proud that this year's parade honors the service of women in the Armed Forces. These two women and their contributions are outstanding examples of women who are serving and who have served in our military.

PROTECT MILITARY PERSONNEL FROM HATE CRIMES

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

Mr. FLEMING. Mr. Speaker, on June 1 two U.S. servicemen were gunned down at an Army recruiting station in Little Rock, Arkansas. Private William Long lost his life in the attack, and another soldier remains in critical condition. Based on the attacker's own statements, these soldiers were targeted because of their affiliation with the U.S. Army. There is evidence that others were being targeted, and this is not the first time.

Under recently passed hate crimes legislation, H.R. 1913, these heroes would receive no additional Federal protections. I think we can all agree that if there is any class of citizens who deserve special protection from political or religiously motivated crimes, it is our men and women in uniform who put their lives on the line each day to protect this country.

So I have introduced House bill 2677, the Military Personnel Protection Act of 2009. This legislation will right this egregious wrong and ensure those who answered our Nation's call to service are extended the same protections afforded to other protected classes of citizens. I urge my colleagues to join me in passing this legislation and extend Federal hate crimes protections to active, Guard, Reserve and retired members of the armed services. That is the least we can do for them.

NBA AGE ELIGIBILITY RULE

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

Mr. COHEN. Mr. Speaker, tonight millions of Americans will tune in to the NBA finals to watch a great battle between Kobe Bryant and Dwight Howard. Besides immense talent, these gentlemen share another characteristic—they went straight to the NBA from high school. Unfortunately, today's players won't have that same opportunity because the NBA prevents 18-year-olds from choosing their profession and going straight into the NBA simply because of their age. It's something that you don't see in any other sport, baseball, golf, tennis, hockey, any other sport. You don't see it in entertainment, and you don't see it when young men and women choose to join the military and fight for their country. This is part of a hypocritical system that we have which doesn't allow these people to choose their profession when they come out of high school, and it makes the term ''student athlete'' an oxymoron. The system does more to serve the needs of the universities and the NBA, which uses them as a farm system, than to serve the educational interests and needs of the students themselves.

Kobe Bryant and Dwight Howard have achieved outstanding success, and I look forward to watching them tonight. But there is no reason to think that today's 18-year-olds can't do the same. Age restriction should be abolished. The NBA should repeal this unfair rule.

□ 1015

FREE EGYPTIAN BLOGGER KAREEM AMER

(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, I rise to call on Egypt to demonstrate that it is a force for tolerance in the Arab world by releasing Kareem Amer from prison.

A young human rights activist, Kareem Amer, was sentenced in February of 2007 to rot in prison for 4 years based solely on what he wrote on his blog. He is the first blogger of the Arab world to be jailed completely for his Internet comments. And his only crime was criticizing extremists who persecute women and minorities.

We have a unique opportunity to right this injustice. President Obama should call for the release of Kareem to protect the free speech of all of us on the Internet.

The Egyptian Government is heavily subsidized by the U.S. taxpayer. Americans are going through tough times and would not be happy supporting a regime that set a precedent that put the first blogger in jail solely for promoting tolerance. Egypt should not stand out as a repressive regime that stifles Internet speech. That is why Kareem Amer should be released from prison before the President leaves Egypt.

HONORING THE LIFE AND SERVICE OF NAVY COMMANDER DUANE WOLFE

(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, I rise today with a heavy heart to honor the life and service of my constituent, Navy Commander Duane Wolfe. Commander Wolfe died Monday, May 25, at Al Asad Air Force Base in Iraq. He was killed by a roadside bomb.

Mr. Speaker, words can't describe the loss felt throughout our California coastal communities by Commander Wolfe's death. He was truly a pillar in his community, spending the majority of his life on the central coast with his wife of 34 years, Cindi, and their beautiful family. Commander Wolfe served in Iraq as a Seabee. He worked at Vandenberg Air Force Base as a civilian for over 20 years and served as well as a deacon of the Los Osos Church of Christ.

By those who knew him best, he is remembered as a dedicated husband and father with a clever wit, a strong sense of work ethic, and a kindness toward those in need.

My thoughts and prayers are with Commander Wolfe and his family and friends during this heartbreaking time, as well as the families of all of our military personnel serving as they do in such danger and with such bravery. We owe our brave men and women serving in the Armed Forces and their families nothing but our full support and gratitude for their tremendous sacrifice.

CAP-AND-TRADE'S NEGATIVE IMPACT ON RURAL AMERICA

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

Mr. SMITH of Nebraska. Mr. Speaker, I have serious concerns about cap-and-trade legislation and its impact on the American people, especially rural communities. This, at its core, is a national energy tax which will be passed on to the American people. The stakes are even higher for our Nation's agriculture industry.

Agriculture is an energy-intensive industry, relying on fuel for the pickup truck, fertilizer for the crops, and generators to keep heaters on during the winter.

The Third District of Nebraska is one of the largest agricultural districts in the country, home to more than 30,000 farmers and ranchers. And everyone knows that even a small increase in the operating costs would have dire results.

As higher energy prices hit other areas of our economy, farmers and ranchers will pay more for seed, equipment, steel and other supplies. As the cost of production increases, so will the price of food on the shelves in urban areas.

This national energy tax is the wrong way to go, and certainly my colleagues know that.

COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. For over a year now, I have been coming to the floor to continue to advocate for the need to pass comprehensive immigration reform. While we debate health care and energy legislation, which are important, let us not forget about another urgent situation that is getting worse in America.

To those who say that comprehensive immigration must wait, I ask, how do we humanely deal with the 14 million undocumented immigrants in this country whose lives are being affected every day? How should we respond to thousands of innocent children that increasingly are left to fend for themselves as bureaucratic and outdated immigration laws keep them from their parents?

Our immigration system does not fit the current immigration reality. We need comprehensive immigration reform that respects families and protects our borders and makes America safer.

I urge my colleagues to do the right thing. Look past politics and work with the CHC and pass comprehensive immigration reform.

CAP-AND-TAX, AN OVERDOSE OF NEW TAXES

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

Mr. BROUN of Georgia. Mr. Speaker, all the symptoms are clear. As a medical doctor, I rise today to diagnose the Obama administration and the majority leadership in this Congress with an addiction to raising taxes.

According to the Wall Street Journal, the Obama budget calls for more than $1.1 trillion in new taxes over the course of the next decade, including $646 billion in new taxes for their cap-and-tax scheme alone.

Cap-and-tax will raise the American family's energy costs by more than $3,100 each year. That amounts to the largest tax increase in the history of our Nation.

Cap-and-tax is an overdose of new taxes. And mark my words, it will lead to catastrophic consequences. Experts almost unanimously agree that the cap-and-tax will destroy millions of jobs and devastate our economy, all of this while having marginal, if any, impact on global emissions.

I urge my colleagues and the American people to stand up against these tax increases and oppose this legislation.

CLEAN ENERGY JOBS

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

Ms. RICHARDSON. Last week, the House Energy and Commerce Committee reached an agreement on the framework for transforming our economy for decades to come while saving the planet in the process, which should be all of our goal. Before the end of the year, we hope to pass comprehensive energy and job-creating legislation to make clean, American energy available for all of us. The clean energy jobs plan is the next step to create millions of American jobs in clean energy, efficiency, modernization, and a smart electrical grid.

Energy, as a matter, is critical to our own national security and to our self-determination to stop our overarching dependence on foreign oil. And in terms of our environment with the same successful bipartisan American solution that we use to fight acid rain, we can crack down on the persistent polluters who damage our air and water.

The time for clean energy legislation is now. It will create millions of jobs, reduce our dependency on foreign oil, and it will retool America's industries.

FRANK LARISON: ONCE A MARINE, ALWAYS A MARINE

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

Mr. POE of Texas. Mr. Speaker, there is no such thing as a former marine. Once marines leave the military, they are still marines at heart, soul, and patriotic zeal.

One such marine is Frank Larison, who served in Vietnam—14 years in the military.

The 58-year-old combat veteran lives in Lake Highlands in Dallas, Texas. Like many marines, he has Marine bumper stickers and decals on his vehicle. But the homeowners' association claims the stickers are advertising, which is prohibited under deed restrictions.

Marine Larison has been told to remove the stickers or face fines or towing. Larison is not retreating from this battle. Marine Larison has, in the unique Marine vocabulary, ''politely'' refused to peel off any of the red and gold Marine decals. Larison told a Dallas reporter, ''I'm not advertising. I'm just proud to have served my country.''

Marine Larison will win his fight with the association because freedom of speech is still sacred in America whether the association likes it or not. There is nothing like a U.S. Marine. They are a breed of their own. They are truly unique, proud Americans. The association picked the wrong person to do battle with, a U.S. Marine. Semper fi, Frank Larison. Semper fi.

And that's just the way it is.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

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

Ms. TITUS. Mr. Speaker, this past Saturday, I had the honor and pleasure of participating in a wonderful Asian Pacific American Heritage Month celebration. It featured native songs and dances, beautiful flowers and costumes and excellent food from around Asia. The event was sponsored by the Clark County Asian American Democratic Caucus under the able leadership of Sanje Sedera and Raheela Haq. Community advocates were honored and scholarships were awarded.

Asian Americans are the fastest growing minority group in Nevada and are becoming an increasingly powerful and positive force in our society, our economics, and our political scene. We welcome their valuable contributions and honor their delightfully rich cultural traditions.

A THREE-PRONGED APPROACH TO HEALTH CARE REFORM

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I know that we deal with a lot of important issues here in Congress, but there is probably no issue that is more personal and important to millions of moms across the country than health care. When your son or daughter is sick, there is nothing more important than making sure that they get better. And many women all across this country who are taking care of their elderly parents or in-laws are often consumed with countless tests and doctors' appointments and wrestling with insurance companies and Medicare.

As we address health care, what does every American deserve? What does every mom demand?

First is to have access to doctors and nurses you know and trust. The doctor-patient relationship is one of the most important relationships in our country, and it is really the foundation of our health care system.

Second is to protect the high quality of health care that we have enjoyed. We have been the innovators. We have been the ones that have been doing the research to cure new diseases, and we really have been the envy of the world.

Third is to reduce health care costs. This must be at the heart of reform.

Mr. Speaker, I look forward to working with Republicans and Democrats to address this issue.

THE HUMAN RIGHTS CONDITION IN VIETNAM

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, as the co-chair of the Congressional Caucus on Vietnam, I continue to be concerned about the human rights condition in Vietnam. Despite their membership in the World Trade Organization and being granted permanent normal trade relation status, Vietnam continues to deny their citizens their fundamental human rights and political liberties.

The Government of Vietnam continues to restrict Internet access and goes as far as to imprison those who would use the Internet to challenge the Communist Party.

The United States must be a leading advocate for human rights. And we must make it clear to governments like those of Vietnam that it is unacceptable to deny people their basic human rights. I hope, especially under this new administration, that Congress will be able to work together and to recommit itself to fighting for the rights of the Vietnamese people.

This weekend, our Orange County delegation will have the honor of welcoming the United States Ambassador to Vietnam to our community. And the delegation looks forward to continuing to work with the Department of State to make human rights a priority.

THE NATIONAL ENERGY TAX PLAN

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

Ms. FOXX. Mr. Speaker, despite rising gas prices across the country, Democrats in Washington continue to push for a national energy tax that will make the pain at the pump even worse. Just 1 year ago, gas prices made their steady rise to over $4 a gallon. A return to record gas prices would be especially harmful during the current economic recession. But that is not deterring Democrats from moving forward with their national energy tax plan.

Representative JOHN DINGELL, a Democrat from Michigan, said it best when he said, ''nobody in this country realizes that cap-and-trade is a tax, and a great big one.'' Republicans in Congress realized this startling reality, and the American people are beginning to as well.

Over the past week, Republicans held energy summits in Pittsburgh, Indianapolis, and San Luis Obispo in California. These summits provide an important opportunity to explain to the American people the devastating consequences of the Democrats' national energy tax plan and to craft better energy solutions. The American people don't want the Democrats' national energy tax. They want and deserve energy independence.

□ 1030

CONGRATULATING THE 2009 GRADUATES OF NORTH FOREST HIGH SCHOOL IN HOUSTON, TEXAS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to support the graduating class of North Forest High School in Houston, Texas, the 2009 graduating class, a school district, the North Forest Independent School District, that suffered the ravages of Hurricane Rita, and then right on the heels of Hurricane Rita came Hurricane Ike and destroyed many of the buildings of that particular school district. Then Forestbrook High School suffered heinous acts by vandals who destroyed the school and caused the school district to have to close one of its high schools. So today the graduating class will be the merger of those two high schools, and boy have they united.

I'm honored to be their guest speaker. And because of that, Mr. Speaker, I will miss some legislative initiatives. But I rise to support the Federal Employees Paid Parental Leave Act. I would have voted ''aye'' on the rule, ''aye'' on final passage, and I would have voted ''aye'' on two amendments, Mr. GREEN and Mr. BRIGHT of Alabama. And then, as well, I would have voted ''no'' on the gentleman's amendment from California, Mr. ISSA.

But the main point is to recognize that I am going to salute these students because they deserve it. They've overcome adversity. Congratulations to the North Forest High School Class of 2009.

AMERICAN RECOVERY AND REINVESTMENT ACT

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

Mrs. DAHLKEMPER. Mr. Speaker, one of the first acts of the 111th Congress was to enact the American Recovery and Reinvestment Act, historic legislation to jump start our economy and create good-paying jobs.

The Recovery Act money is being allocated at a pace of almost $1 billion a week. And I'm pleased to say that we're already seeing positive effects of the Recovery Act in my district, Pennsylvania's Third.

While times are still very difficult for many families struggling to make ends meet, we have seen a glimmer of some encouraging news in recent days. During the month of April, Erie County's unemployment rate stabilized for the first time in months. And in neighboring Crawford County, the unemployment rate actually fell. This is the result of the targeted, job-creating investments in our Nation's science, clean energy, education, health care and transportation infrastructure through the Recovery Act.

Certainly there is more work to be done. And as the Recovery Act continues to take effect, we must renew our commitment to continue to create the good-paying jobs that will stay here in the United States.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY REGARDING DEPARTMENT OF HOMELAND SECURITY

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted a privileged report (Rept. No. 111–134) on the resolution (H. Res. 404) of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of documents relating to the Department of Homeland Security Intelligence Assessment titled, ''Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment,'' which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2200, TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

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. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security, 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 Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 SPEAKER pro tempore. The gentleman from Colorado (Mr. PERLMUTTER) is recognized for 1 hour.

Mr. PERLMUTTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded is for purposes of debate only.

GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 474.

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

There was no objection.

Mr. PERLMUTTER. Mr. Speaker, I yield myself such time as I might consume. House Resolution 474 provides for consideration of H.R. 2200, the Transportation Security Administration Authorization Act of 2009. This legislation is a much-needed fix to an agency tasked with maintaining security in some of our most important facilities. The urgency is clear, especially since many programs under TSA have not been altered or revised since their original authorization in the Aviation and Transportation Security Act passed immediately after the attacks on September 11, 2001.

Since that time, we have seen threats against our transportation systems change dramatically. We've seen attacks against rail and mass transit systems in London, Madrid and Mombai. As a result, this legislation broadens the focus of TSA to address more than just aviation security, which, for years, received an overwhelming majority of funding and manpower.

So this bill triples the funding for surface transportation systems. I'm pleased to say this increased attention to surface transportation is done in consultation with consumer groups to ensure security provided at subway stations and other facilities does not turn the daily commute into a daily mess.

In addition, we create a much-needed position of Deputy Assistant Secretary for Surface Transportation to give a voice to that component of TSA.

Another significant advance in this bill is its risk assessment allocation method. According to the FAA, there are 561 certified airports in the United States, including commercial and general aviation. Moreover, there is an untold number of bus terminals, subway stations, and rail facilities in the United States. The security of the American people demands TSA's limited resources be directed toward the modes and facilities which face the greatest risk.

This bill directs the TSA administrator to adopt a policy whereby funding is allocated based upon risk, not merely based on population or some other criteria.

Regarding aviation security, the bill provides for a strengthened perimeter security program at our Nation's airports. It also provides a pilot program for biometric identification access systems at seven airports for airport employees. And in many cases, security experts have found canines can provide unparalleled detection of narcotics and explosive materials. So this bill provides for 250 canine detection teams, and an amendment by Representative DOC HASTINGS of Washington will provide for even more.

There are plenty of other positive steps this legislation makes. But what I believe is most important about this bill is the way it has made its way through the House. The bill has been developed over several months with a great amount of input from majority and minority Members, labor and business and independent analysis. The bill passed out of the Homeland Security Committee without any dissenting votes, and as it comes to the floor, 14 substantive amendments will be debated. Of those 14, eight are Republican amendments and six, obviously, are from the Democratic side.

I had the privilege to serve on Homeland Security, Mr. Speaker, and it is with pride that I say I found that committee to be among the most bipartisan committees in the House of Representatives. The efforts by Chairman THOMPSON and Ranking Member KING to work for the protection of the United States work well within the committee and allow for bipartisan effort from both sides.

The rule will provide for ample debate on this important bill and allow Members to vote on many proposals to improve it. This bill is a great example of bipartisan cooperation to address a problem our Nation wishes us to address. The security of our Nation's passengers require sensible solutions, and this bill provides them just that.

I urge a ''yes'' vote on the rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, first I'd like to thank my friend, the gentleman from Colorado (Mr. PERLMUTTER) for the time. And I yield myself such time as I may consume.

First, Mr. Speaker, if I may, I'd like to remember and ask the House to recall that today is June 4. Twenty years ago a massacre occurred in Beijing. Thousands of students and other prodemocracy activists were murdered. Subsequently, they were rounded up, those who had not been murdered, who had been in the square, and thrown in dungeons and tortured. And so it's been 20 years, but we cannot forget.

The regime is still in power there. They haven't had much reason to regret their murders and their systematic oppression of the people. But over you, in something that distinguishes this Congress, we read the words ''In God We Trust.'' And I do. I trust that justice will be done, and that those who committed the murders at Tiananmen Square in June of 1989 will be brought to justice. We can never forget, Mr. Speaker.

With regard to the rule being brought forth today, bringing forth important legislation to the floor today, in order to protect our transportation systems after the cowardly attacks of September 11, 2001, Congress passed and President Bush signed into law on November 19, 2001, the Aviation and Transportation Security Act. That legislation created the Transportation Security Administration, TSA, improving

aviation security and restoring public confidence in air travel.

The underlying legislation that's being brought forth today for consideration by the Congress, by this rule, authorizes $7.6 billion in appropriations for the TSA during the fiscal year 2010, and provides a 6 percent across-the-board increase for fiscal year 2011.

□ 1045

In their report to Congress, the 9/11 Commission criticized the existing process for allocation of Federal homeland security grants. The report recommended that, ''Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities,'' and that the distribution of the grants ''should not remain a program for general revenue sharing.'' I have long worked to make certain that homeland security assistance follows the recommendations of the 9/11 Commission and that funds are distributed through risk-based assessments. As such, I am pleased that this legislation requires TSA to update Congress on its implementation of a risk-based system for allocating security resources.

The underlying legislation would establish an Aviation Security Advisory Committee to assist and make recommendations to the Secretary with issues pertaining to aviation security. It also establishes an Air Cargo Working Group to provide recommendations for the implementation of the cargo screening initiatives proposed by the TSA to meet the 100 percent air cargo screening mandates set forth in the ''Implementing Recommendations of the 9/11 Commission Act.''

I am pleased there is a provision that provides for the reimbursement of airports that took the initiative and used their own funding to install explosive detection systems after the September 11 terrorist attacks. Those airports installed the systems after receiving assurances from the Federal Government that they would be reimbursed for these expensive yet very important protection systems. Unfortunately, after all these years, we're still waiting for the Federal Government to provide the promised reimbursement. I congratulate our colleague, Mr. BILIRAKIS, for having this important provision included in the legislation.

While I plan to support the underlying legislation, Mr. Speaker, I must express concerns that the legislation was really rushed to the floor by the majority. On such an important issue as the safety of our transportation systems, one would think the majority would want the input of the very agency affected by the legislation. And yet it decided it was more important to move forward than to wait until the administration, the new administration, had selected a TSA administrator who could provide Congress the necessary input and new ideas on how Congress can improve the agency. So the majority, it can be said, used excessive haste to rush the bill to the floor.

On Thursday, May 14, the majority announced that the House would consider the Transportation Security Administration reauthorization bill the week of May 18. However, at the time of the announcement, the legislative language of the bill was nowhere to be found.

The majority kept the text, as you know upon which amendments are based or can be based, hidden under lock and key until late on Monday, May 18. And just as they released the text, they set a hard and fast deadline of 5 p.m. on Wednesday, May 20, for Members to submit their amendments. What this did was give Members, in effect, one business day to read the legislation that reauthorizes the TSA and draft and submit amendments. The majority justified their short amendment deadline by saying that the Rules Committee was going to meet the next day, Thursday, to report a rule for amendments, with the idea that the bill would be on the floor on Friday, May 22.

But the House decided to leave for the Memorial Day district work period on Thursday evening, without considering the TSA bill, and rather than allowing Members more time to review the bill, the majority pushed ahead, eliminating the opportunity for Members to further review the legislation and propose amendments to improve it.

I bring this up, Mr. Speaker, because it is not an anomaly on the majority's part, but it's business as usual. Since the majority took power in Congress in January 2007, Members have been given an average of one business day or less to submit amendments than we did when we were in the majority.

And that's important because it's important for people here representing their constituents to have time to read legislation before having to introduce amendments to try to improve the legislation.

I am pleased that the majority agreed to allow an amendment that I introduced in the Rules Committee for consideration. However, there were other amendments from Members on both sides of the aisle that were blocked.

For example, the majority blocked an amendment by Representative SOUDER that would require the TSA to place all of the detainees held at the Guantanamo Bay detention facility on the no-fly list, an amendment that I'm sure would have overwhelming support on the floor.

So I would simply urge the majority to allow an open process, as it promised in its campaign, and not just on noncontroversial legislation such as this one. This is legislation, in terms of the merits of the legislation, it was brought forth in a bipartisan manner within the committee. The chairman, Mr. THOMPSON, is known to work in a very respectful and bipartisan manner with all of the members of his committee, and I think all of us are grateful for that and commend him for it.

So I would urge, though, that not only on noncontroversial legislation but also on upcoming, for example, health care and climate change legislation, that openness be allowed in the House. It's important. It's, I think, required by the spirit of the democratic process. So both of these upcoming pieces of legislation, energy, health care, they will obviously have far-reaching consequences for our constituents and for the economy, and so I would hope that on such important issues the majority does not block the opportunity for Members of the House to bring forth their amendments seeking to improve the legislation.

I reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I appreciate the comments of my friend from Florida. I think they would have more weight on maybe another bill than this one, where clearly there has been bipartisan effort from the very beginning. The bill has been in the works for a long time, and it passed out of the committee without objection.

So with that, I would yield 5 minutes to the chairman of the Homeland Security Committee, Mr. BENNIE THOMPSON of Mississippi.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to support the rule for the Transportation Security Administration Authorization Act, H.R. 2200. I would also like to thank my colleague, Mr. PERLMUTTER from Colorado, who until this session was a member of that committee and is eminently qualified to talk about homeland security issues.

As I stated, this rule reflects a bipartisan rule process in which more than half of the proposed amendments were made in order. And more than half of the amendments, Mr. Speaker, that we are considering today are sponsored by my Republican colleagues.

H.R. 2200 is the first authorization bill for all of the Transportation Security Administration since TSA was established in 2001. It authorizes over $15.6 billion in appropriations to the Transportation Security Administration for fiscal year 2010 and 2011.

The product of months of bipartisan negotiations, H.R. 2200 was drafted with significant contributions from both Democratic and Republican members of the committee, industry stakeholders, labor representatives, the Government Accountability Office, and the Department of Homeland Security Inspector General's office.

With the change in administration, TSA is at a crossroads. It has to decide how to allocate its resources going forward and who it wants to be.

For the first 8 years, TSA acted like the Aviation Security Administration more than a Transportation Security Administration. This bill takes important steps to bring greater resources and support for the much-neglected surface transportation security mission.

On the aviation side, this bill greatly improves aviation security, and not

only commercial aviation but also general aviation. Specifically, the bill establishes an Aviation Security Advisory Committee, an Air Cargo Working Group, and a General Aviation Security Working Group to ensure robust and meaningful stakeholder input.

Also, Mr. Speaker, in the area of general aviation, the bill authorizes $10 million for a new grant program to enhance perimeter security, airfield security, and terminal security at general aviation facilities. And I fully support and believe this provision will be strengthened even more with the passage of an amendment that the gentleman from Arizona (Mr. FLAKE) is expected to offer. It will require the issuance of these grants to be competitive and risk-based. The allocation of scarce Federal funds, specifically those from TSA, should be based on risk. Section 102 of the bill actually requires TSA to report to Congress on the extent to which it is allocating transportation security resources on the basis of risk.

The bill, Mr. Speaker, also is forward-looking and makes great strides, most notably with respect to biometrics. During the recess, I had the opportunity to observe how other countries are using biometric technology to increase security. I strongly believe that greater deployment of biometric equipment can help to address some of our most vexing security challenges. This is why I am pleased to include a provision authorizing the development of a biometric system for law enforcement officers who fly armed.

This bill, Mr. Speaker, also includes provisions on the Registered Traveler and Transportation Worker Identification Credential programs, TSA's two main biometric programs.

Another amendment that the rule makes in order is sponsored by my good friend from North Carolina, Mr. BUTTERFIELD. The amendment would enhance the underlying bill by adding facial and iris recognition to TSA's biometric toolbox.

On the surface transportation side, this bill enhances surface transportation security by authorizing a tripling of funding over fiscal year 2009. These new resources would help support a newly created Surface Transportation Security Inspection Office. This office would be responsible for training and managing inspectors that work in the field and assist surface transportation operators with security inspections.

Additionally, Mr. Speaker, this bill authorizes 300 more surface transportation security inspectors over the next 2 years and Visible Intermodal Prevention and Response Teams, called VIPER teams, to do security operations in mass transit and other surface systems.

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

Mr. PERLMUTTER. I yield the gentleman 2 more minutes.

□ 1100

Mr. THOMPSON of Mississippi. Thank you, Mr. PERLMUTTER.

H.R. 2200 also authorizes the creation of a Transit Security Advisory Committee, or TSAC, a Passenger Carrier Security Working Group, and a Freight Rail Security Working Group to provide robust stakeholder input to TSA on security policies that impact this sector. Given TSA's limited experience in this sector, I would expect it to be relying heavily on these groups.

Another major provision that I was particularly pleased to include would streamline the security licensing for truckers. Ms. JACKSON-LEE, lead sponsor of this bill, and I have been working with our committee colleague, Mr. LUNGREN, for years on this issue, and finally we have a vehicle to move key provisions in the SAFE Trucker Act. These provisions address redundant background security checks which we have learned are draining of financial resources on transportation workers.

I'm committed to marking up H.R. 1881, the Transportation Security Workforce Enhancement Act of 2009, later this summer, which will provide collective bargaining rights for the TSA workforce. To me, the unfinished business of the 9/11 Act was the granting of these rights to the men and women who are the backbone of TSA. I'm hopeful that these changes in the White House and at the front office at DHS will ensure that we are successful this time around.

In closing, Mr. Speaker, I ask my colleagues to support the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 5 minutes to a distinguished colleague who works ceaselessly for the security of the American people. Unfortunately, a very important amendment that he came to the Rules Committee on to be made in order, was denied on a party line vote by the majority, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman and my friend from Florida for yielding time. I speak in opposition to the rule. I want to thank Chairman THOMPSON, Subcommittee Chair SHEILA JACKSON-LEE for their bipartisan effort. In fact, this is a bipartisan bill and one that there's really no fundamental reason to vote against.

In fact, some of the amendments we're voting on today, such as people being able to retrieve their cell phones, are very nice. The one on people with hip replacements is very important to me. I have three of the four biggest orthopedic companies in the United States—in fact, in the world—in my district. And Chairman OBERSTAR and others who go through the machinery with hip replacements have concern on how we do that.

But, you know, it doesn't matter very much if you can find your cell phone or get through security easier if you die. And one of the problems here is I had offered an amendment before the Rules Committee that would have had added an important layer of security for the U.S. commercial aviation to the TSA Authorization Act. Unfortunately, on a party line vote my amendment was not made in order.

My amendment was very simple. In fact, I was shocked. I thought the debate in committee was going to be whether we were going to ask for just a voice vote or a recorded vote to make sure everybody was recorded. Instead, it was challenged. So I brought it to the committee.

It's very simple. It requires TSA to place any detainees held at Guantanamo Bay on the No Fly List. Now I think they ought to stay at Guantanamo, but it looks like I have lost that debate.

They may be coming in the United States. We have released some around the world. Many of them have already committed terrorist acts since then or reaffiliated.

But whether you agree with it or not, it seems so simple and fundamental that, if they're released in America, they ought to go on a No Fly List. For crying out loud, we have all kinds of people on the No Fly List. Why would we not automatically place somebody who is released in the United States on the No Fly List?

It is essential that we guarantee the security of the American people. The TSA Authorization bill is one of the first opportunities we have to take meaningful steps to ensure that any Gitmo detainee released in the United States is a threat to the American public and doesn't get on an airplane.

My amendment closes a potential terrorist loophole. Actually, it's not a loophole. It's a fly hole. It is so huge that it puts all of us at risk.

I offered this amendment during committee markup. Unfortunately, it was gutted by a second degree amendment. It wasn't compromised, it wasn't changed. Basically, it went right back to the current policy we have. It was totally gutted.

The Gitmo prisoners released in the United States may or may not be added to the No Fly List under this bill. It's an interesting thing. There's an option that they could be added to the No Fly List, but there's no guarantee under this bill. It was not a compromise amendment. It was a gutting amendment.

So the committee never had a choice of whether to vote. They voted unanimously on the majority side to not allow my amendment to be voted on and gutted it, saying it would be up in the air.

The transfer or release of any of these detainees is a matter of homeland security. We need to have a serious debate about whether it's appropriate to bring them on U.S. soil, where they will be kept, what will happen if they're released in the United States. But even the President's own administration has noted that any Gitmo detainees released in the United

States would need additional security and monitoring.

In May, Homeland Security Secretary Janet Napolitano stated before the Committee on Homeland Security that DHS would take efforts ''to ensure that Americans are confident in their safety'' and recognized that the Department had a role ''to provide information on what protections are needed in the homeland should Gitmo detainees be released.''

That same day, FBI Director Robert Mueller testified before Congress that bringing Gitmo detainees into the U.S., even to maximum security prisons, poses significant security risks, including radicalization of other inmates.

All I'm asking is they be placed on a No Fly List. Why wouldn't we? Maybe my amendment should have said at least they get denied an aisle seat. I mean, I don't understand this at all.

Despite earlier confirmation by Defense Secretary Gates that the Chinese Uyghurs would be released in the U.S. as soon as the final details are complete, the Solicitor General filed a brief with the Supreme Court on Friday arguing that these individuals should not be brought into the United States since they are associated with a terrorist group. They were associated with the East Turkistan Islamic Movement and they were funded and trained by al Qaeda in Afghanistan, yet they were going to release these 11 in northern Virginia so they could get on the airplanes going out of Reagan Airport. What is wrong with this? We need a guarantee that that's not going to happen.

Despite the concerns of the public and the uncertainty within his own administration, the President is forging ahead with a plan to bring some of these detainees to the United States. Even if they are transferred from Gitmo to a U.S. prison, they could fall under constitutional protections allowing for their release. And this is a very real possibility with existing precedent. Then it will be even harder to put them on a No Fly List.

Based on a Supreme Court ruling, DHS is forced to release illegal aliens, including many dangerous ones, after 180 days.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield 3 additional minutes.

Mr. SOUDER. How can we be assured that Gitmo detainees will be treated differently? The simplest way to do this is to say you will automatically be placed on a No Fly List. No debate. You're automatically on there if you are a detainee.

The detainees held at Gitmo are not low-risk, innocent people. They are they worst of the worst. Most of the Gitmo detainees are violent radicals, hardened on the battlefield and willing to die or kill for their cause.

According to DOD, 74 of the 530 transferred from Gitmo are confirmed or suspected to have returned to the battlefield since we have released them. Some have carried out attacks. This includes Abdallah Saleh al-Ajimi. Ajimi was arrested along the Pakistan-Afghan border in December 2001, fighting alongside al Qaeda. He was transferred from Gitmo to Kuwait in November 2005. In 2008, he joined several others in a suicide bombing in Iraq, killing more than a dozen people.

This is somebody who was released from Gitmo, one of the early releasees. The ones we have now, we would deem not safe enough to release. This is somebody who we released.

According to the Department of Defense, ''He was apparently living a productive life in Kuwait. It was unknown what motivated him to conduct a suicide attack.''

In this second poster, this is Said Ali al-Shihri. Shihri was captured in Pakistan in December 2001. He was transferred from Gitmo to Saudi Arabia in November 2007. He fled to Yemen, declaring himself the deputy director of al Qaeda in Yemen, and is a prime suspect in the December 2008 bombing of the U.S. Embassy in Yemen.

This is one we released. This is not one of the 530 who we're still holding because they were too dangerous to release.

The security concerns and lack of a clear plan from this administration demonstrate an absolutely clear need for proactive restrictions on detainee freedom to travel within the U.S. should they be transferred here. Congress must play an active role in ensuring that any detainees released in U.S. communities do not pose a threat.

A Gallup Poll released this week found that by a ratio of 3:1, respondents oppose moving detainees to the U.S. prisons. I don't think we need a poll to find out whether they want them next to them on an airplane. In Indiana, we have an expression: You can count them on one hand and have enough fingers left to bowl.

Other than people in Congress, I can't imagine anybody who wants these people who are released on planes next to them. They make a mockery of ''Fly the Friendly Skies.'' One slogan is ''Fly with Friends.'' Another slogan is ''Lower Fares, Fewer Restrictions.''

I mean, think of the airline slogans with this. My favorite is Delta says, ''Delta Gets You There.'' They're going to need to add, ''Maybe.''

If we don't have this protection, we are vulnerable. This is a matter of national security. As important as this bill is, as important as these amendments are, our number one responsibility is guaranteed safety.

I do not understand. I simply do not understand why my friends on the majority side don't even want to have a vote to say, not keep them in prison, not keep them in Guantanamo. This is about a vote should they automatically be placed on the No Fly List.

Mr. PERLMUTTER. Mr. Speaker, how much time on each side remains?

The SPEAKER pro tempore. The gentleman from Colorado has 18½ minutes remaining. The gentleman from Florida has 10½ minutes remaining.

Mr. PERLMUTTER. Thank you. I'd say to my friend from Indiana, I appreciate his concerns, and virtually everything that he is concerned about is in the bill. And I think it's important that I read from section 405, found on page 87, where it says, ''The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee housed at the Naval Station, Guantanamo Bay, Cuba, on or after January 1, 2009, after a final disposition has been issued by the President.

''For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.''

So virtually everything he talked about is in this bill already, and that's why the bill came out of Homeland Security without opposition.

With that, I yield 5 minutes to the chairwoman of the Subcommittee on Transportation Security, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the manager of the bill, and I also thank him for his knowledge as a very able member formerly of the Homeland Security Committee and Subcommittee on Transportation Security, Mr. PERLMUTTER, for his continued interest.

I also would like to rise to support the rule and, of course, the underlying bill and to acknowledge the chairman of the full committee, Mr. THOMPSON, and the ranking member of the full committee, Mr. KING, and my ranking member, Mr. DENT. This is truly a bipartisan effort.

The act is a product of months of negotiation, give-and-take, including Republican stakeholders, labor organizations, and industry groups, the Government Accountability Office, and the Department of Homeland Security's Inspector General's office.

It provides a new look and a new face to surface transportation security enhancements and particularly addresses the concerns of 9/11 from the point of view of having a comprehensive security program for the United States of America.

I am glad that it increases by three times the FY 2009 funding for surface transportation security. It authorizes an additional 200 surface transportation security inspectors for FY 2010, and an additional 100 inspectors for FY 2011.

It establishes the Surface Transportation Security Inspection Office within TSA to train and manage inspectors to conduct and assist for security activities in surface transportation systems. And I'm glad that it creates a Transit Security Advisory Committee to facilitate stakeholder input to TSA on surface transportation policy.

Every morning, millions of Americans rise and go to work on surface

transportation facilities, and yet we have not paid the attention necessary to ensure that when we talk about a comprehensive security for this Nation, we truly mean comprehensive.

I am glad for the fact that we now have our eye on surface transportation. The men and women who use commuter rail, the men and women who use subways and undergrounds and elevated rail systems like in our older cities can at least experience the idea that we are concerned.

I traveled to Mumbai, India, to see the ravaging, if you will, of the terrorist acts that occurred around Thanksgiving of 2008. This is a bill overdue.

I'm delighted, of course, that we have moved on some issues dealing with airport security and screening enhancements. I'm delighted that we have directed TSA to develop a strategic, risk-based plan to enhance security of airport perimeter access controls. I am always so glad that we're paying attention to general aviation, and my subcommittee will hold a hearing on that as we move forward to extend the security of general aviation.

But also in this bill, in particular, we deal with security of the perimeter of airports. We provide flight training, self-defense training for our cabin officers, if you will, our flight attendants. It's long overdue. It's an issue that I have worked on for a number of years, and it is in this bill, where our flight attendants are being trained. And we have a wonderful compromise and working relationship with our airlines and the flight attendants.

Also, we have found that we have been slowed in technology. There are a multitude of devices that have been created to secure America. But the science and technology department or area of the Department of Homeland Security has been slow in producing, if you will, the approval for these technologies.

In this bill we now have a process, a roadmap, if you will, for our inventiveness so that these particular products, many of them coming from small and minority and women-owned businesses, can follow a process, get approved, and provide for the security of America.

We have enhanced the use of canine detection resources. And I, in fact, support the Hastings amendment that is in place to provide the added utilization of canine detection teams, the Hastings-Rogers-Jackson-Lee amendment.

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

Mr. PERLMUTTER. I yield another 30 seconds.

□ 1115

Ms. JACKSON-LEE of Texas. We are also very supportive of the Hastings from Florida amendment that, within 6 months of enactment, requires TSA to submit a report to Congress on complaints and claims received by TSA for loss of property in baggage screening areas.

We have to be respectful of the idea of security but also of the rights of our particular citizens. We look forward, as we move forward with this bill, to make sure that it covers a variety of areas. Those areas, again, address the question of a Federal flight deck officer program, requiring additional training, and it directs TSA to develop a security training program for all air cargo.

Finally, Mr. Speaker, I believe that we have addressed this question of both international and domestic air cargo by suggesting that we will work with the administration to make sure that we have within a 2-year period 100 percent screening for all of our baggage no matter where it comes from.

I ask my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield again 2 minutes to the distinguished gentleman from Indiana (Mr. SOUDER), who is extremely concerned about this issue, and rightfully so.

Mr. SOUDER. Mr. Speaker, we are dealing with so many important issues in this bill, but there are none as important as the issue of whether the actual people getting on board with you are terrorists, which is the fundamental thing we should be concerned about.

My amendment said: the Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee housed at the Naval Station Guantanamo Bay, Cuba, on or after January 1, 2009. For purposes of this clause, the term ''detainee'' means an individual in the custody or under the physical control of the United States as a result of armed conflict.

That is all in the bill. So what happened in committee? I sat on committee. It was not unanimous. I abstained. I supported the bill, but I could not support a bill with this kind of terrorist fly-through in it.

The words that were added were ''after a final disposition has been issued by the President.''

These people are all lawyered up. They are fighting every process to hold them. Many of them, probably, will win, partly because we don't want to go into open court, having to release the information of how we got the information of why they're there, because—guess what? People are getting beheaded. They're exposing our entire lines of tracking information, so some will get out on that basis. Some will get out on the basis that their countries won't take them back.

It also says here: ''the final disposition.'' Well, if they're released in the United States, lawyered up and on trial, I don't want people here who are involved in blowing us up and who have been fighting and killing our soldiers. These people who are still there are the ones we haven't already released. I earlier gave examples of people who were released, those who have gone back in, meaning, already, 20 or 30 percent of them have been re-involved.

Now, a final disposition can take anywhere from 2 years to a decade to forever. Then there is a final disposition by the President. Well, what if they're just plain released?

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 2 minutes.

Mr. SOUDER. Do you think you're really going to be able to hold them if they've been released? The courts may very well rule we can't even hold them in the United States.

This amendment and anybody who goes to the legislative intent will hear the debate. The debate was not about whether or not they were all going to be placed on the No Fly List. The debate was about whether I was prejudging the people who were in Gitmo. Legislative intent will show that this amendment was meant to keep some people from being added to the No Fly List.

Any legislative intent will show that, in committee, the intent here was to say: SOUDER was trying to prejudge the people in Gitmo in that they shouldn't be on a No Fly List and that some of those people should be on a No Fly List. It's indisputable. It's in the RECORD.

So, unless we change the bill, this is a gutting amendment that does not put people on the No Fly List. It is current law which says that the President has the opportunity to put them on a No Fly List.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. SOUDER. I will yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. The gentleman is, first of all, correct in the severity of the question, but I do want the gentleman to know that it's speculation to suggest that they might be released.

The language says they will be on a No Fly List with the final disposition of the President. More importantly, those individuals will not be holding visas, and they will not be holding passports. We have enhanced our security internationally. It is without probability of any kind that they will be coming into the United States, and those who are under lawyering, as you say, will be under lawyering, handcuffed and moved around the country. We will have this ability with your language, which I congratulate the gentleman on, as the final disposition of the FBI, of the CIA and of the military intelligence. Give us the list, and they will be on a No Fly List.

Mr. SOUDER. Reclaiming my time, I agree with the gentlewoman. If there is any logic in the world, not a single person here is not going to be on the No Fly List, but we have no assurances. We can't predict what the courts are going to do. We can't predict that.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 2 minutes.

Mr. SOUDER. We can't predict what any President or any Attorney General is going to do at any given moment. Even if this goes 8 to 10 years and even if the current President serves two terms, we can't predict it. The fact is that my amendment predicted it.

It says, if you are released in the United States, you are automatically on a No Fly List. There was at least enough risk.

Poor Congressman JOHN LEWIS keeps getting on these lists, and we keep trying to get him off. You can see what a mess sometimes our lists are. It ought to be, if you're in Guantanamo—this is simple. We have their names. We have their fingerprints. We know who they are. We know that they are potential risks. Why would you resist? Just put them on a No Fly List. Why take the gamble here?

Ms. JACKSON-LEE of Texas. Would you yield for just a moment, Mr. SOUDER?

Mr. SOUDER. I would yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. We are in agreement that these individuals are outrageous for the very reasons that you are saying. They will not be released willy-nilly into the United States. They will not be dispatched out by any court. They are going to be under military tribunals. The system is being worked out. As you well know, no one voted against this in the committee because we know that we have a process that will allow them to be on a No Fly List.

Mr. SOUDER. Reclaiming my time, we do not know anything. The only way we know it is to put it into law. We are speculating and are hopeful. Logic would suggest that my amendment is not needed. But in watching what has happened in America today, guess what? The American people look at Congress; they look at the executive branch, and they don't often see common sense at times.

Furthermore, particularly as we head into an era where courts are going to go, perhaps, more on feelings rather than on law, this is a risky time period. We need to make it clear-cut—absolutely—if you're in Guantanamo.

Now, we've already released a bunch, and a whole bunch of them are coming back and are hitting us. At the very least, if we're not going to keep them in prison, if we're not going to keep them in Guantanamo, at the very least, this Congress needs to guarantee you will absolutely, certainly, 100 percent—not hopefully, not maybe, not probably—100 percent not get on an airplane out of Reagan Airport, sitting next to us, with the ability to blow up this Capitol building and the White House.

Mr. PERLMUTTER. Mr. Speaker, again, to my friend from Indiana, I don't think the language in the bill could be any clearer about these detainees and their being part of the No Fly List.

I am going to now yield 2 minutes to my friend from New York (Ms. CLARKE), who is a member of the Homeland Security Committee.

Ms. CLARKE. Mr. Speaker and my colleagues, I would like to just highlight today section 201 of H.R. 2200, the Transportation Security Administration Authorization Act of 2009, which requires the TSA to establish a system to verify that all cargo transported on passenger aircraft operated by an air carrier or by a foreign air carrier inbound to the United States be screened for explosives within 2 years of its enactment.

Notwithstanding the contrary rhetoric we have heard from the opponents of H.R. 2200, the committee is taking the responsible, necessary steps to implement the cargo screening requirement originally authorized in the 9/11 Act by requiring that all cargo transported between the United States airports on passenger planes be screened by August of 2010, by maintaining the commitment to screen inbound cargo, by responding in a timely manner to the needs of the TSA rather than taking a wait-and-see approach until 2010, and by dedicating the committee to receiving monthly briefings on the program so that the necessary oversight is exercised to ensure that TSA will meet the 2010 deadline and the deadline for inbound cargo created by this provision.

The previous administration's delay and confusion have disadvantaged TSA and have necessitated this action.

I am committed to achieving 100 percent screening of all cargo transported on passenger planes. This is arguably the largest screening vulnerability given that all passengers, their carry-ons and checked baggage currently get screened.

I would like to thank Chairman THOMPSON and Ranking Member KING for their vigilance and leadership, and I would like to thank subcommittee Chairwoman SHEILA JACKSON-LEE and the ranking member for their diligence and leadership on this authorization.

As a member of the New York delegation, as one who serves on this committee and as one who holds very vivid memories of the most devastating airliner-based attack on U.S. soil, I kindly ask my colleagues to support the rule of H.R. 2200 as well as the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we reserve the balance of our time.

Mr. PERLMUTTER. Mr. Speaker, I would inquire of the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Colorado has 11 minutes remaining. The gentleman from Florida has 4½ minutes remaining.

Mr. PERLMUTTER. I would like to yield 2 minutes to another member of the committee, to my friend from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Mr. PERLMUTTER.

I want to thank Chairman THOMPSON for his leadership. I am reminded, friends, that there is a difference between leadership and management. A manager wants to do things right, and a leader wants to do the right thing.

Chairman THOMPSON has not only wanted to get this right procedurally; he has wanted to make sure that we do the right thing. He has proceeded on the premise that there is safety in the counsel of the multitudes. Everybody who wanted to be heard was heard on this bill. Labor was heard. Industry was heard. Republicans were heard. Democrats were heard. Everybody who wanted to be heard was heard. I know of no one who wanted to be heard at the subcommittee level more than the Honorable SHEILA JACKSON-LEE, who was not heard. There was nobody on the committee who had an issue that was not embraced and heard. I was there. What I'm about to say is not something that I know from secondhand, or secondarily. I don't know it tertiarily and I don't know it quarternarily. I know this from being there in person.

This issue about the prisoners at Guantanamo Bay was aired adequately, sufficiently, totally, completely, and absolutely. The man who spoke, who is my friend and who is a man I respect greatly, had his issue heard, and he did not vote against it. He did not vote against it. He was the only abstention. My brothers and sisters on the Republican side supported this as well. I say ''brothers and sisters'' because I believe there is just one race—the human race—and we're all related. We're probably cousins if we're not brothers and sisters. But my point is this:

This was totally, completely and absolutely thoroughly aired. Everybody had a say. I am going to support the rule because I support the notion that there is safety in the counsel of the multitudes and that the multitudes were heard.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we reserve the balance of our time.

Mr. PERLMUTTER. Mr. Speaker, I would like to yield 2 minutes to another member of the committee, the gentlewoman from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I am proud to speak in support of this rule and in support of the underlying bill, which has been the product of lengthy, bipartisan negotiations. It contains contributions from stakeholders throughout the private sector and government.

Before I continue, I want to take a moment to recognize the hard work and dedication of the TSA leadership and of their employees who work day in and day out to help keep our country safe. Thank you.

This bill is important because it allows us to take a look at TSA and to

address any problems that have arisen over the past 8 years. One of the concerns this bill addresses is the matter of whole-body imaging, or WBI.

□ 1130

This technology allows airport screeners to clearly see items passengers may be concealing beneath their clothing anywhere on their body. However, many folks on both sides of the aisle have expressed serious reservations about the privacy implications of creating detailed images of people's bodies underneath their clothing. Therefore, one of the many amendments offered and accepted during the markup of this bill was my amendment that requires TSA to submit a report on privacy to Congress upon completion of the WBI pilot program. This will give both TSA and Congress the opportunity to reflect on this program before we jump into full implementation.

This bill has been thoroughly considered and approved in both the subcommittee and full committee levels. So I hope my colleagues will join me in support of this rule and the bill.

Mr. PERLMUTTER. Mr. Speaker, I would like to yield 3 minutes to my friend from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I introduced my first bill to enhance screening of aviation in 1987. I saw the extraordinary deficiencies of the system back then, fought for two decades with the airline industry, and it took a horrible tragedy to transform the system. Even 2 years before that bill, Mr. LIPINSKI and I looked at the workforce—minimum wage, high turnover, some of them were illegal aliens—and said we ought to Federalize the screening workforce. We need a better system. Again, the airlines fought. Again, it took a tragedy.

Well, now, out of that we have developed the potential for a better system. This bill will move it along tremendously, both in aviation and surface security that we need to protect our Nation. This bill represents tremendous progress, tripling the funding for surface transportation and the oversight program that will require that airlines give meaningful training to flight crews—something that some of the airlines still aren't doing. They say it costs too much.

We will have new standards for foreign repair stations. We have a huge loophole. Most of our planes—or many of them—are getting maintenance overseas where there is no security. Just imagine what a terrorist operative could do to sabotage one of our planes over there. It helps with the last line of defense. Our Federal Flight Deck Officer program. And it makes other tremendous improvements.

I am a bit bemused by the gentleman from Indiana alleging that this bill somehow might allow some terrorist to somehow—who is known—not be on the No Fly List. We've got a whole bunch of really bad people in prison, not just down in Guantanamo but in our supermaximum security prisons here; some who attacked the Twin Towers before 9/11. The guy called the Unibomber. Guess what? They're not on the No Fly List because they aren't going anywhere. And if they did escape, they certainly wouldn't be flying under their own name. So we don't routinely put people who are in super maximum security prisons on a No Fly List.

But what the bill says if and when any one of those people who was detained at Guantanamo is in any way capable of getting out and getting on an airplane: If they're sent to a foreign nation for disposition and we don't know what that disposition would be, their name must go on the No Fly List. So his arguments about somehow we're undermining security or threatening the public are particularly puzzling to me. As one who has advocated long and hard for enhanced security, I'm a bit insulted by that.

Now, we need better technology for the Federal workforce to use at the point where they screen passengers. And one of those things is a walk-through device where you'll be able to see any concealed contraband on the person. That is a tremendous step forward. They've been using it in Heathrow for years now. It's an option at Heathrow.

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

Mr. PERLMUTTER. I yield the gentleman 1 more minute.

Mr. DEFAZIO. You can either be very intrusively frisked at Heathrow—and I have had the experience; it's not great, and it's much more intrusive than here—or you can walk through that screening device. More than 85 percent of the people choose to walk through the screening device. And as we've proposed it here, it has extraordinary privacy protections. The person monitoring the dumbed-down image of the person's body will be remote from the actual screening area, won't be able to see that person. It's dumbed down. It's not very revealing. And this is a step forward that will enhance our security.

There are ways now to smuggle devices onboard, and we've got to deal with them. And this is one of them.

We also have to deal better with liquids and explosives, a major threat. We need to get more equipment deployed—and this committee has pushed hard and there was money in the stimulus bill—and there will be more authorization here to get better equipment to our screeners so they can detect threats before they get on our planes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would ask my friend if he has any other speakers.

Mr. PERLMUTTER. We do not.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this point I would like to thank everybody who has participated in this debate. I think it's been very fruitful, and I think it's been important.

I mentioned before that when I first spoke on this legislation that process is important because it affects fairness, obviously, but it also affects legislation. We are dealing today—we are bringing to the floor legislation that I am sure will pass by an overwhelming majority on a bipartisan basis. It's important legislation. It's been drafted through the committee process in a bipartisan fashion, and that's commendable.

I mentioned that on legislation like this—and quite frankly, also, on legislation that's coming to the floor soon that's more controversial—openness, as much as possible, is advisable. We saw an amendment described by Mr. SOUDER that is important because it basically, as it was explained by Mr. SOUDER, his interventions would take out of the hands of the President the ultimate determination of whether somebody currently held at the detention center in Guantanamo could be placed or not on the No Fly List, and it would say that automatically those people would be on the No Fly List. And that's important. It's an example of why process is important because being denied—Mr. SOUDER is being denied the opportunity to present the amendment. I think that's unfortunate.

Anyway, as I say, the underlying legislation is one that I'm certain will pass with great bipartisan support. And again, I reiterate my gratitude to all colleagues who have debated on the rule, and, obviously, I look forward to the debate on the underlying legislation.

Having said that, I yield back my time.

Mr. PERLMUTTER. Mr. Speaker, I thank my friend from Florida and I appreciated today's debate as well.

I would ask that House Resolution 474 be passed this morning, that the rule be passed.

This is a bill, H.R. 2200, involving transportation security. It's been a bill that has been long in the making and long overdue, and it is time to move forward with this piece of legislation.

The bill itself was developed over several months with a great amount of input from majority and minority Members, labor and business, and independent analysis. We heard from Representative GREEN about all of the input that went in from various perspectives and the fact that everyone was heard.

The bill passed out of the Homeland Security Committee without any dissenting votes. We've heard Mr. SOUDER complain that his amendment was modified to include the President of the United States. I mean, obvious reflection of separation of powers has to be part of the bill. Otherwise, it's exactly what he wanted. And it does not allow detainees of Guantanamo to come into the United States. They will become part of the No Fly List if they were ever detained at the Naval Station Guantanamo Bay. So the language is clear with respect to his concerns.

The bill, as it comes to the floor, will have 14 substantive amendments debated: eight by Republicans; six by Democrats. This rule will provide for ample debate on this important bill and allow Members to vote on many proposals to improve it. The bill is a great example of bipartisan cooperation. It addresses the need for risk-based determinations, surface transportation and biometrics.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to traffic the well while another Member is under recognition.

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

The previous question was ordered.

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. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the resolution will be followed by a 5-minute vote on a motion to suspend the rules on H.R. 1817; and a motion to suspend the rules on House Resolution 196, of ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 179, not voting 11, as follows:

[Roll No. 301]

YEAS—243

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)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
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
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
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)
Melancon
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)
Nye
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
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
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
Woolsey
Wu
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
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
Cassidy
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)
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)
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
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
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
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Braley (IA)
Cooper
Hinojosa
Kennedy
Ruppersberger
Sánchez, Linda T.
Sestak
Stark
Sullivan
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1207

Messrs. COFFMAN of Colorado, KINGSTON, and PLATTS changed their vote from ''yea'' to ''nay.''

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 301, had I been present, I would have voted "yea."

JOHN S. WILDER POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1817, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1817.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 302]

YEAS—420

Abercrombie
Ackerman
Aderholt
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
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
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
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
Duncan
Edwards (MD)
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
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)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
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
Stearns
Stupak
Sutton
Tanner
Tauscher
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 (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Adler (NJ)
Cooper
Driehaus
Edwards (TX)
Honda
Pence
Ruppersberger
Sánchez, Linda T.
Serrano
Sestak
Stark
Sullivan
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1215

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DRIEHAUS. Mr. Speaker, on rollcall No. 302, had I been present, I would have voted "yea."

CONGRATULATING UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 196.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 196.

The question was taken.

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

RECORDED VOTE

Mr. TONKO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 16, as follows:

[Roll No. 303]

AYES—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
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)
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
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
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)
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
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
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff

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

NOT VOTING—16

Alexander	Johnson (GA)	Sánchez, Linda T.
Braley (IA)	Pallone	Sestak
Conyers	Polis (CO)	Stark
Cooper	Price (NC)	Sullivan
Edwards (TX)	Ruppersberger	Wilson (OH)
Honda		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1223

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2200.

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

There was no objection.

TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 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. 2200.

□ 1225

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. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

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

The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself as much time as I may consume.

I rise today in support of H.R. 2200, the Transportation Security Administration Authorization Act. This legislation is a product of months of negotiations, and includes significant contribution from Republicans, industry stakeholders, labor, the Government Accountability Office and the Department of Homeland Security's Inspector General.

I want to recognize the bipartisan efforts of my colleagues on the committee, most especially, Ms. JACKSON-LEE, the chair, and Mr. DENT, the ranking member. They worked hard to produce a thorough, comprehensive, well-considered bill.

H.R. 2200 is the first measure to come to the House floor that fully authorizes the Transportation Security Administration since its establishment in 2001. Since that time, TSA has made significant strides and rolled out several important programs to address security challenges. As a result, today our transportation systems are more secure than they were on September 11, 2001. However, they are not as secure as they need to be.

With the change in administrations, TSA is at a critical crossroads in its 8-year history. H.R. 2200 steers TSA on a course to becoming an effective agency that works to enhance security in all our transportation sectors, partners with key stakeholders, and does a better job of utilizing technology to address gaps in security.

Mr. Chairman, this bill fulfills our constitutional responsibility to provide a thorough road map to TSA on where it should go the next 2 years. H.R. 2200 authorizes $15.6 billion for TSA for fiscal year 2010 and fiscal year 2011. With these resources, the bill directs TSA, for the first time, to work to achieve greater parity between security efforts to protect aviation and surface transportation systems.

In the past few years, attacks on rail stations worldwide have underscored the vulnerabilities to these systems. In response, H.R. 2200 triples funding for surface transportation over what was provided in fiscal year 2009, and authorizes 300 more surface transportation inspectors.

Among its key provisions is the creation of a Transit Security Advisory Committee to provide greater stakeholder input and a Surface Transportation Security Inspection Office to train and manage inspectors.

The bill also strengthens security training for transportation security officers, flight attendants, all cargo pilots, surface transportation workers, and Federal flight deck officers.

I'm particularly pleased that we were able to include provisions to enhance flight attendants' training and reimbursement for pilots participating in Federal flight deck officers recurrent training.

To bolster airport security and screening, H.R. 2200 authorizes a demonstration project and plan for the implementation of a secure verification system for law enforcement officers flying while armed.

Further, it directs TSA to develop a strategic risk-based plan to enhance security of airport perimeter access controls and a demonstration program for biometric-based access control systems.

For too long we've been told that the wide-scale deployment of biometrics is too difficult and impractical. But just last week, Mr. Chairman, I saw biometrics, including readers, in use in Argentina at a port and a federal building. This bill embraces the promise of this and other 21st-century technologies to address our security challenges.

Additionally, there are a number of other noteworthy provisions that grew out of extensive committee oversight that covers such programs as Registered Traveler, Secure Flight, and the TWIC program.

□ 1230

For example, the bill directs DHS to work with port operators to help workers who are waiting for TWIC cards to be escorted so they can continue to work. The TWIC provision also puts in place strict timelines and flexibility on how cards are transmitted.

A key theme that runs throughout the bill is greater stakeholder participation.

The Aviation Security Advisory Committee is codified in this bill. So, too, is the Air Cargo and General Aviation Working Groups.

General aviation, in particular, gets a great deal of attention in this bill. Members from both sides of the aisle have expressed serious concern about TSA's approach when it comes to general aviation. Until recently, TSA displayed a lack of understanding of the uniqueness of the general aviation environment. H.R. 2200 takes some major steps forward, with the authorization of a strong General Aviation Working Group and the establishment of a new grant program for security improvements to general aviation airports.

Finally, H.R. 2200 makes key improvements to air cargo and checked baggage security. Specifically, H.R. 2200 eliminates the use of bag match as an alternative means of checked baggage screening.

It also directs TSA to develop a process to consider reimbursement claims by airports who invested in in-line explosive detection equipment on a promise that TSA would defray the costs.

With respect to air cargo, it requires TSA to report on the status of the Certified Cargo Screening Program.

TSA, Mr. Chairman, has testified that the 100 percent screening requirement for passenger planes will not be

achieved by 2010 because TSA has had to expend extensive resources on trying to negotiate international agreements with foreign authorities on inbound international cargo. TSA, as a domestic security agency, lacks jurisdiction or expertise to negotiate such agreements. Achievement of this requirement is, therefore, dependent upon assistance from CBP, the State Department and others, and, most specifically, foreign governments.

To ensure that TSA meets the statutory 100 percent screening requirement, section 201 of the bill gives TSA up to 2 more years to negotiate agreements on inbound international cargo. Enactment of H.R. 2200, therefore, will help TSA put needed focus on working to meet mandates for screening all cargo transported between U.S. airports on passenger planes, whether originating in the U.S. or abroad.

This provision in no way eliminates the 100 percent screening requirement. Instead, it sets TSA up for success and is responsive to the real-world challenges of implementing the mandate in jurisdictions where TSA has no jurisdiction.

Mr. Chairman, I look forward to our work today, and I encourage my colleagues to pass H.R. 2200 in a swift, bipartisan fashion in order to better ensure the security of all Americans.

Mr. Chairman, I submit for the RECORD exchanges of letters on this legislation.

Mr. Chair, I rise to address concerns put forth in the Minority Views section of the Committee Report for H.R. 2200. Specifically, I want to address the Minority's assertion that the Majority rejected consideration of proposed amendments during committee consideration of the bill.

As is its custom, the Committee used a roster for amendments during both full and subcommittee consideration of the TSA Authorization bill. Each amendment submitted to be placed on the roster was considered by the Committee unless the sponsor decided to withdraw it from consideration.

Each of the twenty amendments filed prior to the Full Committee markup were placed on the roster for Committee consideration. Of the twenty amendments filed, thirteen were sponsored by Minority Members. All but two of the thirteen amendments filed for the roster by Minority Members were offered. Of the eleven amendments offered by Minority Members for committee consideration, eight were agreed to and included in the reported version of the bill.

H.R. 2200, the TSA Authorization Act, is the product of months of bi-partisan cooperation and negotiations. Provisions proposed by the Minority were included in the bill at each and every stage of its consideration. Contrary to the assertion in the Minority Views, at no point during Committee consideration did the Majority prevent the Minority from putting forth amendments for consideration.

In closing, I would remind the Chair that the Committee on Homeland Security has a strong record of working in a bi-partisan fashion to ensure sound homeland security legislation is put before the House. As Chairman, I am committed to ensuring that practice continues.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 15, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2200, the ''Transportation Security Administration Authorization Act,'' introduced by Congresswoman Sheila Jackson-Lee on April 30, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that the Committee on Science and Technology has a jurisdictional interest in certain provisions of H.R. 2200. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Science and Technology.

I will ensure that this exchange of letters is included in the legislative report on H.R. 2200 and in the Congressional Record during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, May 15, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 2200, the Transportation Security Administration Authorization Act. H.R. 2200 was introduced and referred to the Committee on Homeland Security on April 30, 2009.

H.R. 2200 contains provisions that fall within the jurisdiction of the Committee on Science and Technology. I acknowledge the importance of H.R. 2200 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and of your response will be included in the legislative report on H.R. 2200 and in the Congressional Record when the bill is considered on the House Floor.

I also ask for your commitment to support our request to be conferees during any House-Senate conference on H.R. 2200 or similar legislation.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 19, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 2200, the ''Transportation Security Administration Authorization Act,'' introduced by Congresswoman SHEILA JACKSON-LEE on April 30, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that the Committee on Transportation and Infrastructure has a jurisdictional interest in certain provisions of H.R. 2200. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill over which your Committee has a jurisdictional interest and I agree to support such a request.

I will ensure that this exchange of letters is included in the legislative report on H.R. 2200 and in the Congressional Record during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 19, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 2200, the ''Transportation Security Administration Authorization Act of 2009''.

H.R. 2200 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 2200.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 2200 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 2200 and in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 19, 2009.

Hon. NYDIA M. VELÁZQUEZ,
Chairwoman, Committee on Small Business, Washington, DC.

DEAR CHAIRWOMAN VELÁZQUEZ: Thank you for your letter regarding H.R. 2200, the ''Transportation Security Administration Authorization Act,'' introduced by Congresswoman Sheila Jackson-Lee on April 30, 2009.

I acknowledge that Section 103 of the reported version of the bill contains a provision within the jurisdictional interest of the

Committee on Small Business. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Small Business. I will be offering a manager's amendment to the legislation that will strike Section 103 of the bill.

I will ensure that this exchange of letters is included in the legislative report on H.R. 2200 and in the Congressional Record during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, April 19, 2009.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Small Business in H.R. 2200, Transportation Security Administration Act of 2009.

The Committee on Small Business recognizes the importance of the legislation and the need to move the legislation expeditiously. Therefore, while the Committee on Small Business has a valid claim to jurisdiction of Section 103 of the bill, I will agree not to request a sequential referral even though the Speaker and the Parliamentarian of the House recognize this Committee's valid assertion of jurisdiction over parts of the bill. I appreciate your willingness to striking section 103 of H.R. 2200 from the bill in the manager's amendment.

Nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Small Business. I request that a copy of this letter and of your response acknowledging our valid jurisdictional interest be included as part of the Congressional Record during consideration of this bill by the House.

I share the Chairman's commitment to increase contracting opportunities for small businesses in the federal marketplace and look forward to working with him on this and other matters to achieve this.

Sincerely,

NYDIA M. VELÁZQUEZ,
Chairwoman, Small Business Committee.

Mr. Chairman, I'd also like at this time to acknowledge my ranking Member, Mr. KING from New York, who played a very important role in shepherding this legislation through the committee, and I'd like to acknowledge that at this time.

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

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the very outset, let me commend Chairman THOMPSON and his staff and the majority side for the cooperation that they extended on this bill for making a truly bipartisan effort. I also want to commend the chair of the subcommittee, SHEILA JACKSON-LEE, for her bipartisan spirit and also, in a special way, Congressman DENT, the ranking member of the subcommittee.

This, as the chairman said, was a collaborative effort. There was tremendous cooperation. Obviously, there's some differences between what we wanted and what ended up in this bill, but basically, it's a fine bill.

And, Mr. Chairman, I also want to commend the outstanding men and women of the TSA for the job that they do day in and day out in protecting us. I see Mr. PASCRELL is here. Just in the New York-New Jersey region alone, last year they inspected 110 million passengers coming through those airports, and again, last week alone, they confiscated 23 illegal firearms that were going through airports. So they do a very, very dedicated and outstanding job. And also, as far as rail transportation, VIPER Teams have become a vital part of our homeland security apparatus.

Having said that, let me just mention some of the concerns I do have about the bill.

One is, Mr. Chairman, that there is, as of now, as of yet, no TSA administrator. Also, my understanding is that there is not even anyone in the wings. There's no one being considered, no one's being mentioned to be the TSA administrator, and yet we put together this bill, which I think is a good bill, but without any input from the head of TSA. And since this is a 2-year authorization, we're going to be basically laying out a plan, a plan of action for the next 2 years, I would have preferred that we could have waited until we got an administrator in place to work with us on it.

Additionally, Mr. Chairman, I raised the issue—and I think these two issues are now interrelated—the issue of an authorization bill and the issue of jurisdiction. This will be, as I see it, the second year in a row that the committee will not have done an authorization bill. And yet next week in the appropriations subcommittee, the Homeland Security appropriations bill will be marked up, and the appropriators will act without our committee's input on 80 percent of the Department of Homeland Security's budget. They will act without our input on 75 percent of the Department of Homeland Security's personnel. And they will consider funding of programs, like the 287(g) program, border security, student visa enforcement, FEMA's hurricane response capabilities, the Coast Guard's port security programs, Secret Service protection of the President, to name a few, all without guidance from this committee.

Now, I believe the main reason for this—and I understand the position that the chairman is in—the main, I think, as I see the reason is that because of the multiplicity of jurisdictional claims to homeland security, it is very difficult for our committee to move forward. Now, the 9/11 Commission, one of their strongest recommendations was that homeland security be consolidated in one committee.

Several years ago, there were 88 committees and subcommittees that claimed some piece of jurisdiction over homeland security. That number is now up to 108, and this should not be a partisan issue. Both Secretary Chertoff in the previous administration and Secretary Napolitano in the Obama administration have called for consolidation, and yet it's not being done.

So, for instance, if we had gone forward and tried to do an authorization bill, we couldn't authorize the Coast Guard or FEMA because the Committee on Transportation and Infrastructure would object. We couldn't authorize Immigration and Customs Enforcement, the Secret Service, or U.S. Citizen Immigration Services because the Committee on Judiciary would object. And we can't authorize Customs and Border Protection because the Ways and Means Committee would object.

So I think it's really important that we make an effort over the next year during this Congress to implement, again, one of the most fundamental concerns of the 9/11 Commission, and that was to consolidate jurisdiction in one committee, the Homeland Security Committee.

And I believe that in 2005 and 2006, when this side of the aisle did control the committee, we did get authorization bills done, and there were jurisdictional disputes. We won them, and I think that was the direction we were going in, and the direction we should continue to go in.

I gave the chairman tremendous credit 2 years ago when we adopted H.R. 1, which implemented many of the 9/11 Commission recommendations, but this fundamental one still has not been done. And I realize that no one likes to cede jurisdiction, no one likes to give up turf, but the fact is we're talking about an issue that threatens the survival of our country, homeland security. And so long as we have this dysfunctional system where jurisdiction is spread out over so many committees of the Congress, I don't believe we can fully do the job that we should do.

The chairman does a good job, the staff does a good job, I believe we do a very good job on our side of the aisle, but we are limited because of these jurisdictional limitations. And so as we go forward on this debate today, I would hope we would keep that in mind, and as we go forward over the course of the year, we keep that in mind, also, as we try to do the job that we were established to do when we became a permanent committee back in 2005.

Mr. Chairman, I ask unanimous consent that Mr. DENT, the ranking member of the subcommittee, be authorized to control the remainder of my time, and I reserve the balance of our time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York (Mr. KING)?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, may I inquire as to how much time each side has remaining?

The CHAIR. The gentleman from Mississippi (Mr. THOMPSON) has 21½ minutes remaining, and the gentleman from Pennsylvania (Mr. DENT) has 24½ minutes remaining.

Mr. THOMPSON of Mississippi. Mr. Chairman, I'm happy to recognize the vice chair of the full committee for 2 minutes, Ms. SANCHEZ, for a colloquy.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in support of H.R. 2200, the Transportation Security Administration Authorization Act, and I would like to engage the honorable Member from Mississippi, the chairman, Mr. THOMPSON, in a colloquy regarding the Transportation Worker Identity Credential, or TWIC as it is known here in the Congress.

During the full committee markup, I offered an amendment addressing several important issues within the TWIC program, and I was pleased that my amendment was passed unanimously.

A key provision in my amendment requires that the Secretary of Homeland Security work with owners and operators of facilities and vessels to develop procedures which allow those who are waiting for their TWIC card to have access to secure and restricted areas, as long as they are escorted. This also applies to those who are waiting for a reissuance of an existing card.

Without clear collaboration between DHS and port officials, individuals waiting for their TWIC card have been unable to work. Some workers have waited up to 15 months to receive their TWIC card.

And the goal of my amendment is to ensure that these workers are still able to support themselves and their families.

Many people have been negatively affected by TSA's delays in issuing the TWIC. For example, there's the case of a longshoreman in the Port of Seattle who applied for a TWIC on October 25, 2008, more than 4 months before he was required to do so at his port. And unfortunately, the gentleman was unable to work for several weeks since it took 4 months for TSA to come back to him and to ask for a copy of his birth certificate. You see, he had been born on a military base abroad, and I understand that the gentleman had to drain his savings account to support his family while he waited for his TWIC, and thus, this is unacceptable.

I hope this legislation becomes law soon, and in the meantime, we must act immediately to ensure that our port workers are able to work and support their families.

I want to thank Chairman THOMPSON for his support on this issue.

Mr. THOMPSON of Mississippi. I yield an additional 30 seconds to respond.

I appreciate the gentlewoman from California's leadership on this critical issue. I share her concerns about the impact that applications backlogs has had on port workers around the Nation and appreciate the comprehensive approach she has taken to addressing the weaknesses in the program that she has identified through her oversight work on the committee and look forward to solving the problem.

Ms. LORETTA SANCHEZ of California. Thank you, Mr. Chairman.

Mr. THOMPSON of Mississippi. I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from the State of Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Recently, while I was on a hunting trip up north, I flew out of an airport in Montana. The number of screeners actually outnumbered the number of passengers. So, when this bill came before the Homeland Security Committee, I offered several amendments, one of which would have required a GAO study of the current staffing levels at TSA to determine their appropriateness and whether or not staffing levels could be reduced by consolidation of duties and functions or by enhanced use of technology.

In March 2009, GAO reported that, ''TSA has not followed Federal internal control standards to assist it in implementing DHS's risk management framework and informing resource allocation.'' I wanted to ensure that hard-earned taxpayer funds were being used in the most cost-effective and efficient manner and ensure that TSA wouldn't become known as Thousands Standing Around.

□ 1245

I'm disappointed that my amendment was not accepted. A number of commonsense provisions were not included by the majority, or were watered down to avoid the jurisdiction of other committees. Rather than produce a good bill and negotiate final language with other committees, our committee only allowed provisions to be considered in committee that were wholly within the Committee on Homeland Security's rule 10 jurisdiction. This bill could be much better.

For example, the majority showed that they saw no value in affirming TSA employees' rights to protect themselves during a public health emergency. One of my amendments offered in committee would have simply allowed any TSA employee to choose to wear a protective face mask in the event of a pandemic flu outbreak or other public health emergency.

TSA employees encounter 2 million domestic and international passengers every day and should not be prohibited by their supervisors from wearing the appropriate personal protective equipment in the event of a public health emergency, particularly when the disease is both contagious and deadly.

The National Treasury Employees Union, which represents many of the employees, voiced strong support for this provision designed to protect the TSA's frontline officers. The only reason this provision was essentially gutted by the majority with a ''perfecting'' amendment and any references to public health emergency was removed is because the provision could have allowed the Committee on Energy and Commerce to review the language requiring the Secretary of Homeland Security to collaborate with the Secretary of Health and Human Services.

Other changes were made to weaken other Republican amendments as well. At the markup, I, along with my fellow Republican members of the committee, unanimously supported an amendment authored by Representative MARK SOUDER that would have placed any detainee that is housed down at Guantanamo Bay on or after January 1, 2009, to place them on TSA's No Fly List. I think that makes sense.

Again, this amendment was gutted, giving the President the sole authority to determine if a former Guantanamo detainee should be assigned to the No Fly List. The committee must assert its jurisdiction and conduct vigorous oversight of the transfer or release of detainees currently housed at Guantanamo Bay.

The Homeland Security Committee is the primary authorizing committee for the Department of Homeland Security, which was created after the 9/11 attacks to protect our homeland. We cannot shirk our responsibility. It is justified and necessary for this committee to take a lead role in protecting and securing American citizens.

I'm pleased, however, that my cybersecurity amendment was included with others in the bipartisan en bloc amendment adopted by the committee. My amendment adds the vulnerability of cyberattack to the list of risks to be assessed and ranked by TSA.

Reports indicate that civilian air traffic computer networks have been penetrated multiple times in recent years.

The CHAIR. The time of the gentleman has expired.

Mr. DENT. I yield an additional 30 seconds to Dr. BROUN.

Mr. BROUN of Georgia. They include an attack that partially shut down air traffic data systems in Alaska. Our transportation systems are networked. Train switches can operate remotely. Even some metro buses can change a traffic light as they approach. It is a very important amendment, and I thank my colleagues for accepting it.

In closing, I would like to thank my colleagues and the staff on this committee from both sides of the aisle for working together on this bill and on numerous other amendments in a bipartisan manner. I'm sorry we cannot come to agreement on all of our amendments.

Going forward, I hope that we can work together to address the jurisdiction concerns that have caused so many problems for our committee.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Paterson, New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise to speak in strong support of H.R. 2200,

the Transportation Security Administration Authorization Act, as this is a necessary piece of legislation that is long overdue. In fact, we have never fully authorized the TSA since the enactment of the Aviation and Transportation Security Act of 2001.

I want to particularly thank Mr. THOMPSON, who chaired this and led this legislation through committee; along with PETER KING, the ranking member; Ms. JACKSON-LEE as the subcommittee chairwoman; and Mr. DENT from Pennsylvania. I want to congratulate all of them for working hard to have a bipartisan piece of legislation.

We recognize that the safety of the American people must be our number one job. Nothing that we do here can supercede that.

The bill authorizes $7.6 billion in fiscal year 2010 and $8.1 billion in fiscal 2011 for the activities of the TSA, including key increases, many of which have already been mentioned.

As an original member of the Homeland Security Committee, one thing I observed was that ever since TSA was created in 2001, its focus has been almost solely on aviation security, to the detriment of surface transportation taken by millions of Americans each day.

A strong aspect of this legislation is beginning to put surface transportation security on an equal footing with aviation security, with key surface transportation security enhancements.

I'm glad to see that this authorization also addresses the long unattended issue of airport perimeter security, whose vulnerability to infiltration I have tried to highlight for many years. I think that this is important. We're looking at it. We're studying this issue so we do not overreact but make sure that the perimeters are just as much protected as the inside.

The CHAIR. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. I think all of us should read Secretary Napolitano's speech yesterday at Aspen, where there were bipartisan group folks studying the security of this country. She laid out five principal areas of concern if we're going to protect America and its neighborhoods. It is a great guidepost to inclusive security. I ask that we do this.

I also ask to consider, Mr. Chairman, in the future the issue and the quality of resilience, which Joshua Cooper Ramo presented in his book which was just published in March. If we truly want to protect America, what about the resiliency and how much can we take that into consideration, God forbid we have another attack.

Mr. DENT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman of Homeland Security, Mr. THOMPSON.

Mr. THOMPSON, as we prepare to authorize appropriations for the Transportation Security Administration, I'd like to thank you for your leadership in the committee and your efforts to bring this legislation to the floor.

I would also like to bring to your attention an issue that needs to be corrected. In 2003, when I was chairman of the Transportation and Infrastructure Committee, language was included in the Vision 100 Act, Public Law 108–176, which required deployment of TSA screeners in the Alaskan communities of Kenai, Homer, and Valdez. Since that time, the Ted Stevens International Airport has improved bag screening capabilities and can adequately screen bags for the three previously mentioned airports.

Kenai, Homer, and Valdez are serviced by air carriers under a partial program. There are no regulatory requirements to screen bags for partial program carriers, so section 613 of the Vision 100 Act imposes a requirement not in effect for other similarly situated airports. The screeners are no longer needed, and TSA has asked that I repeal the language from Vision 100.

This will not cost any money. Rather, this will save TSA money. TSA has informed me that by including this legislation in the TSA Authorization, it would save $1 million a year.

I'd like to ask the gentleman to comment on this.

Mr. THOMPSON of Mississippi. Let me say that I appreciate the gentleman from Alaska bringing this to my attention. This is a novel issue for us, but I believe there could be some efficiencies in making the change. I'm pleased to work with you on this issue as the bill moves to conference.

Mr. YOUNG of Alaska. I thank the gentleman for working with us. And this is requested by the TSA, and hopefully when this bill gets to conference, this will be included.

I thank the gentleman for working with me.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. I rise today in support of the TSA reauthorization bill and to thank Chairman THOMPSON for his leadership in this important issue. I also would like to highlight two elements of the bill that I particularly support.

It's been over 7 years since the attacks of September 11 and there are still no guidelines for security training for flight attendants. H.R. 2200 requires that these individuals undergo mandatory and standardized security training.

Flight attendants are the only working group in the cabin aboard every commercial flight. They are literally on the front lines. They are an integral part of air security.

This legislation provides for meaningful training that will equip these flight attendants with danger detection and self-defense techniques and other important skills needed in the event of a crisis. This mandatory security training, which is needed and wanted by flight attendants, is an important step in ensuring our skies are as safe as they can be.

The second aspect of this legislation that I'd like to address is general aviation. In 2008, there were more than 400,000 general aviation flights from the Las Vegas area serving an estimated 1.3 million passengers. From our three local airports, you can take one of these flights to view the grandeur of the Grand Canyon and the desert which surrounds our city.

General aviation flights are also critical to supplying goods to Las Vegas. And they also are an efficient means for business travelers to reach our great city, one of the most popular business travel destinations.

This is a vital industry to my district, and I will be a voice for it here in Congress. I am hopeful that the TSA will involve this important industry in rulemaking, and I'm confident that they will.

Mr. DENT. Mr. Chairman, may I inquire as to how much time I have remaining on this side?

The CHAIR. The gentleman from Pennsylvania has 18½ minutes. The gentleman from Mississippi has 15 minutes.

Mr. DENT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the distinguished gentleman from the great Commonwealth of Pennsylvania for yielding. I also rise in support of H.R. 2200.

Following the attacks on September 11, 2001, our Nation took unprecedented steps to secure our Nation's airlines. Since then, Congress has continued to provide the needed level of funding to ensure that our airlines are among the safest in the world. But until recently, however, rail and transit security grant programs remain badly underfunded given both the volume of riders carried each day and the known terrorist threat to such passengers.

Each weekday, more than 14 million people use public transportation. Nearly 30 million people ride Amtrak each year, including millions of commuters along the heavily traveled Northeast corridor. Given the attacks on rail and transit in Spain, the United Kingdom, and India, this is a vulnerability that cannot be ignored.

In response, I have worked closely with Congressmen PETER KING, RUSH HOLT, and other Members of this body to focus more of our security efforts on protecting rail and transit riders and infrastructure.

Over the last several years, we have made progress on this front by increasing rail and transit security grant funding, studying foreign rail security practices, and expanding rail and transit canine teams and public awareness campaigns.

I must say, however, that I was extremely discouraged to learn in March that TSA and FEMA have struggled when it comes to spending Federal grant dollars in a timely fashion. In fact, recent reports indicate that large percentages of grant dollars appropriated in fiscal years 2006, 2007, and 2008 had yet to be awarded to local authorities.

For this reason, I strongly support section 307 of this legislation, which requires the Department of Homeland Security's Inspector General to investigate the administration of these security grants and make recommendations for streamlining the grant award process within 180 days.

Mr. Chairman, I look forward to reading the results of the IG's report on the rail and transit security grant distribution process, and I encourage my colleagues to support this important legislation.

□ 1300

Mr. THOMPSON of Mississippi. Mr. Chairman, I recognize for 1½ minutes the gentleman from Oregon (Mr. BLUMENAUER) for the purposes of a colloquy.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate the chairman's leadership.

I rise in a colloquy to discuss with you the TSA revised list of prohibited items on airplanes.

In 2005, they revised rules to allow items up to 7 inches—knitting needles, scissors, screwdrivers—but they continue to prohibit tiny pen knives under 2.5 inches. I find it frustrating for the traveling public who can't understand the distinctions between these items, and it has had a significant commercial impact.

This little Leatherman tool, which is very popular, is manufactured in my district. It is certainly less dangerous, one would think, than the items that they're already letting in the air. Since they have made those rules, it has had a significant impact on the sales because consumers don't think about this when they go through airport security lines and lose the items.

I wonder if it's possible to work with you, Mr. Chairman, to encourage the TSA to conduct periodic comprehensive reviews of this prohibited items list to ensure that it reflects the most current risk-based assessment?

Mr. THOMPSON of Mississippi. I can assure the gentleman—and I thank him for his concerns—that the committee will work with TSA in conducting appropriate and periodic reviews of prohibited items. Your graphic display of those prohibited items speaks volumes as to why this review should occur.

Mr. BLUMENAUER. Thank you, Mr. Chairman. I appreciate your words of encouragement as I appreciate your leadership, and I look forward to working with you.

Mr. DENT. Mr. Chairman, I yield 90 seconds to the distinguished gentleman from Beavercreek, Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the ranking member for yielding.

Mr. Chairman, first of all, I want to thank Chairman THOMPSON, Ranking Member KING, as well as the subcommittee that worked on this, for working in a bipartisan manner.

All of our lives changed after 9/11. This committee plays a very important role in ensuring the safety of all Americans. As a new Member of Congress and as a new member of the Homeland Security Committee, it is good to see this committee work in a bipartisan manner as we push good legislation forward that I support.

Let me just say that, as a member of that subcommittee who heard this bill, we had an opportunity to talk to and to listen to industry groups, to business coalitions, to union representatives, and to subject matter experts. However, it seems to me that we would have had a better opportunity to create an even better bill had we had an opportunity to wait for the administrator of TSA to be appointed and to understand what policies that new administrator was going to put in place. We then would have been able to work around those policies. With that being said, the other side of the aisle decided it was important to move this legislation forward.

I think we've got a good bill before us that does some good things. It will help ensure that the screening processes that are being used for passengers are working. It will help us to address other vulnerabilities in our transportation system, such as underwater tunnels and open rail lines. It will prohibit the outsourcing of terrorist watch lists—No Fly Lists, selectee lists, verifications—to other nongovernmental entities or to private companies. I think those are good things.

I also think there were some good amendments that were offered in this committee that could have strengthened this bill, and we're going to hear about some of those amendments as we proceed.

The CHAIR. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I would like to yield the gentleman an additional 15 seconds.

Mr. AUSTRIA. Just to close, I think we have an opportunity to strengthen this bill, and I would hope that we will continue to work together in a bipartisan manner with this committee to strengthen this bill.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the distinguished chairwoman of the subcommittee, who also is the author of this legislation, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his leadership on this issue, as well the leadership of the ranking full committee member. As well, I am thankful to have had the opportunity to work with the ranking member of the subcommittee, Mr. DENT.

This has been a bipartisan effort. It has been a tough effort for my colleagues. It is important to realize that the work has been intense and that it has been concerted, direct and, I think, open. I want to applaud the process. Likewise, I would like to acknowledge the Homeland Security Committee's staff and particularly Mike Finan—the subcommittee staff director—for their leadership as well.

So I rise today with great pride in the efforts of my subcommittee and of the full committee, and I look forward to today's swift passage of H.R. 2200, the Transportation Security Administration Authorization Act.

H.R. 2200 provides TSA with the resources it needs by authorizing over $15.6 billion for the Transportation Security Administration for FY 2010 and FY 2011. At the beginning of this Congress, Chairman THOMPSON stated that the committee will be moving to pass authorizing legislation for the Department of Homeland Security.

It is good to make good on a promise. It is good that this committee recognizes that it is sometimes the only firewall between the security of this Nation and the terrible, heinous acts of 9/11. Sometimes we forget that we are only a few short years away from that terribly tragic day that no one in America will ever forget. We continue to mourn those who have been lost, and we continue to give our support to those families who have experienced those severe and devastating losses.

Therefore, this bill comes before us in the backdrop of recognizing the ultimate challenge of our responsibility. The bill before us, the Transportation Security Administration Authorization Act, helps to further this important effort. I am proud that it is substantiated by over a dozen hearings held over the past 2 years, by countless briefings and by reports from the GAO and from the IG. I am proud of the bipartisan manner in which this comprehensive TSA bill was crafted. I am especially pleased that the gentleman from Pennsylvania (Mr. DENT), as I mentioned earlier, is an original cosponsor of this legislation.

Chairman THOMPSON and Secretary Napolitano agreed during the beginning of this Congress that surface transportation security needed to be on equal footing with aviation at TSA. This bill furthers this important objective.

As the chairwoman of this subcommittee, I have visited a number of surface transportation sites, including the 2nd Street site being built in New York—a multibillion dollar project—as there are many new starts coming about in this country. The existing rail system is utilized by millions of Americans every single day.

Mr. Chairman, this bill acts on recommendations issued in 2008 by the inspector general that were reaffirmed earlier this year by establishing the Surface Transportation Security Inspection Office to house the Surface

Transportation Security Inspection Program, by streamlining its mission and by clarifying its command structure.

The CHAIR. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the gentlewoman an additional 2 minutes.

Ms. JACKSON-LEE of Texas. In an effort to reach out more constructively to surface transportation security stakeholders, this bill creates the Surface Transportation Security Advisory Committee to give them a formal outlet for giving TSA feedback on security issues.

My subcommittee has heard many worthy criticisms about the dissemination of surface transportation security grants over the last 2 years. Accordingly, this bill has included language that will begin to improve the process so that we can get the inventiveness of America back into the security mainstream so that we can secure this Nation.

This bill also directs the GAO to study the efforts of the Department, its components and other relevant entities to learn from foreign nations whose passenger rail and transit systems have been attacked by terrorists and to access lessons to address security gaps in the United States, such as the tragedy of Mumbai, where I visited to assess the horrificness of the impact of that terrorist act and of the victims who were impacted. In the last several years, we have seen attacks on rail systems from Europe to Asia. H.R. 2200 takes steps to learn important lessons that can be applied at home.

In addition, I have worked with the gentleman from California (Mr. DANIEL E. LUNGREN) on a provision that creates a new class of materials requiring a security background check for truckers. This provision will target the transport of truly sensitive materials, and it will enable companies and their drivers to have a more seamless gateway to the market. I thank the gentleman for his bipartisan cooperation.

In addition to the great strides this bill makes to secure our surface transportation, it also builds on the work we have done over the years. Earlier this year, the Inspector General confirmed that TSA has in the past compromised covert testing operations. We have corrected that. The bill prohibits advanced notice of covert testing. H.R. 2200 also codifies the Aviation Security Advisory Committee. It requires it to perform specific duties. We also have concerns about TSA's proposed rulemaking covering general aviation. We have responded to that in this bill.

The bill also requires the rigorous oversight of the Secure Flight passenger watch list matching program by requiring updates to Congress every 90 days. In fact, we are not allowing Guantanamo Bay detainees to travel without, if you will, regulation at all. We are working with the White House.

I also believe it is important to note that we are training flight attendants, that we are working on technologies and are helping TSA employees.

Mr. Chairman, this is a great bill, and I ask my colleagues to support it.

Mr. DENT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Macomb County, Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I rise today in strong support of H.R. 2200, the Transportation Security Administration Authorization Act.

The men and women of the TSA are really dedicated professionals who ensure that our flying public arrive at their destinations safely. Although at times it might be a hassle for us to remove our shoes or to show our boarding passes and identification, these measures have made it much more difficult for terrorists to take advantage of dangerous situations or to bring weapons and explosives on commercial aircraft.

It has been almost 8 years from that horrific day on 9/11 when terrorists turned our airplanes into missiles, taking the lives of almost 3,000 of our fellow Americans. Thankfully, we've not been attacked again, and it's not just because we're lucky. It's because dedicated professionals throughout the government are working day and night to prevent attacks, and we need to provide them with the means to prevent, to deter and to respond to terrorist attacks.

A key piece of our success is that we have not become complacent. We must remain vigilant. Part of that vigilance requires that we make certain that those charged with ensuring our safety are adequately trained. So I was especially pleased to see that a section mandating advanced security training for flight attendants was included in this bill.

As we are all too painfully aware, flight attendants were among the first victims on 9/11. Flight attendants need to know how to handle a crowd and how to be aware of all of the activity that might be surrounding them in such an enclosed space. So security training, good security training, will help prepare them for such a scenario on how to work with the other flight attendants in controlling a crowd or, again, being conscious of other things that are going on in the cabin as well.

In fact, Richard Reid, the convicted shoe bomber, was prevented from detonating his shoe, filled with explosives, because alert flight attendants interrupted him from detonating those explosives.

Also, providing adequate security to the flying public should be a principle goal of this body, so I was dismayed to see that our friends on the other side of the aisle rejected an amendment that would have placed all of the detainees from Guantanamo Bay on the No Fly List. Instead, they watered down this commonsense amendment and left that decision up to the discretion of the President. Now, I don't know about you, but I shudder to think that we might allow these detainees to actually board a commercial aircraft and to sit next to us and our families.

Isn't the whole purpose of the No Fly List to keep dangerous people off these airplanes? I would say, if the Gitmo detainees don't qualify for the No Fly List, who in the world does qualify for that list? Congress shouldn't allow these dangerous detainees to fly on commercial aircraft. I think we should err on the side of caution and put them on the No Fly List.

I want to recognize the good work of Chairman THOMPSON and certainly of Ranking Member KING. I urge my colleagues to support H.R. 2200.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I thank the gentleman from Mississippi, and I thank all of those who have worked on this very important bill.

I had the opportunity to serve on the committee on oversight. Last week, we had a hearing on H1N1, the flu. Most people have forgotten about the flu already. What was very startling to me was that, like many things, they come and they go in our public consciousness. This flu is coming back by all the scientists' projections, and when it comes back, it's going to have mutated into an even more deadly strain.

The CHAIR. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. I yield an additional 15 seconds to the gentleman.

Mr. KENNEDY. The average age of death of people from this flu is 19 years old. The average person in an ICU is 24 years old. So this is a whole new phenomenon in terms of your father's Chevrolet. This is a whole new issue we are dealing with. I would hope that Homeland Security would be working with public health and with everyone else to help address this.

Mr. DENT. Mr. Chairman, at this time, I would like to yield 2 minutes to the distinguished naval aviator from Sugar Land, Texas (Mr. OLSON).

Mr. OLSON. Thank you to my friend from Pennsylvania. I will be quick here.

Mr. Chairman, I rise in support of H.R. 2200, the Transportation Security Administration Authorization Act, and I urge its immediate passage.

As a member of the Homeland Security Committee, I was pleased by the serious bipartisan manner in which this legislation was considered. In fact, the hard work and dedication that the committee members showed in crafting this bill makes me hopeful that we can enact a much-needed, full Department of Homeland Security authorization bill rather than continue to legislate piece by piece.

□ 1315

I rise specifically today to speak about the general aviation security provisions in the bill and the TSA's Large Aircraft Security Program.

The TSA's notice of proposed rulemaking to address the perceived threats posed by general aviation aircraft essentially took the Department's principles of risk-based security measures and threw them out the window. The deficiencies of the proposal were the direct result of consultation without collaboration. The TSA met with industry stakeholders and interested parties and then dismissed their input.

Given the terrible flaws in this process, it is not surprising that the proposed product is less than satisfactory as well. Many of the provisions will place a heavy financial burden on the general aviation community yet result in little genuine improvement in security.

Now is not the time to put a financial squeeze on an industry that contributes so much to our national economy. The TSA has proposed using third-party private contractors to review general aviation manifests and conduct watch list verifications. I find it unacceptable that unaccountable contractors would have access to travelers' personal information and have the authority to bar them from a private flight. Any check against a No Fly List or Terrorist Watch List is an inherently governmental function and must be performed by a democratically accountable agency. I am glad the committee adopted my amendment that will prohibit such a practice.

But let me be clear, I strongly support improving security for general aviation and airports. What I object to is a heavy-handed approach that abandons the risk-based principles upon which TSA operates.

The provision I was able to include in H.R. 2200 is a step in the right direction but there is more to be done in the future. I thank the committee for hearing my concerns and I am pleased to join them in supporting this bill today.

I would like to thank subcommittee Chairman JACKSON-LEE and Chairman THOMPSON for making this a bi-partisan bill and bringing both sides to the negotiating table at an early stage. I would also like to thank subcommittee ranking member DENT and Committee ranking member KING for their work on this important issue.

I urge passage of the bill.

Mr. DENT. Mr. Chairman, may I inquire how much time we have remaining?

The CHAIR. The gentleman from Pennsylvania has 10¼ minutes. The gentleman from Mississippi has 7¾ minutes.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Houston, Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I rise in support of this bill because this bill is inclusive in approach and comprehensive in scope. It's not perfect, Mr. Chairman, yet it does help perfect Homeland Security.

It provides for surface transportation, security enhancement by tripling the funds available. It provides security training and performance enhancement for significant employees. It provides that airport security and screening enhancement policies be put in place. It provides, Mr. Chairman, that foreign repair stations' security be elevated to U.S. standards. It provides transportation security credential improvements to guard against intruders. It provides for domestic air cargo and checked baggage security to better protect the traveling public. It provides for a general aviation enhancement grant program to help general aviation airports. It provides K–9 detection resources to sniff out drugs. It provides research and development to integrate transportation and security technologies.

It's not perfect, yet it does help to perfect Homeland Security. It is inclusive in approach in that we had the inclusion of all parties interested—the partners, all of the stakeholders were brought into this, Republicans and Democrats alike, labor and industry as well. It is comprehensive in scope.

I support this bill. I thank the chairman for the wonderful work he has done, the ranking member, and also the subcommittee chair, SHEILA JACKSON-LEE, the Congresswoman from Texas, my colleague, as well as Mr. DENT, the ranking member.

Mr. DENT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I rise in support of H.R. 2200, the Transportation Security Administration Authorization Act. This bill will help to enhance our Nation's transportation security and contains many important provisions.

I'm particularly pleased that the manager's amendment includes a provision I authored to clarify the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to the security of pipelines. I thank Chairman THOMPSON for working with me on this issue and for including this in the manager's amendment.

Over the past 36 years, there have been multiple instances of individuals rupturing pipelines in areas surrounding my district. Most recently in November 2007, three teenagers drilled into an anhydrous ammonia pipeline after being told that the pipeline contained money. The pipeline breach necessitated the evacuation of nearly 300 people in my district.

At the time, local officials received conflicting guidance from the Department of Homeland Security and the Department of Transportation about whether this was a security incident or a safety incident.

My provision seeks to resolve issues of this sort by requiring the Comptroller General to study the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to pipelines and report the results of the study to the Committee on Homeland Security within 6 months.

Finally, my amendment requires the Secretary of Homeland Security to review and analyze the GAO study and report to the Committee on Homeland Security on her review and analysis, including recommendations for changes to the Annex to the Memorandum of Understanding between DHS and DOT or other improvements to pipeline security activities at DHS. Clarifying the respective roles of DHS and DOT will help to ensure that the officials in the areas that we represent do not receive conflicting guidance in the event of a future pipeline breach.

I'm also pleased that the bill includes my provision that would provide reimbursement to airports that used their own funding to install explosive detective systems after 9/11. These airports installed such systems after receiving assurances from the Federal Government that they would be reimbursed. However, to date, they have not been reimbursed.

Congress addressed this issue in section 1604 of the Implementing Recommendations of the 9/11 Commission Act. But despite this explicit direction in 2007, TSA has not yet reimbursed a single eligible airport. My provision requires TSA to establish a process for resolving reimbursement claims within 6 months of receiving them. It also requires TSA to report to the Committee on Homeland Security an outline of the process used for the consideration for reimbursement claims, including a reimbursement schedule. This is a commonsense provision that will ensure that airports that did the right thing to protect the traveling public after the September 11th attacks will finally get the reimbursement they were promised by TSA and Congress.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding, but above all, I thank him for his masterful work in further cleaning up airport transportation security and for the cooperation he established with the minority.

I particularly thank the chair for including helicopters in the General Aviation Working Group section and for the working group itself because, Mr. Chairman, the large-scale airport requirements have begun to creep into general aviation. The best example of that is right here in the Nation's Capital, where we're down from 200 general aviation flights per month to 200 per year—only, I must say, in the District of Columbia because we don't have enough guidance as to how general aviation should be treated.

General Aviation was reopened here in the Nation's Capital for the first time only a couple years ago after the Transportation Committee threatened to hold TSA in contempt if it didn't open Reagan National Airport to general aviation. Then TSA issued regulations that essentially kept general

aviation out of the Nation's Capital, signalling that, 7 or 8 years after 9/11, we still don't know how to keep our capital safe, which surely is not the case. The irrationality begins to mount. In addition, commercial helicopters had been allowed to come to Reagan with the Secret Service's permission, which had kept the helicopter port open because it served certain security purposes but has closed down commercial service now.

So I thank you, Mr. Chairman, for the General Aviation working group to straighten out these issues.

Mr. DENT. Mr. Chairman, I ask unanimous consent to have Mr. MCCAUL control the balance of my time for our side.

The CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MCCAUL. Mr. Chairman, I yield myself 2 minutes.

Recently, I participated in a congressional delegation down in Guantanamo, the first congressional delegation since the President ordered that Guantanamo will be closed. We saw the detainees down there. We saw the top 16 al Qaeda operatives. We saw Khalid Sheikh Mohammed praying, bowing to Mecca. To look at the man who was responsible for the death of 3,000 Americans was perhaps the most chilling experience of my congressional career.

As a former Federal prosecutor, to extend constitutional protections to these detainees as criminal defendants is, in my view, setting a very dangerous precedent. They were captured on the battlefield, and they're enemies of war.

The Souder amendment—while I do support the overall bill—the denial of the Souder amendment raises big concerns, in my view. The idea that detainees held in Guantanamo cannot be placed on the No Fly List begs the question who is qualified to be put on the No Fly List. And since that time, we've released 500 detainees from Guantanamo, 60 of whom have been captured on the battlefield trying to kill our soldiers in Afghanistan.

So I would like to pose a question to the distinguished chairman of the Homeland Security Committee, and I would be happy to yield time to him.

And the question is simply this: We have debated whether the detainees currently being held should be on the No Fly List. In my view it's a no-brainer that we should reach agreement on in a bipartisan way. But as to the 530 who have been released from Guantanamo, does the chairman know whether or not they have been placed on the Terrorist Watch List or the No Fly List?

I yield.

Mr. THOMPSON of Mississippi. At this point, I'll take it in two phases.

There are some obvious misunderstandings of this legislation.

The CHAIR. The time of the gentleman has expired.

Mr. MCCAUL. I am happy to yield myself an additional 2 minutes.

And I yield to Mr. THOMPSON.

Mr. THOMPSON of Mississippi. I thank the gentleman for yielding the time.

If you read the legislation, it talks about those detainees from Gitmo being on the No Fly List. So I don't know what is it we can do to solve the issue other than to refer people to page 87 of House bill 2200 and you can see—and we don't have a disagreement.

Mr. MCCAUL. Reclaiming my time, as to the 530 detainees who we know are dangerous actors who have already been released from Guantanamo, do we know if they've been placed on the No Fly List and the Terrorist Watch List?

Mr. THOMPSON of Mississippi. But that has nothing to do with the legislation before us today.

Mr. MCCAUL. I submit they should be.

The administration has been vague in its response on this issue and perhaps we should entertain the idea of a bill that I would be happy to work with the chairman on to ensure that those who have been captured on the battlefield in Afghanistan, those terrorist suspects who were at Guantanamo who have since been released—many of whom have been returned to the battlefield to kill our soldiers—that at the very least if we're going to put anybody on the No Fly List and the Terrorist Watch List, that these individuals should be placed on this list.

And I will be happy to yield.

Mr. THOMPSON of Mississippi. I agree with you. If those individuals have been captured who have been released, then the procedure automatically places them on the No Fly List. There is no question.

As to how many there are, I don't know. But, again, I say to my colleague from Texas, there is no real debate on the issue of being on the No Fly List.

Mr. MCCAUL. There is a debate on the current detainees—and I know it's pending disposition from the President—in my view, they should automatically be placed on the list. This is not a difficult decision.

With respect to those who have been released, Congress should take a stand and not defer to the administration on this and ensure that the suspected terrorists are never allowed on a U.S. commercial aircraft.

And with that, I reserve.

□ 1330

Mr. THOMPSON of Mississippi. I would like to acknowledge and recognize the gentleman from Oregon (Mr. DEFAZIO) for 1 minute to make another attempt to clarify for this body the issue around Gitmo and detainees on the No Fly List.

Mr. DEFAZIO. I thank the chairman.

''Inclusion of Detainees on No Fly List: The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee housed at the Naval Station, Guantanamo Bay, Cuba, on or after January 1, 2009, after a final disposition has been issued by the President.'' The quibbling seems to be over the final disposition.

The only point at which any of these people might have some opportunity to try and get on an airplane will be after they get out of Guantanamo. The President determines the final disposition, and if they are sent to a third country or transferred elsewhere at that point, they go on the No Fly List. We have terrorists in our super maximum security prisons in the United States who aren't on the No Fly List because they're in a super maximum security prison. If they ever get parole or otherwise get released, they'll go on the No Fly List. But we don't junk up the No Fly List, which already has problems, with a whole bunch of people who are in shackles in ultra-secure locations and are in security already. It doesn't make a lot of sense.

I know you're trying to get political advantage here to say somehow we're soft on terrorism. These people will go on the list if they ever get out.

Mr. MCCAUL. Mr. Chairman, may I inquire as to the remaining time.

The CHAIR. The gentleman from Texas has 3¼ minutes. The gentleman from Mississippi has 3½ minutes.

Mr. MCCAUL. Mr. Chairman, I yield 2½ minutes to my distinguished colleague from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank my colleague from Texas.

First, I get tired of hearing my own language read back to me. The only language that's relevant here was the part that gutted my amendment which says, ''after a final disposition has issued,'' which eliminates, one, what are they doing until there is a final disposition? If they've been released into America, they are on the planes with us, and we're hoping that the final disposition might occur in—I don't know—2 years, 6 years, 8 years, if they're released. The amendment only covers those who are released. That's if they're on the list. They automatically go on the list. But the big concern is not if they're imprisoned, unless they escape, but whether they're released and that the final disposition, if it is that either we didn't challenge it—in other words, we just released them because we didn't want to have them in trial or that they were found not guilty.

To quote Mr. PASCRELL, my good friend—and we are good friends—he doesn't want, nor does Mr. DEFAZIO want, these potential and actual terrorists—I mean, understand in Gitmo, the people that are there, they are the ones we haven't released. Maybe they were innocently carrying an IED or a Kalashnikov, but these were picked up in Afghanistan on the battlefield. These are military detainees. These aren't kind of casual people here that we're talking about. They have been picked up on the battlefield. The only

question is, how are we going to try them? How are we going to process them?

By the way, the only thing we can get out of the administration as far as the question of being in prison, many are likely already on the No Fly List. The key words here are ''many are likely on the No Fly List.'' They should all be on the No Fly List. Whether they're detained or imprisoned or not, they should be on the No Fly List. We also heard a reference to the Aspen Conference yesterday. Secretary Napolitano said that DHS's role would be—apparently this is a summary—to address the security aspects of the immigration issue regarding the detainees.

Now I was in the El Paso Detention Center. There I saw Arellano Felix, one of the major drug people, about to be released in Ciudad Juarez. We hope they picked him up. But this has been the process. We also had a Chinese illegal who was about to be released. He was in the high-risk detention center with Arellano Felix because he had been violent, beating up guards, particularly beating up other prisoners.

I said, What's going to happen?

They said, Well, China won't take him back. We have to release him into the United States.

So is anybody going to be warned? Are we going to track him?

No, we can't. We can only hold detainees for so long; and then if we want to proceed with another court case, they're released until then.

What happens to him?

Well, he may wind up in a prison if he beats up somebody or does something.

We have an obligation, as Congress, to make sure that none of these detainees are on an airplane with us.

Mr. Chair, during the Committee on Homeland Security consideration of H.R. 2200, Mr. PASCRELL spoke against my amendment to require all detainees at Guantanamo Bay, GTMO, to be placed on the Transportation Security Administration, TSA, No Fly List. Mr. PASCRELL argued that it was presumptive and that the President should have the opportunity to make a final disposition on each case rather than automatically require that all GTMO detainees be prevented from flying on U.S. commercial aircraft.

Specifically, Mr. PASCRELL stated, ''We know that many—and it could be all—are bad actors of those 270. But we don't know that yet, do we? We don't know that. And the point of the matter is, the President has a right to exercise his authority. I'm saying, let the President act, and then we can always respond.''

I originally intended to include this quote in my oral statement to demonstrate the lack of clarity and understanding regarding what will happen with the GTMO detainees given the President's decision to close the GTMO facility. I agree with Mr. PASCRELL that no one knows yet what will happen. Where I strongly disagree is that Congress should not wait to see what the President decides, which could open up a huge security loophole. Congress must take proactive measures to ensure the safety and security of the American traveling public and my amendment would have ensured that they were not going to be sitting next to a suspected terrorist from GTMO on their next flight.

Mr. THOMPSON of Mississippi. Mr. Chairman, may I inquire how much time is remaining?

The CHAIR. The gentleman from Mississippi has 3½ minutes. The gentleman from Pennsylvania has 45 seconds.

Mr. THOMPSON of Mississippi. Mr. Chair, I recognize the gentlelady from California (Ms. RICHARDSON) for 1 minute.

Ms. RICHARDSON. Mr. Chair, I rise in support of H.R. 2200, and I welcome the opportunity for us to get back on topic of what we're really here to discuss today. I want to applaud Chairman THOMPSON who has brought forward this legislation in a bipartisan manner. And if it's not my mistake, I believe this very legislation was brought forward to our committee and supported in a bipartisan fashion. So let's really talk about what this bill is about.

This bill is about ensuring that passengers in the United States, Americans everywhere, that we can have a greater ease and comfort as we travel. The power of this particular bill ensures that, yes, we will have the legislation in place to ensure that we can have training and adequate inspection.

In my district I have the Long Beach Airport and the Compton Woodley Airport less than 30 miles from Los Angeles International where we move over 3,000 tons of air cargo and 3 million passengers.

Now is not the time to play games. Now is the time to pass this legislation. I urge my colleagues, let's get past the rhetoric. Let's read the bill and look at the facts. The facts are, this bill will assist travelers, increase training and ensure that we have a vibrant economy.

Mr. Chair, I rise in strong support of H.R. 2200, the Transportation Security Administration Act of 2009, which fully reauthorizes the Transportation Security Administration (TSA) for the first time since enactment of the Aviation and Transportation Security Act of 2001. I want to thank my Chairman, Mr. THOMPSON for his leadership and skill in shepherding this important legislation to the floor.

I also want to acknowledge the efforts of Congresswoman JACKSON-LEE, the chair of the Transportation Security Subcommittee, who worked so hard to produce a bill that will strengthen the ability of TSA to fulfill its mission of securing all modes of transportation including rail, mass transit, trucking, bus, and aviation.

Mr. Chair, H.R. 2200 authorizes nearly $16 billion for TSA for the next two fiscal years. This legislation is the result of months of bipartisan negotiations and cooperation and consultations with key stakeholders, including labor organizations, industry groups, the Government Accountability Office, and the Department of Homeland Security.

Mr. Chair, let me list a few reasons why I believe all Members should support this bill.

My district is home to two airports—Long Beach International and Compton Woodley—and is less than 30 miles from Los Angeles International. Long Beach International alone handles more than 3,000 tons of air cargo each month and 3 million air travelers every year. So this legislation has a particular impact on my district. It protects the travelers and the cargo coming in and out of California that helps to drive the local, regional, and national economy.

SURFACE TRANSPORTATION SECURITY

Regarding surface transportation, the bill provides for a tripling in the amount of funding over FY09 levels and authorizes the hiring of an additional 200 surface transportation security inspectors for FY20l0 and an additional l00 inspectors for FY2011.

Second, the bill establishes a Surface Transportation Security Inspection Office within TSA to train and manage inspectors to conduct and assist with security activities in surface transportation systems. This is important because personnel with surface transportation security inspection responsibilities should be trained and mentored by persons with substantial expertise in surface transportation security. That has not always been true in the past.

Third, the bill creates a Transit Security Advisory Committee to facilitate stakeholder input to TSA on surface transportation policy.

AIRPORT SECURITY AND SCREENING ENHANCEMENTS

Mr. Chair, airport security is of special interest to me because my district includes the Long Beach International Airport. In the area of air transport security, the bill directs TSA to develop a strategic, risk-based plan to enhance security of airport perimeters and it prohibits federal employees and contractors from providing advance notice of covert testing to airport security screeners.

The bill also enhances air travel security training and performance capabilities by:

1. Directing TSA to establish an oversight program for carrier-provided security training for flight attendants and crews;

2. Authorizing resources for the administration of the Federal Flight Deck Officer program and requires additional training sites for recurring training;

3. Directing TSA to develop a security training plan for all-cargo aircraft crews; and

4. Creating an Ombudsman for the federal air marshals.

MINORITY, SMALL AND DISADVANTAGED BUSINESS CONTRACTING

Finally, Mr. Chair, I support this bill because of the inclusion of section 103, which establishes reporting requirements for TSA on contracts valued at $300,000 or more to ensure compliance with existing Federal government-wide participation goals for small and disadvantaged businesses.

For all of these reasons, I strongly support H.R. 2200 and urge my colleagues to join me in voting for the bill and in thanking the Homeland Security Chairman and Ranking Member for producing this excellent legislation.

Mr. DENT. I would like to reserve the balance of my time at this time.

Mr. THOMPSON of Mississippi. Mr. Chair, I recognize the gentlelady from New York (Mrs. LOWEY) for 1 minute.

Mrs. LOWEY. Mr. Chair, I rise in strong support of this legislation, and I thank the chairman for including two initiatives on which I've worked closely with the chairman.

One was to make sure there is notification of covert testing within our

transportation system, and last year we successfully implemented a pilot program to test the effectiveness of physically screening employees who have access to secure and sterile areas in airports nationwide.

While the underlying legislation makes significant improvements in the safety of our air system, I'm disappointed; but I'm very pleased that the chairman is going to address the inability of TSA workers to collectively bargain. Without this change, TSA workers will continue to suffer, and we need to have a strong workforce.

So I thank you, Mr. Chairman. Thank you for including several initiatives, and I look forward to continue working together.

Mr. Chair, I rise in support of H.R. 2200, the Transportation Security Administration Authorization Act. This important legislation will ensure that the traveling public is protected in our skies and on our roads and railways.

The measure incorporates two initiatives on which I have worked closely with Chairman THOMPSON. First, H.R. 2200 includes legislation I authored to prohibit the advance notification of covert testing within our transportation systems. The core principles and goals of covert testing are undermined when individuals are alerted in advance to tests, and these provisions will bolster accountability for and integrity of covert operations.

Last year, we successfully implemented a pilot program to test the effectiveness of physically screening employees with access to secure and sterile areas of airports nationwide. H.R. 2200 builds upon this pilot by testing the use of biometrics for these individuals.

We know there is criminal activity taking place at some airports, which could lead to possible terrorist activity. We cannot wait for the next security breach to take action, and biometric technology will ensure that only those who have permission to be in the most sensitive parts of our airports are granted access.

While the underlying legislation makes significant improvements in the safety of our air systems, I am disappointed that it does not address the inability of TSA workers to collectively bargain. Without this change, TSA workers will continue to suffer from high rates of injury, attrition, and lowest morale of all federal agencies.

These factors and poor workforce management in recent years have created potential gaps in our aviation security. My legislation, the Transportation Security Workforce Enhancement Act, would provide the same rights and protections as other DHS employees to TSA workers, and I look forward to working with Chairman THOMPSON to enact this legislation.

I commend the Committee for crafting H.R. 2200 to enhance our transportation security, and I urge my colleagues to support it.

Mr. DENT. I would just like at this time to thank Chairman BENNIE THOMPSON, Chairwoman SHEILA JACKSON-LEE, PETE KING, everybody else for their collaboration on this important piece of legislation. It is a good bill. I won't get into some of the deficiencies here right now except to say that we need to deal with the Large Aircraft Security Program. I know the Chair has agreed to holding a committee hearing on that very important issue. It's important that we address that issue.

But there are a few things about this bill that are very, very important. It does prohibit tipping off TSA employees of covert testing efforts. I think that's important. This legislation also requires a secure biometrically enhanced system to verify the status of law enforcement officers traveling armed on commercial passenger aircraft. It also authorizes demonstration projects to test technology design to mitigate a terrorist attack against underwater tunnels or open rail lines. It also prohibits the TSA's outsourcing of the terrorist watch list, No Fly List and selectee list verifications to nongovernmental entities.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself the balance of the time.

In closing, I would emphasize the importance of passing the Transportation Security Administration Authorization Act. This bill is the first comprehensive authorization bill for TSA since its creation in 2001. It is the product of extensive bipartisan negotiation and reflects input from GAO, DHS, IG and oversight conducted by the Committee on Homeland Security. It makes major investments in surface transportation and triples the overall funding for TSA activities.

Mr. Chairman, let me for the record say that there are 239 detainees presently housed at Gitmo. Under this legislation, all those individuals, if they were found innocent or guilty, will go on the No Fly List. So there is no question about the intent of this legislation to put those individuals on the No Fly List.

Apart from that, this is a good bill, and I urge its adoption.

Mr. NADLER of New York. Mr. Chair, I rise in opposition to the Transportation Security Administration (TSA) Authorization Act (HR 2200). For the most part, this bill is a good bill. However, it contains a troubling provision extending the deadline to screen 100 percent of air cargo on passenger planes bound for the United States.

Each year, over 6 billion pounds of cargo are transported on passenger planes within, or to, the United States. Almost half of this amount, 3.3 billion pounds of cargo, is carried on passenger planes that originate in foreign countries bound for the United States. There is no active requirement that this cargo be screened for explosives. After the 9/11 terrorist attacks, Congress passed legislation to strengthen aviation security, but it failed to address this glaring loophole.

Just two years ago, Congress finally passed legislation implementing all of the 9/11 Commission recommendations (H.R. 1 in the 110th Congress), requiring 100 percent screening of air cargo by August 2010. Even though this deadline is more than a full year away, Section 201 of H.R. 2200 as reported by the Committee appears to grant TSA up to an additional two years from the date of enactment of this bill to screen inbound cargo for explosives. It makes no good sense to provide an extension a full year in advance of the current deadline.

We must not wait to impose security measures until cargo reaches the United States. If we wait to check for a bomb on a plane when it arrives in Newark, or Miami, or Los Angeles, it may be too late. Congress recognized this and intentionally set a deadline for screening all air cargo abroad. We will have to reach international agreements to implement the requirement, and in some cases that could be challenging, but it is precisely for this reason that Congress set an aggressive deadline. It has been almost eight years since the terrorist attacks of 9/11. We should have implemented 100 percent air cargo screening years ago. Only with vigorous oversight can we be sure that all stakeholders involved finally take action on this vital national security measure.

The Coalition of Airline Pilots Associations (CAPA) and Families of September 11th also oppose the inclusion of this provision. We search little old ladies' shampoo bottles. Certainly, we can screen cargo in the belly of the plane for explosives.

I am also concerned about Section 405 of the bill, which would require that any person detained at the Guantanamo Bay facility on or after January 1, 2009 must be placed on the no-fly list. As the Distinguished Chairman has made clear, ''regardless of the nature of the disposition'' of their case. This provision could lead to extremely bizarre results. For example, a person who was cleared of any wrongdoing, and who has been shown to be not a threat to the United States, would still be required to be placed on the no-fly list. Where is the sense in that? We now know that most of the people who have been held at Guantanamo at one time or another were not a threat, and were not in fact guilty of engaging in hostilities against the United States. There are people still imprisoned at Guantanamo today who are there, not because they are a threat, but because our government can't figure out what to do with them. The Uigers, who are viewed as terrorists only by the repressive regime in Beijing, would be labeled as terrorists and added to the no-fly list. Is that the policy we want on the 20th anniversary of the Tiananmen Square massacre?

I must reluctantly vote ''no'' on final passage.

Ms. ROYBAL-ALLARD. Mr. Chair, I rise today in strong support of H.R. 2200, the Transportation Security Administration Authorization Act.

America's vast, interconnected transportation networks are the lifeblood of our economy, safely conveying millions of Americans to countless destinations from coast to coast. Unfortunately, these arteries of commerce—so critical to our national well-being—also represent a tremendous vulnerability and the difficult task of securing them falls to a single agency: the Transportation Security Administration.

Thankfully, that organization is staffed by thousands of dedicated professionals and their efforts to defend our transportation system will be sensibly strengthened by this legislation. With greater resources, newer technology and more innovative strategies at its disposal, TSA will be better equipped to take on the immense challenge of preserving our freedom of movement.

American aviation faces an array of threats, but guided by this bill, TSA is working to address them in ways that save tax dollars and don't unnecessarily inconvenience travelers.

The Act establishes the Aviation Security Advisory Committee, which will enhance the agency's decision-making processes by bringing together key stakeholders, both in private industry and the law enforcement community. The bill also bars TSA from providing advance notice of covert tests, thus increasing their usefulness as a performance indicator. In addition, it requires TSA to report on the deployment of advanced systems to screen air travelers' baggage, another crucial step in preventing future terror attacks.

While commercial aviation should undoubtedly remain TSA's top priority, the London and Madrid bombings tragically illustrated the vulnerability of mass transit systems. This legislation emphasizes the importance of modes of transportation that were neglected as the agency understandably focused the lion's share of its resources on securing our nation's airports in the years after 9/11.

H.R. 2200 establishes a Surface Transportation Inspection Office and directs the Secretary of Homeland Security to hire additional inspectors. By identifying vulnerabilities and enforcing regulations, these men and women play a crucial role in protecting our mass transit systems and I'm pleased that this legislation will bolster their ranks. In addition, this bill creates a grant program that would aid the efforts of state and local governments to augment the security of their public transportation networks.

While I'm confident that every member-of this body is deeply concerned about the security of the nation's transportation system, the issue is especially important to me as a representative of one of America's great cities. Los Angeles is home to our largest container port complex, one of our busiest airports, and a sprawling transit network that covers hundreds of square miles.

Beset by threats both foreign and domestic, all Americans—but especially the inhabitants of urban areas like L.A.—expect that their government will do what is necessary to safeguard the buses they ride across town and the jets they fly across the country. By enacting this legislation, we are working to fulfill that responsibility to our constituents and to the dedicated TSA personnel charged with protecting them.

Please join me in supporting H.R. 2200.

Mr. LIPINSKI. Mr. Chair, I rise today in strong support of H.R. 2200, the Transportation Security Administration Authorization Act. This legislation takes great steps to enhance the ability of TSA to secure our skies, rail lines, and roads and to protect the Americans that rely on these transportation systems daily.

I am especially pleased H.R. 2200 contains a provision to help provide flight attendants with the self defense training needed to keep the traveling public safe.

Mr. Chair, for years, flight attendants across the country have raised concerns over the lack of self defense training provided by carriers. Adequate self defense training for flight attendants will increase the ability of flight attendants to work together to manage a potentially threatening situation. And because a flight attendant's main objective during an attack is to slow it down so the aircraft can land safely and quickly, self defense training is just common sense.

I would also like to point out this bill simply takes the first step in providing flight attendants with much needed self defense training. The legislation requires one day of five hour training every other year. The cost associated with this additional training—which could occur in conjunction with existing safety training programs—is a small price to pay for increased aviation security.

Mr. MICA. Mr. Chair, I would like to bring to the attention of the House a letter I received this week from dozens of airports across the country concerning a provision in the pending legislation (H.R. 2200) pertaining to background screening services for aviation workers. I ask unanimous consent that the letter, which is addressed to me as well as the distinguished leaders of the Homeland Security Committee and Chairman OBERSTAR, be included in the RECORD.

This is an important issue with which I have a great deal of familiarity as the former Chairman of the House Aviation Subcommittee. Following the tragic events of 9/11, Congress mandated that all workers with access to secure areas of airports be given criminal history background checks. While that now seems like a necessary and reasonable requirement, gaining those checks for nearly a million workers at airports was a daunting task given the fact that the Office of Personnel Management (OPM)—the entity then in charge of processing background checks for aviation workers—routinely took more than 50 days to complete the process for each worker.

Without major upgrades to the process, meeting the congressional mandate was simply not achievable without significant disruptions to the aviation system. Recognizing that fact, the Federal Aviation Administration took the initiative to create a better system to facilitate the required checks and reached out to the private sector to help accomplish that goal. The result was a unique public/private partnership with the creation of the Transportation Security Clearinghouse to process background checks for aviation workers.

The Transportation Security Clearinghouse established the first high-speed, secure connection to the federal fingerprint processing system and ensured that more than 500 airports were able to access that system and complete the necessary background checks. It is my understanding that the TSC reduced a process that took more than 50 days down to an average of four hours, with many checks occurring in a matter of minutes. I am told that error rates with transmissions were reduced to 2 percent, well below the average government error rate of 8 percent.

As a result, the initial mandate for completing background checks was completed successfully. Numerous subsequent security enhancements—issued directly by the Transportation Security Administration, the agency now in charge of aviation security—have likewise been completed successfully. Notably, all aviation workers and many others in the airport environment undergo detailed Security Threat Assessments, a process that has been facilitated by the TSC.

Over the past seven-plus years, the TSC has processed more than 4 million record checks for aviation workers. The costs of the checks for aviation workers have been reduced twice and at $27 are dramatically lower than for workers in other modes of transportation that require similar checks, including port workers and hazardous material truckers.

I raise these points to make clear that I concur with the view outlined by numerous airports on this letter. The current process for aviation workers works well and should not be disrupted as TSA seeks to comply with this legislation. Additionally, the agency needs to ensure that there is no diminution of security by requiring that any entity that seeks to provide these services in the future is capable of facilitating all current checks and can meet any other additional requirements deemed critical by the agency.

I appreciate the work of the Homeland Security Committee on this issue and look forward to working with them as this process moves forward.

JUNE 2, 2009.

Hon. BENNIE THOMPSON,
Chairman, House Homeland Security Committee, Washington, DC.
Hon. PETER KING,
Ranking Member, House Homeland Security Committee, Washington, DC.
Hon. JAMES OBERSTAR,
Chairman, House Transportation and Infrastructure Committee, Washington, DC.
Hon. JOHN MICA,
Ranking Member, House Transportation and Infrastructure Committee, Washington, DC.

DEAR CHAIRMAN THOMPSON, CHAIRMAN OBERSTAR, RANKING MEMBER KING, and RANKING MEMBER MICA: with the House poised to consider important TSA authorization legislation (H.R. 2200) in the near future, we are writing to express our strong support for the Transportation Security Clearinghouse (TSC) and to ask that attempts to address competition in security background screening services legislatively do not interfere with the critical security services that the TSC currently facilitates.

Created in the aftermath of September 11th in partnership with the federal government to meet a congressional mandate for the completion of background checks for aviation workers, the TSC has built an incredible record of success over the past seven-plus years. To date, more than four million records have been vetted against federal criminal and terrorist data bases at a cost much lower than other comparable vetting programs. A process that took weeks to complete prior to the creation of the TSC, now takes minutes, collectively saving airports and our industry hundreds of millions of dollars in operational and employee time savings that would otherwise have been spent waiting for background checks and away from their jobs.

For the federal government, the TSC serves as an invaluable partner in ensuring the highest level of security in the background screening process for aviation workers. As TSA has expanded background check requirements for aviation workers and others in the airport environment over the years, the Clearinghouse has repeatedly risen to the occasion—most often at its own expense—to ensure that additional checks are performed quickly and effectively and in a manner that limits disruptions to airport operations. Additionally, the TSC adheres to all federal data and privacy standards and has passed rigorous DHS certification requirements.

For airports, the TSC has repeatedly proven its value in keeping costs low and services high. Difficult TSA mandates have been met with minimal disruption, and Clearinghouse fees have been reduced twice in recent years—currently $27 per employee and significantly below the costs of similar programs. The TSC was established to serve a

critical need of airports, and the incentives inherent in the TSC model ensure that it will continue to put the needs of airports and the aviation industry at the forefront.

While competition in this area is a worthy goal, it must not come at the expense of a process that works well and that has served our industry and the cause of aviation security admirably for nearly eight years. As you have the opportunity to consider legislation aimed at enhancing competition in security background screening services, we ask that you take steps to ensure that the current process facilitated by the TSC is not disrupted and that any service providers approved to perform similar functions are able to meet the same levels of security and service that are currently provided by the TSC.

We appreciate your attention to this important matter.

Sincerely,

Mr. Benjamin DeCosta, A.A.E. Aviation General Manager Hartsfield-Jackson Atlanta Intl Airport;
Mr. John L Martin, Airport Director, San Francisco Int'l Airport;
Mr. Jose Abreu, Aviation Director, Miami International Airport;
Mr. Mark Gale, A.A.E., Memphis International Airport, Acting Director, Philadelphia Int'l Airport;
Mr. Thomas Kinton, Executive Director/CEO, Massachusetts Port Authority;
Mr. James Bennett, A.A.E., President & C.E.O., Metropolitan Washington Airports Auth., Dulles International Airport/Washington Regan National Airport.
Mr. Timothy Campbell, A.A.E., Executive Director, Baltimore/Washington Int'l Thurgood Marshall;
Mr. Brian Sekiguchi, Deputy Director, State Dept. of Transportation, Honolulu International Airport;
Mr. Ricky Smith, Director of Airports, Cleveland Airport System;
Mr. Larry Cox, A.A.E., President & C.E.O., Memphis-Shelby County Airport Auth., Memphis International Airport;
Mr. Bradley Penrod, A.A.E., Executive Director/C.E.O., Allegheny County Airport Authority, Pittsburgh International Airport;
Ms. Elaine Roberts, A.A.E., President & C.E.O., Columbus Regional Airport Authority, Port Columbus International Airport.
Mr. Sean Hunter, M.B.A., ACE, Director of Aviation, Louis Armstrong New Orleans Int'l Airport;
Mr. Bruce Pelly, Director of Airports, Palm Beach International Airport;
Mr. Stephen Korta, A.A.E., State Aviation Administrator, Connecticut Department of Transportation, Bradley International Airport;
Ms. Christine Klein, A.A.E., Alaska DOT&PF Deputy Commissioner, Acting Airport Director, Ted Stevens Anchorage International Airport;
Mr. Kevin Dillon, A.A.E., President & C.E.O., Rhode Island Airport Corp., T.F. Green State;
Ms. Krys Bart, A.A.E., President & C.E.O., Reno-Tahoe Airport Authority, Reno-Tahoe Int'l Airport;
Mrs. Bonnie Allin, A.A.E., President/C.E.O., Tucson Airport Authority.
Mr. Mark Brewer, A.A.E., Airport Director, Manchester–Boston Regional Airport;
Mr. Jon Mathiasen, A.A.E., President & C.E.O., Capital Region Airport Commission, Richmond International Airport;
Ms. Monica Lombraña, A.A.E., Director of Aviation, El Paso International Airport;
Mr. Jeffrey Mulder, A.A.E., Airport Director, Tulsa Airport Authority, Tulsa International Airport;
Ms. Susan Stevens, AAE, Director of Airports, Charleston County Aviation Authority;
Mr. Mark Earle, C.M., Aviation Director, Colorado Springs Airport;
Mr. James Koslosky, A.A.E., Executive Director, Gerald R. Ford International Airport.
Mr. George Speake, Jr., C.M., VP of Operations & Maintenance, Orlando Sanford International Airport;
Mr. Timothy Edwards, A.A.E., Executive Director, Susquehanna Area Reg. Airport Auth., Harrisburg International Airport;
Mr. Victor White, A.A.E., Wichita Airport Authority, Wichita Mid-Continent Airport;
Mr. Brian Searles, Director of Aviation, Burlington International Airport;
Mr. Richard McQueen, Airport Director, Akron-Canton Regional Airport;
Mr. Richard Tucker, Executive Director, Huntsville International Airport;
Mr. James Loomis, A.A.E., Director of Aviation, Lubbock Preston Smith Int'l Airport.
Ms. Kelly Johnson, A.A.E., Airport Director, N.W. Arkansas Regional Airport Auth;
Mr. Eric Frankl, A.A.E., Executive Director, Lexington Blue Grass Airport;
Mr. Dan Mann, A.A.E., Airport Director, The Eastern Iowa Airport;
Mr. Anthony Marino, Director of Aviation, Baton Rouge Metropolitan Airport;
Mr. Bruce Carter, A.A.E., Director of Aviation, Quad City Int'l Airport;
Mr. Gary Cyr, A.A.E., Director of Aviation, Springfield/Branson National Airport;
Mr. Thomas Binford, A.A.E., Director of Aviation & Transit, Billings Logan Int'l Airport.
Mr. Philip Brown, C.M., Director of Aviation, McAllen Int'l Airport/City of McAllen;
Mr. John Schalliol, A.A.E., Executive Director, St. Joseph County Airport Authority, South Bend Regional Airport;
Mr. Jon Rosborough, Airport Director, Wilmington International Airport;
Mr. Timothy Doll, A.A.E., Airport Director, Eugene Airport;
Mr. Torrance Richardson, A.A.E., Executive Director of Airports, Fort Wayne International Airport;
Mr. Lew Bleiweis, A.A.E., Deputy Airport Director, Asheville Regional Airport Authority;
Mr. Thomas Braaten, Airport Director, Coastal Carolina Regional Airport.
Mr. Joseph Brauer, Airport Director, Rhinelander/Oneida County Airport;
Mr. Robert Bryant, A.A.E., Airport Director, Salisbury-Ocean City Wicomico Regional Airport, Wicomico Regional Airport;
Mr. Barry Centini, Airport Director, Wilkes-Barre/Scranton Int'l Airport;
Mr. Patrick Dame, Executive Director, Grand Forks International Airport;
Mr. David Damelio, Director of Aviation, Greater Rochester International Airport;
Mr. Rod Dinger, A.A.E., Airport Manager, Redding Municipal Airport;
Mr. Shawn Dobberstein, A.A.E., Executive Director, Hector International Airport.
Mr. John Duval, A.A.E., ACE, Director of Operations, Planning and Development, Beverly Municipal Airport;
Ms. Jennifer Eckman, A.A.E., Finance and Administration Manager, Rapid City Regional Airport;
Mr. Luis Elguezabal, A.A.E., Airport Director, San Angelo Regional Airport;
Mr. Jim Elwood, A.A.E., Airport Director, Aspen/Pitkin County Airport;
Mr. Jose Flores, Airport Manager, Laredo International Airport;
Mr. David Gordon, A.A.E., Airport Director, Fort Collins Loveland Municipal Airport.
Mr. Thomas Greer, A.A.E., General Manager, Monterey Peninsula Airport District;
Mr. Rick Griffith, A.A.E., Airport Manager, Bert Mooney Airport Authority;
Mr. Thomas Hart, Executive Director, Williamsport Regional Airport;
Mr. Gregory Haug, Airport Manager, Bismarck Airport;
Mr. Glenn Januska, A.A.E., Airport Manager, Casper/Natrona County Int'l Airport.
Mr. Cris Jensen, A.A.E., Airport Director, Missoula County Airport Authority, Missoula International Airport;
Mr. Gary Johnson, C.M., Airport Director, Stillwater Regional Airport;
Mr. Stephen Luebbert, Airport Director, Texarkana Regional Airport-Webb Field;
Mrs. Cindi Martin, C.M., Airport Director, Glacier Park International Airport;
Mr. Derek Martin, A.A.E., Airport Director, Klamath Falls Airport;
Mr. Ronald Mercer, Airport Director, Helena Regional Airport;
Mr. Clifton Moshoginis, Airport Director, Kalamazoo Battle Creek Int'l Airport;
Mr. Lenard Nelson, A.A.E., Aviation Director, Idaho Falls Regional Airport;
Mr. Robert Nicholas, A.A.E., Airport Manager, Ithaca Tompkins Regional Airport.
Mr. Robb Parish, Airport Manager, Pullman-Moscow Regional;
Mr. Timothy Reid, C.M., Assistant Airport Manager, Cheyenne Regional Airport;
Mr. Richard Roof, Airport Manager/Security Coord., Barkley Regional Airport Authority;
Mr. David Ruppel, C.M., Airport Manager, Yampa Valley Regional Airport;
Mr. Darwin Skelton, Airport Director, Western Nebraska Regional Airport;
Mr. Jack Skinner, Airport Manager, Laramie Regional Airport;
Mr. John Sutton, Director of Aviation, Killeen-Fort Hood Regional Airport;
Mr. Robin Turner, A.A.E., Airport Manager, Lewiston-Nez Perce County Reg. Airport;
Mr. Bradley Whited, A.A.E., Airport Director, Fayetteville Regional Airport.

Mr. REICHERT. Mr. ChaIr, as of February 28, 2009 all port workers must have a Transportation worker Identification Credential, TWIC, to be granted port access. However, many longshoremen have not yet received a TWIC due to large backlogs at TSA.

This backlog is causing undue hardship on longshoremen and their families—many are being prevented from doing their jobs and earning a living. In order to get by, many are depleting their savings to support their families. This problem also unduly disrupts the operations of the ports and the flow of commerce.

Today we will consider important legislation to reauthorize the Transportation Security Administration, TSA, and enhance our surface and aviation transportation security.

I commend the committee for including language in the bill which clarifies that those who perform work in secure areas of our ports be allowed escorted access to such areas while their application for a TWIC is pending.

There is a real need to ensure the safety and security of our ports, however, we must balance this with our need to ensure workers, who pose no threat to the U.S., are able to do their job and earn an honest living.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2200

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Security Administration Authorization Act''.

(b) TABLE OF CONTENTS.—

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means Assistant Secretary of Homeland Security (Transportation Security Administration).

(2) ADMINISTRATION.—The term ''Administration'' means the Transportation Security Administration.

(3) AVIATION SECURITY ADVISORY COMMITTEE.—The term ''Aviation Security Advisory Committee'' means the advisory committee established by section 44946 of title 49, United States Code, as added by this Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. AUTHORITIES VESTED IN ASSISTANT SECRETARY.

Any authority vested in the Assistant Secretary under this Act shall be carried out under the direction and control of the Secretary.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $7,604,561,000 for fiscal year 2010 and $8,060,835,000 for fiscal year 2011 for the necessary expenses of the Transportation Security Administration for such fiscal years.

SEC. 102. RISK-BASED SYSTEM FOR ALLOCATION OF RESOURCES.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall submit to the appropriate congressional committees, including the Committee on Homeland Security of the House of Representatives, a report on the status of its implementation of recommendations from the Comptroller General with respect to the use by the Transportation Security Administration of a risk-based system for allocating security resources effectively.

(b) ASSESSMENTS.—The report shall include assessments of the Transportation Security Administration's progress in—

(1) adopting security goals that define specific outcomes, conditions, end points, and performance targets;

(2) conducting comprehensive risk assessments for the transportation sector that meet the criteria established under Homeland Security Presidential Directive-7 in effect as of January 1, 2009, and combine individual assessments of threat, vulnerability, and consequence;

(3) analyzing the assessments described in paragraph (2) to produce a comparative analysis of risk across the entire transportation sector to guide current and future investment decisions;

(4) establishing an approach for gathering data on investments by State, local, and private sector security partners in transportation security;

(5) establishing a plan and corresponding benchmarks for conducting risk assessments for the transportation sector that identify the scope of the assessments and resource requirements for completing them;

(6) working with the Department of Homeland Security to effectuate the Administration's risk management approach by establishing a plan and timeframe for assessing the appropriateness of the Administration's intelligence-driven risk management approach for managing risk at the Administration and documenting the results of the assessment once completed;

(7) determining the best approach for assigning uncertainty or confidence levels to analytic intelligence products related to the Transportation Security Administration's security mission and applying such approach; and

(8) establishing internal controls, including—

(A) a focal point and clearly defined roles and responsibilities for ensuring that the Administration's risk management framework is implemented;

(B) policies, procedures, and guidance that require the implementation of the Administration's framework and completion of related work activities; and

(C) a system to monitor and improve how effectively the framework is being implemented.

(c) ASSESSMENT AND PRIORITIZATION OF RISKS.—

(1) IN GENERAL.—Consistent with the risk and threat assessments required under sections 114(s)(3)(B) and 44904(c) of title 49, United States Code, the report shall include—

(A) a summary that ranks the risks within and across transportation modes, including vulnerability of a cyber attack; and

(B) a description of the risk-based priorities for securing the transportation sector, both within and across modes, in the order that the priorities should be addressed.

(2) METHODS.—The report also shall—

(A) describe the underlying methodologies used to assess risks across and within each transportation mode and the basis for any assumptions regarding threats, vulnerabilities,

and consequences made in assessing and prioritizing risks within and across such modes; and

(B) include the Assistant Secretary's working definition of the terms ''risk-based'' and ''risk-informed''.

(d) FORMAT.—The report shall be submitted in classified or unclassified formats, as appropriate.

SEC. 103. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.

(a) REQUIREMENTS FOR PRIME CONTRACTS.—The Assistant Secretary shall include in each contract, valued at $300,000,000 or more, awarded for procurement of goods or services acquired for the Transportation Security Administration—

(1) a requirement that the contractor shall implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions of higher education receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.), and Alaska Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), including the terms of such plan; and

(2) a requirement that the contractor shall submit to the Assistant Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with such plan, including specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in subsection (a)(1).

(b) UTILIZATION OF ALLIANCES.—The Assistant Secretary shall seek to facilitate award of contracts by the Administration to alliances of small business concerns, institutions, and corporations referred to in subsection (a)(1).

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by October 31 each year a report on the award of contracts to small business concerns, institutions, and corporations referred to in subsection (a)(1) during the preceding fiscal year.

(2) CONTENTS.—The Assistant Secretary shall include in each report—

(A) specification of the value of such contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the United States in such fiscal year;

(B) specification of the total dollar value of such contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (a)(1); and

(C) if the percentage specified under subparagraph (A) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

TITLE II—AVIATION SECURITY

Subtitle A—Amendments to Chapter 449

SEC. 201. SCREENING AIR CARGO AND CHECKED BAGGAGE.

(a) INBOUND AIR CARGO ON PASSENGER AIRCRAFT.—Section 44901(g) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) INBOUND AIR CARGO ON PASSENGER AIRCRAFT.—Not later than 2 years after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall establish a system to verify that all cargo transported on passenger aircraft operated by an air carrier or foreign air carrier inbound to the United States be screened for explosives. The system shall include a risk assessment for inbound air cargo on passenger and all air cargo airplanes, and the Assistant Secretary shall use this assessment to address vulnerabilities in cargo screening. The Assistant Secretary shall identify redundancies in inbound cargo inspection on passenger aircraft by agencies and address these to ensure that all cargo is screened without subjecting carriers to multiple inspections by different agencies.''.

(b) MANDATORY SCREENING WHERE EDS IS NOT YET AVAILABLE.—Section 44901(e)(1) of title 49, United States Code, is amended to read as follows:

''(1) A bag match program, ensuring that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft, is not authorized as an alternate method of baggage screening where explosive detection equipment is available unless there are exigent circumstances as determined by the Assistant Secretary. The Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives within 90 days of the determination that bag match must be used as an alternate method of baggage screening.''.

SEC. 202. PROHIBITION OF ADVANCE NOTICE OF COVERT TESTING TO SECURITY SCREENERS.

(a) COVERT TESTING.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating the second subsection (i) (as redesignated by section 111(a)(1) of Public Law 107–71 (115 Stat. 616), relating to accessibility of computer-based training facilities) as subsection (k); and

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

''(l) PROHIBITION OF ADVANCE NOTICE TO SECURITY SCREENERS OF COVERT TESTING AND EVALUATION.—

''(1) IN GENERAL.—The Assistant Secretary shall ensure that information concerning a covert test of a transportation security system to be conducted by a covert testing office, the Inspector General of the Department of Homeland Security, or the Government Accountability Office is not provided to any individual prior to the completion of the test.

''(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

''(A) an authorized individual involved in a covert test of a transportation security system may provide information concerning the covert test to—

''(i) employees, officers, and contractors of the Federal Government (including military personnel);

''(ii) employees and officers of State and local governments; and

''(iii) law enforcement officials who are authorized to receive or directed to be provided such information by the Assistant Secretary, the Inspector General of the Department of Homeland Security, or the Comptroller General, as the case may be; and

''(B) for the purpose of ensuring the security of any individual in the vicinity of a site where a covert test of a transportation security system is being conducted, an individual conducting the test may disclose his or her status as an individual conducting the test to any appropriate individual if a security screener or other individual who is not a covered employee identifies the individual conducting the test as a potential threat.

''(3) SPECIAL RULES FOR TSA.—

''(A) MONITORING AND SECURITY OF TESTING PERSONNEL.—The head of each covert testing office shall ensure that a person or group of persons conducting a covert test of a transportation security system for the covert testing office is accompanied at the site of the test by a cover team composed of one or more employees of the covert testing office for the purpose of monitoring the test and confirming the identity of personnel involved in the test under subparagraph (B).

''(B) RESPONSIBILITY OF COVER TEAM.—Under this paragraph, a cover team for a covert test of a transportation security system shall—

''(i) monitor the test; and

''(ii) for the purpose of ensuring the security of any individual in the vicinity of a site where the test is being conducted, confirm, notwithstanding paragraph (1), the identity of any individual conducting the test to any appropriate individual if a security screener or other individual who is not a covered employee identifies the individual conducting the test as a potential threat.

''(C) AVIATION SCREENING.—Notwithstanding subparagraph (A), the Transportation Security Administration is not required to have a cover team present during a test of the screening of persons, carry-on items, or checked baggage at an aviation security checkpoint at or serving an airport if the test—

''(i) is approved, in coordination with the designated security official for the airport operator by the Federal Security Director for such airport; and

''(ii) is carried out under an aviation screening assessment program of the Department of Homeland Security.

''(D) USE OF OTHER PERSONNEL.—The Transportation Security Administration may use employees, officers, and contractors of the Federal Government (including military personnel) and employees and officers of State and local governments to conduct covert tests.

''(4) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) APPROPRIATE INDIVIDUAL.—The term 'appropriate individual', as used with respect to a covert test of a transportation security system, means any individual that—

''(i) the individual conducting the test determines needs to know his or her status as an individual conducting a test under paragraph (2)(B); or

''(ii) the cover team monitoring the test under paragraph (3)(B)(i) determines needs to know the identity of an individual conducting the test.

''(B) COVERED EMPLOYEE.—The term 'covered employee' means any individual who receives notice of a covert test before the completion of a test under paragraph (2)(A).

''(C) COVERT TEST.—

''(i) IN GENERAL.—The term 'covert test' means an exercise or activity conducted by a covert testing office, the Inspector General of the Department of Homeland Security, or the Government Accountability Office to intentionally test, compromise, or circumvent transportation security systems to identify vulnerabilities in such systems.

''(ii) LIMITATION.—Notwithstanding clause (i), the term 'covert test' does not mean an exercise or activity by an employee or contractor of the Transportation Security Administration to test or assess compliance with relevant regulations.

''(D) COVERT TESTING OFFICE.—The term 'covert testing office' means any office of the Transportation Security Administration designated by the Assistant Secretary to conduct covert tests of transportation security systems.

''(E) EMPLOYEE OF A COVERT TESTING OFFICE.—The term 'employee of a covert testing office' means an individual who is an employee of a covert testing office or a contractor or an employee of a contractor of a covert testing office.''.

(b) UNIFORMS.—Section 44935(j) of such title is amended—

(1) by striking ''The Under Secretary'' and inserting the following:

''(1) UNIFORM REQUIREMENT.—The Assistant Secretary''; and

(2) by adding at the end the following:

''(2) ALLOWANCE.—The Assistant Secretary may grant a uniform allowance of not less than $300 to any individual who screens passengers and property pursuant to section 44901.''.

SEC. 203. SECURE VERIFICATION SYSTEM FOR LAW ENFORCEMENT OFFICERS.

Section 44917 of title 49, United States Code, is amended by adding at the end the following:

''(e) SECURE VERIFICATION SYSTEM FOR LAW ENFORCEMENT OFFICERS.—

''(1) IN GENERAL.—The Assistant Secretary shall develop a plan for a system to securely verify the identity and status of law enforcement officers flying while armed. The Assistant Secretary shall ensure that the system developed includes a biometric component.

''(2) DEMONSTRATION.—The Assistant Secretary shall conduct a demonstration program to test the secure verification system described in paragraph (1) before issuing regulations for deployment of the system.

''(3) CONSULTATION.—The Assistant Secretary shall consult with the Aviation Security Advisory Committee, established under section 44946 of title 49, United States Code, when developing the system and evaluating the demonstration program.

''(4) REPORT.—The Assistant Secretary shall submit a report to the Committee on Homeland Security of the House of Representatives, evaluating the demonstration program of the secure verification system required by this section.

''(5) AUTHORIZATION OF APPROPRIATIONS.—From the amounts authorized under section 101 of the Transportation Security Administration Authorization Act, there is authorized to be appropriated to carry out this subsection $10,000,000, to remain available until expended.''.

SEC. 204. OMBUDSMAN FOR FEDERAL AIR MARSHAL SERVICE.

Section 44917 of title 49, United States Code, as amended by section 203 of this Act, is further amended by adding at the end the following:

''(f) OMBUDSMAN.—

''(1) ESTABLISHMENT.—The Assistant Secretary shall establish in the Federal Air Marshal Service an Office of the Ombudsman.

''(2) APPOINTMENT.—The head of the Office shall be the Ombudsman, who shall be appointed by the Assistant Secretary.

''(3) DUTIES.—The Ombudsman shall carry out programs and activities to improve morale, training, and quality of life issues in the Service, including through implementation of the recommendations of the Inspector General of the Department of Homeland Security and the Comptroller General.''.

SEC. 205. FEDERAL FLIGHT DECK OFFICER PROGRAM ENHANCEMENTS.

(a) ESTABLISHMENT.—Section 44921(a) of title 49, United States Code, is amended by striking the following: ''The Under Secretary of Transportation for Security'' and inserting ''The Secretary of Homeland Security, acting through the Assistant Secretary of Transportation Security''.

(b) ADMINISTRATORS.—Section 44921(b) of title 49, United States Code, is amended—

(1) by striking ''Under'' in paragraphs (1), (2), (4), (6), and (7); and

(2) by adding at the end the following:

''(8) ADMINISTRATORS.—The Assistant Secretary shall implement an appropriately sized administrative structure to manage the program, including overseeing—

''(A) eligibility and requirement protocols administration; and

''(B) communication with Federal flight deck officers.''.

(c) TRAINING, SUPERVISION, AND EQUIPMENT.—Section 44921(c)(2)(C) of such title is amended by adding at the end the following:

''(iv) USE OF FEDERAL AIR MARSHAL SERVICE FIELD OFFICE FACILITIES.—In addition to dedicated Government and contract training facilities, the Assistant Secretary shall require that field office facilities of the Federal Air Marshal Service be used for the administrative and training needs of the program. Such facilities shall be available to Federal flight deck officers at no cost for firearms training and qualification, defensive tactics training, and program administrative assistance.''.

(d) REIMBURSEMENT.—Section 44921 of such title is amended by adding at the end the following:

''(l) REIMBURSEMENT.—The Secretary, acting through the Assistant Secretary, shall reimburse all Federal flight deck officers for expenses incurred to complete a recurrent and requalifying training requirement necessary to continue to serve as a Federal flight deck officer. Eligible expenses under this subsection include ground transportation, lodging, meals, and ammunition, to complete any required training as determined by the Assistant Secretary.''.

SEC. 206. FOREIGN REPAIR STATIONS.

Section 44924(f) of title 49, United States Code, is amended to read as follows:

''(f) REGULATIONS.—The Assistant Secretary shall issue regulations establishing security standards for foreign repair stations performing maintenance for aircraft used to provide air transportation and shall ensure that comparable standards apply to maintenance work performed by employees of repair stations certified under part 121 of title 14, Code of Federal Regulations, and maintenance work performed by employees of repair stations certified under part 145 of such title.''.

SEC. 207. ASSISTANT SECRETARY DEFINED.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting before section 44933 the following:

''§ 44931. Assistant Secretary defined

''(a) IN GENERAL.—In this chapter—

''(1) the term 'Assistant Secretary' means the Assistant Secretary of Homeland Security (Transportation Security Administration); and

''(2) any reference to the Administrator of the Transportation Security Administration, the Under Secretary of Transportation for Security, the Under Secretary of Transportation for Transportation Security, or the Under Secretary for Transportation Security shall be deemed to be a reference to the Assistant Secretary.

''(b) AUTHORITIES VESTED IN ASSISTANT SECRETARY.—Any authority vested in the Assistant Secretary under this chapter shall be carried out under the direction and control of the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by inserting before the item relating to section 44933 the following:

''44931. Assistant Secretary defined.''.

SEC. 208. TSA AND HOMELAND SECURITY INFORMATION SHARING.

(a) FEDERAL SECURITY DIRECTOR.—Section 44933 of title 49, United States Code, is amended—

(1) in the section heading, by striking ''***Managers***'' and inserting ''***Directors***'';

(2) by striking ''Manager'' each place it appears and inserting ''Director'';

(3) by striking ''Managers'' each place it appears and inserting ''Directors''; and

(4) by adding at the end the following:

''(c) INFORMATION SHARING.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall—

''(1) require an airport security plan to have clear reporting procedures to provide that the Federal Security Director of the airport is immediately notified whenever any Federal, State, or local law enforcement personnel are called to an aircraft at a gate or on an airfield at the airport to respond to any security matter;

''(2) require each Federal Security Director of an airport to meet at least quarterly with law enforcement agencies serving the airport to discuss incident management protocols; and

''(3) require each Federal Security Director at an airport to inform, consult, and coordinate, as appropriate, with the airport operator in a timely manner on security matters impacting airport operations and to establish and maintain operational protocols with airport operators to ensure coordinated responses to security matters.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 114(f)(6) of title 49, United States Code, is amended by striking ''Managers'' and inserting ''Directors''.

(2) Section 44940(a)(1)(F) of title 49, United States Code, is amended by striking ''Managers'' and inserting ''Directors''.

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 449 is amended by striking the item relating to section 44933 and inserting the following:

''44933. Federal Security Directors.''.

SEC. 209. AVIATION SECURITY STAKEHOLDER PARTICIPATION.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44946. Aviation Security Advisory Committee

''(a) ESTABLISHMENT OF AVIATION SECURITY ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Assistant Secretary shall establish in the Transportation Security Administration an advisory committee, to be known as the Aviation Security Advisory Committee (in this chapter referred to as the 'Advisory Committee'), to assist the Assistant Secretary with issues pertaining to aviation security, including credentialing.

''(2) RECOMMENDATIONS.—The Assistant Secretary shall require the Advisory Committee to develop recommendations for improvements to civil aviation security methods, equipment, and processes.

''(3) MEETINGS.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

''(4) UNPAID POSITION.—Advisory Committee members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

''(b) MEMBERSHIP.—

''(1) MEMBER ORGANIZATIONS.—The Assistant Secretary shall ensure that the Advisory Committee is composed of not more than one individual representing not more than 27 member organizations, including representation of air carriers, all cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, aircraft manufacturers, airport operators, general aviation, and the aviation technology security industry, including biometrics.

''(2) APPOINTMENTS.—Members shall be appointed by the Assistant Secretary, and the Assistant Secretary shall have the discretion to review the participation of any Advisory Committee member and remove for cause at any time.

''(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee under this section.

''(d) AIR CARGO SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an air cargo security working group to provide recommendations for air cargo security issues, including the implementation of the air cargo screening initiatives proposed by the Transportation Security Administration to screen air cargo on passenger aircraft in accordance with established cargo screening mandates.

''(2) MEETINGS.—The working group shall meet at least semiannually and provide annual reports to the Assistant Secretary with recommendations to improve the Administration's cargo screening initiatives established to meet all cargo screening mandates set forth in section 44901(g) of title 49, United States Code.

''(3) MEMBERSHIP.—The working group shall include members from the Advisory Committee with expertise in air cargo operations and representatives from other stakeholders as determined by the Assistant Secretary.

''(4) REPORTS.—

''(A) IN GENERAL.—The working group shall prepare and submit reports to the Assistant Secretary in accordance with this paragraph that provide cargo screening mandate implementation recommendations.

''(B) SUBMISSION.—Not later than one year after the date of enactment of this section and on an annual basis thereafter, the working group shall submit its first report to the Assistant Secretary, including any recommendations of the group—

''(i) to reduce redundancies and increase efficiencies with the screening and inspection of inbound cargo; and

''(ii) on the potential development of a fee structure to help sustain cargo screening efforts.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''44946. Aviation Security Advisory Committee.''.

SEC. 210. GENERAL AVIATION SECURITY.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, as amended by section 209 of this Act, is further amended by adding at the end the following:

''§ 44947. General aviation security

''(a) GENERAL AVIATION SECURITY GRANT PROGRAM.—

''(1) IN GENERAL.—The Assistant Secretary shall carry out a general aviation security grant program to enhance transportation security at general aviation airports by making grants to operators of general aviation airports for projects to enhance perimeter security, airfield security, and terminal security.

''(2) ELIGIBLE PROJECTS.—Not later than one year after the date of submission of the first report of the working group under subsection (b), the Assistant Secretary shall develop and make publically available a list of approved eligible projects for such grants under paragraph (1) based upon recommendations made by the working group in such report.

''(3) FEDERAL SHARE.—The Federal share of the cost of activities for which grants are made under this subsection shall be 90 percent.

''(b) GENERAL AVIATION SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish, within the Aviation Security Advisory Committee established under section 44946, a general aviation working group to advise the Transportation Security Administration regarding transportation security issues for general aviation facilities general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

''(2) MEETINGS.—The working group shall meet at least semiannually and may convene additional meetings as necessary.

''(3) MEMBERSHIP.—The Assistant Secretary shall appoint members from the Aviation Security Advisory Committee with general aviation experience.

''(4) REPORTS.—

''(A) SUBMISSION.—The working group shall submit a report to the Assistant Secretary with recommendations on ways to improve security at general aviation airports.

''(B) CONTENTS OF REPORT.—The report of the working group submitted to the Assistant Secretary under this paragraph shall include any recommendations of the working group for eligible security enhancement projects at general aviation airports to be funded by grants under subsection (a).

''(C) SUBSEQUENT REPORTS.—After submitting the report, the working group shall continue to report to the Assistant Secretary on general aviation aircraft and airports.

''(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 101 of the Transportation Security Administration Authorization Act, there is authorized to be appropriated for making grants under subsection (a) $10,000,000 for each of fiscal years 2010 and 2011.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is further amended by adding at the end the following:

''44947. General aviation security.''.

SEC. 211. SECURITY AND SELF-DEFENSE TRAINING.

(a) Section 44918(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) SELF-DEFENSE TRAINING PROGRAM.—Not later than 1 year after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall provide advanced self-defense training of not less than 5 hours during each 2-year period for all cabin crewmembers. The Assistant Secretary shall consult with the Advisory Committee, established under section 44946. and cabin crew and air carrier representatives in developing a plan for providing self-defense training in conjunction with existing recurrent training.'';

(2) by striking paragraph (3) and inserting the following:

''(3) PARTICIPATION.—A crewmember shall not be required to engage in any physical contact during the training program under this subsection.''; and

(3) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively.

(b) SECURITY TRAINING.—Section 44918(a)(6) of title 49, United States Code, is amended by adding at the end the following: ''The Assistant Secretary shall establish an oversight program for security training of cabin crewmembers that includes developing performance measures and strategic goals for air carriers, and standard protocols for Transportation Security Administration oversight inspectors, in accordance with recommendations by the Inspector General of the Department of Homeland Security and the Comptroller General.''.

SEC. 212. SECURITY SCREENING OF INDIVIDUALS WITH METAL IMPLANTS TRAVELING IN AIR TRANSPORTATION.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(m) SECURITY SCREENING OF INDIVIDUALS WITH METAL IMPLANTS.—

''(1) IN GENERAL.—The Assistant Secretary shall ensure fair treatment in the screening of individuals with metal implants traveling in air transportation.

''(2) PLAN.—The Assistant Secretary shall submit a plan to the Committee on Homeland Security of the House of Representatives for improving security screening procedures for individuals with metal implants to limit disruptions in the screening process while maintaining security. The plan shall include benchmarks for implementing changes to the screening process and analysis of approaches to limit such disruptions for individuals with metal implants including participation in the Registered Traveler program, as established pursuant to section 109(a)(3) of the Aviation Transportation Security Act (115 Stat. 597), and the development of a new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of an individual who has a metal implant.

''(3) METAL IMPLANT DEFINED.—In this subsection, the term 'metal implant' means a metal device or object that has been surgically implanted or otherwise placed in the body of an individual, including any metal device used in a hip or knee replacement, metal plate, metal screw, metal rod inside a bone, and other metal orthopedic implants.''.

(b) EFFECTIVE DATE.—Not later than 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary of Homeland Security shall submit the plan for security screening procedures for individuals with metal implants, as required by section 44903(m) of title 49, United States Code.

SEC. 213. PROHIBITION ON OUTSOURCING.

Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

''(v) OUTSOURCING PROHIBITED.—Upon implementation of the advanced passenger prescreening system required by this section, the Assistant Secretary shall prohibit any non-governmental entity from administering the function of comparing passenger information to the automatic selectee and no fly lists, consolidated and integrated terrorist watchlists, or any list or database derived from such watchlists for activities related to aviation security. The Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate when any non-governmental entity is authorized access to the watchlists described in this clause.''.

Subtitle B—Other Matters

SEC. 221. SECURITY RISK ASSESSMENT OF AIRPORT PERIMETER ACCESS CONTROLS.

(a) IN GENERAL.—The Assistant Secretary shall develop a strategic risk-based plan to improve transportation security at airports that includes best practices to make airport perimeter access controls more secure at all commercial service and general aviation airports.

(b) CONTENTS.—The plan shall—

(1) incorporate best practices for enhanced perimeter access controls;

(2) evaluate and incorporate major findings of all relevant pilot programs of the Transportation Security Administration;

(3) address recommendations of the Comptroller General on perimeter access controls;

(4) include a requirement that airports update their security plans to incorporate the best practices, as appropriate, based on risk and adapt the best practices to meet the needs specific to their facilities; and

(5) include an assessment of the role of new and emerging technologies, including unmanned and autonomous perimeter security technologies, that could be utilized at both commercial and general aviation facilities.

SEC. 222. ADVANCED PASSENGER PRESCREENING SYSTEM.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) describes the progress made by the Department of Homeland Security in implementing the advanced passenger prescreening system;

(2) compares the total number of misidentified passengers who must undergo secondary screening or have been prevented from boarding a plane during the 3-month period beginning 90 days before the date of enactment of the Transportation Security Administration Authorization Act with the 3-month period beginning 90 days after such date; and

(3) includes any other relevant recommendations that the Inspector General of the Department of Homeland Security or the Comptroller General determines appropriate.

(b) SUBSEQUENT REPORTS.—The Comptroller General shall submit subsequent reports on the implementation to such Committees every 90 days thereafter until the implementation is complete.

SEC. 223. BIOMETRIC IDENTIFIER AIRPORT ACCESS ENHANCEMENT DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Assistant Secretary shall carry out a demonstration program under which biometric identifier access systems for individuals with unescorted access to secure or sterile areas of an airport, including airport employees and flight crews, are evaluated for the purposes of enhancing transportation security at airports and to determine how airports can implement uniform biometric identifier and interoperable security systems.

(b) AIRPORTS PARTICIPATING IN PROGRAM.—The Assistant Secretary shall select at least 7 airports, including at least 2 large airports, to participate in the demonstration program.

(c) INITIATION AND DURATION OF PROGRAM.—

(1) DEADLINE FOR INITIATION.—The Assistant Secretary shall conduct the demonstration program not later than one year after the date of enactment of this Act.

(2) DURATION.—The program shall have a duration of not less than 180 days and not more than one year.

(d) REQUIRED ELEMENTS.—In conducting the demonstration program, the Assistant Secretary shall—

(1) assess best operational, administrative, and management practices in creating uniform, standards-based, and interoperable biometric identifier systems for all individuals with access to secure or sterile areas of commercial service airports; and

(2) conduct a risk-based analysis of the selected airports and other airports, as the Assistant Secretary determines appropriate, to identify where the implementation of biometric identifier systems could benefit security.

(e) CONSIDERATIONS.—In conducting the demonstration program, the Assistant Secretary shall consider, at a minimum, the following:

(1) PARALLEL SYSTEMS.—Existing parallel biometric transportation security systems applicable to workers with unescorted access to transportation systems, including—

(A) transportation worker identification credentials issued under section 70105 of title 46, United States Code;

(B) armed law enforcement travel credentials issued under section 44903(h)(6) of title 49, United States Code; and

(C) other credential and biometric identifier systems used by the Federal Government, as the Assistant Secretary considers appropriate.

(2) EFFORTS BY TRANSPORTATION SECURITY ADMINISTRATION.—Any biometric identifier system or proposals developed by the Assistant Secretary.

(3) INFRASTRUCTURE AND TECHNICAL REQUIREMENTS.—The architecture, modules, interfaces, and transmission of data needed for airport security operations.

(4) EXISTING AIRPORT SYSTEMS.—Credentialing and access control systems in use in secure and sterile areas of airports.

(5) ASSOCIATED COSTS.—The costs of implementing uniform, standards-based, and interoperable biometric identifier systems at airports, including—

(A) the costs to airport operators, airport workers, air carriers, and other aviation industry stakeholders; and

(B) the costs associated with ongoing operations and maintenance and modifications and enhancements needed to support changes in physical and electronic infrastructure.

(6) INFORMATION FROM OTHER SOURCES.—Recommendations, guidance, and information from other sources, including the Inspector General of the Department of Homeland Security, the Comptroller General, the heads of other governmental entities, organizations representing airport workers, and private individuals and organizations.

(f) IDENTIFICATION OF BEST PRACTICES.—In conducting the demonstration program, the Assistant Secretary shall identify best practices for the administration of biometric identifier access at airports, including best practices for each of the following processes:

(1) Registration, vetting, and enrollment.

(2) Issuance.

(3) Verification and use.

(4) Expiration and revocation.

(5) Development of a cost structure for acquisition of biometric identifier credentials.

(6) Development of redress processes for workers.

(g) CONSULTATION.—In conducting the demonstration program, the Assistant Secretary shall consult with the Aviation Security Advisory Committee regarding how airports may transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers and others with unescorted access to secure or sterile areas of an airport.

(h) EVALUATION.—The Assistant Secretary shall conduct an evaluation of the demonstration program to specifically assess best operational, administrative, and management practices in creating a standard, interoperable, biometric identifier access system for all individuals with access to secure or sterile areas of commercial service airports.

(i) REPORT TO CONGRESS.—Not later than 180 days after the last day of that demonstration program ends, the Assistant Secretary shall submit to the appropriate congressional committees, including the Committee on Homeland Security of the House of Representatives, a report on the results of the demonstration program. The report shall include possible incentives for airports that voluntarily seek to implement uniform, standards-based, and interoperable biometric identifier systems.

(j) BIOMETRIC IDENTIFIER SYSTEM DEFINED.—In this section, the term ''biometric identifier system'' means a system that uses biometric identifier information to match individuals and confirm identity for transportation security and other purposes.

(k) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 101, there is authorized to be appropriated a total of $20,000,000 to carry out this section for fiscal years 2010 and 2011.

SEC. 224. TRANSPORTATION SECURITY TRAINING PROGRAMS.

Not later than one year after the date of enactment of this Act, the Assistant Secretary shall establish recurring training of transportation security officers regarding updates to screening procedures and technologies in response to weaknesses identified in covert tests at airports. The training shall include—

(1) internal controls for monitoring and documenting compliance of transportation security officers with training requirements;

(2) the availability of high-speed Internet and Intranet connectivity to all airport training facilities of the Administration; and

(3) such other matters as identified by the Assistant Secretary with regard to training.

SEC. 225. DEPLOYMENT OF TECHNOLOGY APPROVED BY SCIENCE AND TECHNOLOGY DIRECTORATE.

(a) IN GENERAL.—The Assistant Secretary, in consultation with the Directorate of Science and Technology of the Department of Homeland Security, shall develop and submit to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, a strategic plan for the certification and integration of technologies for transportation security with high approval or testing results from the Directorate and the Transportation Security Laboratory of the Department.

(b) CONTENTS OF STRATEGIC PLAN.—The strategic plan developed under subsection (a) shall include—

(1) a cost-benefit analysis to assist in prioritizing investments in new checkpoint screening technologies that compare the costs and benefits of screening technologies being considered for development or acquisition with the costs and benefits of other viable alternatives;

(2) quantifiable performance measures to assess the extent to which investments in research, development, and deployment of checkpoint screening technologies achieve performance goals for enhancing security at airport passenger checkpoints; and

(3) a method to ensure that operational tests and evaluations have been successfully completed in an operational environment before deploying checkpoint screening technologies to airport checkpoints.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Assistant Secretary shall submit to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, an annual report on the status of all technologies that have undergone testing and evaluation, including technologies that have been certified by the Department, and any technologies used in a demonstration program administered by the Administration. The report shall also specify whether the technology was submitted by an academic institution, including an institution of higher education eligible to receive assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq. and 1101 et seq.)

(2) FIRST REPORT.—The first report submitted under this subsection shall assess such technologies for a period of not less than 2 years.

SEC. 226. IN-LINE BAGGAGE SCREENING STUDY.

The Assistant Secretary shall consult with the Advisory Committee and report to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, on deploying optimal baggage screening solutions and replacing baggage screening equipment nearing the end of its life cycle at commercial service airports. Specifically, the report shall address the Administration's plans, estimated costs, and current benchmarks for replacing explosive detection equipment that is nearing the end of its life cycle.

SEC. 227. IN-LINE CHECKED BAGGAGE SCREENING SYSTEMS.

(a) FINDINGS.—Congress finds the following:

(1) Since its inception, the Administration has procured and installed over 2,000 explosive detection systems (referred to in this section as ''EDS'') and 8,000 explosive trace detection (referred to in this section as ''ETD'') systems to screen checked baggage for explosives at the Nation's commercial airports.

(2) Initial deployment of stand-alone EDS machines in airport lobbies resulted in operational inefficiencies and security risks as compared to using EDS machines integrated in-line with airport baggage conveyor systems.

(3) The Administration has acknowledged the advantages of fully integrating in-line checked baggage EDS systems, especially at large airports. According to the Administration, in-line EDS systems have proven to be cost-effective and more accurate at detecting dangerous items.

(4) As a result of the large upfront capital investment required, these systems have not been deployed on a wide-scale basis. The Administration estimates that installing and operating the optimal checked baggage screening systems could potentially cost more than $20,000,000,000 over 20 years.

(5) Nearly $2,000,000,000 has been appropriated for the installation of in-line explosive detection systems, including necessary baggage handling system improvements, since 2007.

(6) Despite substantial funding, the Administration has made limited progress in deploying optimal screening solutions, including in-line systems, to 250 airports identified in its February 2006 strategic planning framework.

(b) GAO REPORT.—The Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Administration's progress in deploying optimal baggage screening solutions and replacing aging baggage screening equipment at the Nation's commercial airports. The report shall also include an analysis of the Administration's methodology for expending public funds to deploy in-line explosive detection systems since 2007. The report shall address, at a minimum—

(1) the Administration's progress in deploying optimal screening solutions at the Nation's largest commercial airports, including resources obligated and expended through fiscal year 2009;

(2) the potential benefits and challenges associated with the deployment of optimal screening solutions at the Nation's commercial airports; and

(3) the Administration's plans, estimated costs, and current milestones for replacing EDS machines that are nearing the end of their estimated useful product lives.

(c) UPDATES REQUIRED.—Not later than 6 months after submitting the report required in subsection (b) and every 6 months thereafter until the funds appropriated for such systems are expended, the Comptroller General shall provide the Committee on Homeland Security of the House of Representatives an update regarding its analysis of the Administration's expenditures for explosive detection and in-line baggage systems.

SEC. 228. GAO REPORT ON CERTAIN CONTRACTS AND USE OF FUNDS.

Not later than 60 days after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding any funds made available by the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), the Omnibus Appropriations Act, 2009 (Public Law 111–8), or the Economic Stimulus Act of 2008 (Public Law 110–185) used by the Transportation Security Administration to award a contract for any explosive detection screening system or to implement any other screening or detection technology for use at an airport.

SEC. 229. IG REPORT ON CERTAIN POLICIES FOR FEDERAL AIR MARSHALS.

Not later than 120 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall review the minimum standards and policies regarding rest periods between deployments and any other standards or policies applicable to Federal air marshals reporting to duty. After such review, the Inspector General shall make any recommendations to such standards and policies the Inspector General considers necessary to ensure an alert and responsible workforce of Federal air marshals.

SEC. 230. EXPLOSIVES DETECTION CANINE TEAMS MINIMUM FOR AVIATION SECURITY.

The Assistant Secretary shall ensure that the number of explosives detection canine teams for aviation security is not less than 250 through fiscal year 2011.

SEC. 231. ASSESSMENTS AND GAO REPORT OF INBOUND AIR CARGO SCREENING.

Section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (121 Stat. 478) is amended by inserting at the end the following:

''(c) ASSESSMENT OF INBOUND COMPLIANCE.—Upon establishment of the inbound air cargo screening system, the Assistant Secretary shall submit a report to the Committee on Homeland Security in the House of Representatives on the impact, rationale, and percentage of air cargo being exempted from screening under exemptions granted under section 44901(i)(1) of title 49, United States Code.

''(d) GAO REPORT.—Not later than 120 days after the date of enactment of this Act and quarterly thereafter, the Comptroller General shall review the air cargo screening system for inbound passenger aircraft and report to the Committee on Homeland Security in the House of Representatives on the status of implementation, including the approximate percentage of cargo being screened, as well as the Administration's methods to verify the screening system's implementation.''.

SEC. 232. STATUS OF EFFORTS TO PROMOTE AIR CARGO SHIPPER CERTIFICATION.

Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of the implementation of the Administration's plan to promote a program to certify the screening methods used by shippers in a timely manner, in accordance with section 44901(g) of title 49, United States Code, including participation by shippers with robust and mature internal security programs.

SEC. 233. FULL AND OPEN COMPETITION IN SECURITY BACKGROUND SCREENING SERVICE.

Not later than 9 months after the date of enactment of this section, the Secretary shall publish in the Federal Register a notice that the selection process for security background screening services for persons requiring background screening in the aviation industry is subject to full and open competition. The notice shall include—

(1) a statement that airports and other affected entities are not required to use a single service provider of background screening services and may use the services of other providers approved by the Assistant Secretary;

(2) requirements for disposal of personally identifiable information by the approved provider by a date certain; and

(3) information on all technical specifications and other criteria required by the Assistant Secretary to approve a background screening service provider.

SEC. 234. REGISTERED TRAVELER.

(a) ASSESSMENTS AND BACKGROUND CHECKS.—

(1) IN GENERAL.—Subject to paragraph (2) and not later than 120 days after the date of enactment of this Act, to enhance aviation security through risk management at airport checkpoints through use of the Registered Traveler program, established pursuant to section 109(a)(3) of the Aviation Transportation Security Act (115 Stat. 597), the Assistant Secretary shall—

(A) reinstate an initial and continuous security threat assessment program as part of the Registered Traveler enrollment process; and

(B) allow Registered Traveler providers to perform private sector background checks as part of their enrollment process with assurance that the program shall be undertaken in a manner consistent with constitutional privacy and civil liberties protections and be subject to approval and oversight by the Assistant Secretary.

(2) REQUIREMENTS.—The Assistant Secretary shall not reinstate the threat assessment component of the Registered Traveler program or allow certain background checks unless the Assistant Secretary—

(A) determines that the Registered Traveler program, in accordance with this subsection, is integrated into risk-based aviation security operations; and

(B) expedites checkpoint screening, as appropriate, for Registered Traveler members who have been subjected to a security threat assessment and the private sector background check under this subsection.

(b) NOTIFICATION.—

(1) CONTENTS.—Not later than 180 days after the date of enactment of this Act, if the Assistant Secretary determines that the Registered Traveler program can be integrated into risk-based aviation security operations under subsection (a), the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding—

(A) the level of risk reduction provided by carrying out section (a); and

(B) how the Registered Traveler program has been integrated into risk-based aviation security operations.

(2) CHANGES TO PROTOCOL.—The Assistant Secretary shall also set forth what changes to the program, including screening protocols, have been implemented to realize the full potential of the Registered Traveler program.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize any nongovernmental entity to perform vetting against the terrorist screening database maintained by the Administration.

SEC. 235. REPORT ON CABIN CREW COMMUNICATION.

Not later than one year after the date of enactment of this Act, the Assistant Secretary, in consultation with the Advisory Committee established under section 44946 of title 49, United States Code, shall prepare a report that assesses technologies and includes standards for the use of wireless devices to enhance transportation security on aircraft for the purpose of ensuring communication between and among cabin crew and pilot crewmembers, embarked Federal air marshals, and authorized law enforcement officials, as appropriate.

SEC. 236. AIR CARGO CREW TRAINING.

The Assistant Secretary, in consultation with the Advisory Committee established under section 44946 of title 49, United States Code, shall develop a plan for security training for the all-cargo aviation threats for pilots and, as appropriate, other crewmembers operating in all-cargo transportation.

SEC. 237. REIMBURSEMENT FOR AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS.

Section 1604(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (121 Stat. 481) is amended to read as follows:

''(2) AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall establish a process for resolving reimbursement claims for airports that have incurred, before the date of enactment of this Act, eligible costs associated with development of partial or completed in-line baggage systems.

''(B) PROCESS FOR RECEIVING REIMBURSEMENT.—The process shall allow an airport—

''(i) to submit a claim to the Assistant Secretary for reimbursement for eligible costs described in subparagraph (A); and

''(ii) not later than 180 days after date on which the airport submits the claim, to receive a determination on the claim and, if the determination is positive, to be reimbursed.

''(C) REPORT.—Not later than 60 days after the date on which the Assistant Secretary establishes the process under subparagraph (B), the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives a report containing a description of the process, including a schedule for the timely reimbursement of airports for which a positive determination has been made.''.

SEC. 238. REPORT ON WHOLE BODY IMAGING TECHNOLOGY.

Upon completion of the ongoing whole body imaging technology pilot, the Assistant Secretary shall submit a report to the Committee on

Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the pilot, including how privacy protections were integrated.

SEC. 239. PROTECTIVE EQUIPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary of Homeland Security shall develop protocols for the use of protective equipment for personnel of the Transportation Security Administration and for other purposes.

(b) DEFINITION.—In this section the term ''protective equipment'' includes surgical masks and N95 masks.

TITLE III—SURFACE TRANSPORTATION SECURITY

SEC. 301. ASSISTANT SECRETARY DEFINED.

Section 1301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Homeland Security (Transportation Security Administration).''.

SEC. 302. SURFACE TRANSPORTATION SECURITY INSPECTION PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Surface transportation security inspectors assist passenger rail stakeholders in identifying security gaps through Baseline Assessment for Security Enhancement (''BASE'') reviews, monitor freight rail stakeholder efforts to reduce the risk that toxic inhalation hazard shipments pose to high threat urban areas through Security Action Item (''SAI'') reviews, and assist in strengthening chain of custody security.

(2) Surface transportation security inspectors play a critical role in building and maintaining working relationships with transit agencies and acting as liaisons between such agencies and the Transportation Security Operations Center, relationships which are vital to effective implementation of the surface transportation security mission.

(3) In December 2006, the Transportation Security Administration shifted from a system in which surface transportation security inspectors reported to surface-focused supervisors to a system in which inspectors report to aviation-focused supervisors in the field; a shift which has resulted in a strained chain of command, misappropriation of inspectors to nonsurface activities, the hiring of senior-level inspectors with no surface qualifications, and significant damage to relationships with transit agencies and inspector morale.

(b) SURFACE TRANSPORTATION SECURITY INSPECTION OFFICE.—Section 1304 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1113) is amended—

(1) by redesignating subsections (c) through (j) as subsections (b) through (i), respectively; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) SURFACE TRANSPORTATION SECURITY INSPECTION OFFICE.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary, shall establish an office to be known as the Surface Transportation Security Inspection Office (in this section referred to as the 'Office').

''(2) MISSION.—The Secretary shall use the Office to train, employ, and utilize surface transportation security inspectors to—

''(A) assist surface transportation carriers, operators, owners, entities, and facilities to enhance their security against terrorist attacks and other security threats; and

''(B) assist the Secretary in enforcing applicable surface transportation security regulations and directives.

''(3) OFFICERS.—

''(A) DIRECTOR.—The head of the Office shall be the Director, who shall—

''(i) oversee and coordinate the activities of the Office, including all officers and any corresponding surface transportation modes in which the Office carries out such activities, and the surface transportation security inspectors who assist in such activities; and

''(ii) act as the primary point of contact between the Office and other entities that support the Department's surface transportation security mission to ensure efficient and appropriate use of surface transportation security inspectors and maintain strong working relationships with surface transportation security stakeholders.

''(B) DEPUTY DIRECTOR.—There shall be a Deputy Director of the Office, who shall—

''(i) assist the Director in carrying out the responsibilities of the Director under this subsection; and

''(ii) serve as acting Director in the absence of the Director and during any vacancy in the office of Director.

''(4) APPOINTMENT.—

''(A) IN GENERAL.—The Director and Deputy Director shall be responsible on a full-time basis for the duties and responsibilities described in this subsection.

''(B) CLASSIFICATION.—The position of Director shall be considered a position in the Senior Executive Service as defined in section 2101a of title 5, United States Code, and the position of Deputy Director shall be considered a position classified at grade GS–15 of the General Schedule.

''(5) LIMITATION.—No person shall serve as an officer under subsection (a)(3) while serving in any other position in the Federal Government.

''(6) FIELD OFFICES.—

''(A) ESTABLISHMENT.—The Secretary shall establish primary and secondary field offices in the United States to be staffed by surface transportation security inspectors in the course of carrying out their duties under this section.

''(B) DESIGNATION.—The locations for, and designation as 'primary' or 'secondary' of, such field offices shall be determined in a manner that is consistent with the Department's risk-based approach to carrying out its homeland security mission.

''(C) COMMAND STRUCTURE.—

''(i) PRIMARY FIELD OFFICES.—Each primary field office shall be led by a chief surface transportation security inspector, who has significant experience with surface transportation systems, facilities, and operations and shall report directly to the Director.

''(ii) SECONDARY FIELD OFFICES.—Each secondary field office shall be led by a senior surface transportation security inspector, who shall report directly to the chief surface transportation security inspector of a geographically appropriate primary field office, as determined by the Director.

''(D) PERSONNEL.—Not later than 18 months after the date of enactment of the Transportation Security Administration Authorization Act, field offices shall be staffed with—

''(i) not fewer than 7 surface transportation security inspectors, including one chief surface transportation security inspector, at every primary field office; and

''(ii) not fewer than 5 surface transportation security inspectors, including one senior surface transportation security inspector, at every secondary field office.''.

(c) NUMBER OF INSPECTORS.—Section 1304(e) of such Act (6 U.S.C. 1113(e)), as redesignated by subsection (b) of this section, is amended to read as follows:

''(e) NUMBER OF INSPECTORS.—Subject to the availability of appropriations, the Secretary shall hire not fewer than—

''(1) 200 additional surface transportation security inspectors in fiscal year 2010; and

''(2) 100 additional surface transportation security inspectors in fiscal year 2011.''.

(d) COORDINATION.—Section 1304(f) of such Act (6 U.S.C. 1113(f)), as redesignated by subsection (b) of this section, is amended by striking ''114(t)'' and inserting ''114(s)''.

(e) REPORT.—Section 1304(h) of such Act (6 U.S.C. 1113(h)), as redesignated by subsection (b) of this section, is amended by striking ''2008'' and inserting ''2011''.

(f) PLAN.—Section 1304(i) of such Act (6 U.S.C. 1113(i)), as redesignated by subsection (b) of this section, is amended to read as follows:

''(i) PLAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan for expanding the duties and leveraging the expertise of surface transportation security inspectors to further support the Department's surface transportation security mission.

''(2) CONTENTS.—The plan shall include—

''(A) an analysis of how surface transportation security inspectors could be used to conduct oversight activities with respect to surface transportation security projects funded by relevant grant programs administered by the Department;

''(B) an evaluation of whether authorizing surface transportation security inspectors to obtain or possess law enforcement qualifications or status would enhance the capacity of the Office to take an active role in the Department's surface transportation security operations; and

''(C) any other potential functions relating to surface transportation security the Secretary determines appropriate.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1304 of such Act (6 U.S.C. 1113) is amended by adding at the end the following:

''(j) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 101 of the Transportation Security Administration Authorization Act, there are authorized to be appropriated such sums as may be necessary to the Secretary to carry out this section for fiscal years 2010 and 2011.''.

(h) CONFORMING AMENDMENT.—Section 1304(b) of such Act (6 U.S.C. 1113(b)), as redesignated by subsection (b) of this section, is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

SEC. 303. VISIBLE INTERMODAL PREVENTION AND RESPONSE TEAMS.

Section 1303 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is amended—

(1) in subsection (a) by striking ''Administrator of the Transportation Security Administration,'' and inserting ''Assistant Secretary,'';

(2) in subsection (a)(4) by striking ''team,'' and inserting ''team as to specific locations and times within their facilities at which VIPR teams should be deployed to maximize the effectiveness of such deployment and other matters,''; and

(3) by striking subsection (b) and inserting the following:

''(b) PERFORMANCE MEASURES.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop and implement a system of qualitative performance measures and objectives by which to assess the roles, activities, and effectiveness of VIPR team operations on an ongoing basis, including a mechanism through which the transportation entities listed in subsection (a)(4) may submit feedback on VIPR team operations involving their systems or facilities.

''(c) PLAN.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop and implement a plan for ensuring the interoperability of communications

among all participating VIPR team components as designated under subsection (a)(1) and between VIPR teams and any relevant transportation entities as designated in subsection (a)(4) whose systems or facilities are involved in VIPR team operations, including an analysis of the costs and resources required to carry out the plan.

''(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 101 of the Transportation Security Administration Authorization Act, there are authorized to be appropriated to the Secretary to carry out this section such sums as may be necessary for fiscal years 2010 and 2011.''.

SEC. 304. SURFACE TRANSPORTATION SECURITY STAKEHOLDER PARTICIPATION.

(a) IN GENERAL.—Title XIII of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et seq.) is amended by adding at the end the following:

''SEC. 1311. TRANSIT SECURITY ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Assistant Secretary shall establish in the Transportation Security Administration an advisory committee, to be known as the Transit Security Advisory Committee (in this section referred to as the 'Advisory Committee'), to assist the Assistant Secretary with issues pertaining to surface transportation security.

''(2) RECOMMENDATIONS.—

''(A) IN GENERAL.—The Assistant Secretary shall require the Advisory Committee to develop recommendations for improvements to surface transportation security planning, methods, equipment, and processes.

''(B) PRIORITY ISSUES.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, the Advisory Committee shall submit to the Assistant Secretary recommendations on—

''(i) improving homeland security information sharing between components of the Department of Homeland Security and surface transportation security stakeholders, including those represented on the Advisory Committee; and

''(ii) streamlining or consolidating redundant security background checks required by the Department under relevant statutes governing surface transportation security, as well as redundant security background checks required by States where there is no legitimate homeland security basis for requiring such checks.

''(3) MEETINGS.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

''(4) UNPAID POSITION.—Advisory Committee Members shall serve at their own expense and receive no salary, reimbursement for travel expenses, or other compensation from the Federal Government.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Assistant Secretary shall ensure that the Advisory Committee is composed of not more than one individual representing not more than 27 member organizations, including representatives from public transportation agencies, passenger rail agencies or operators, railroad carriers, motor carriers, owners or operators of highways, over-the-road bus operators and terminal owners and operators, pipeline operators, labor organizations representing employees of such entities, and the surface transportation security technology industry.

''(2) APPOINTMENTS.—Members shall be appointed by the Assistant Secretary and the Assistant Secretary shall have the discretion to review the participation of any Advisory Committee member and remove for cause at any time.

''(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee under this section.

''(d) PASSENGER CARRIER SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a passenger carrier security working group to provide recommendations for successful implementation of initiatives relating to passenger rail, over-the-road bus, and public transportation security proposed by the Transportation Security Administration in accordance with statutory requirements, including relevant grant programs and security training provisions.

''(2) MEETINGS.—The working group shall meet at least semiannually and provide annual reports to the Assistant Secretary with recommendations to improve the Transportation Security Administration's initiatives relating to passenger rail, over-the-road bus, and public transportation security, including grant, training, inspection, or other relevant programs authorized in titles XIII and XIV, and subtitle C of title XV of this Act.

''(3) MEMBERSHIP.—The working group shall be composed of members from the Advisory Committee with expertise in public transportation, over-the-road bus, or passenger rail systems and operations, all appointed by the Assistant Secretary.

''(4) REPORTS.—

''(A) IN GENERAL.—The working group shall prepare and submit reports to the Assistant Secretary in accordance with this paragraph that provide recommendations as described in paragraphs (1) and (2).

''(B) SUBMISSION.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, and on an annual basis thereafter, the working group shall submit a report on the findings and recommendations developed under subparagraph (A) to the Assistant Secretary.

''(e) FREIGHT RAIL SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a freight rail security working group to provide recommendations for successful implementation of initiatives relating to freight rail security proposed by the Transportation Security Administration in accordance with statutory requirements, including relevant grant programs and security training provisions.

''(2) MEETINGS.—The working group shall meet at least semiannually and provide annual reports to the Assistant Secretary with recommendations to improve the Transportation Security Administration's initiatives relating to freight rail security, including grant, training, inspection, or other relevant programs authorized in titles XIII and XV of this Act.

''(3) MEMBERSHIP.—The working group shall be composed of members from the Advisory Committee with expertise in freight rail systems and operations, all appointed by the Assistant Secretary.

''(4) REPORTS.—

''(A) IN GENERAL.—The working group shall prepare and submit reports to the Assistant Secretary in accordance with this paragraph that provide recommendations as described in paragraphs (1) and (2).

''(B) SUBMISSION.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, and on an annual basis thereafter, the working group shall submit a report on the findings and recommendations developed under subparagraph (A) to the Assistant Secretary.''.

(b) CONFORMING AMENDMENT.—Section 1(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53) is amended by adding at the end of title XIII (Transportation Security Enchantments) the following:

''Sec. 1311. Transit Security Advisory Committee.''.

SEC. 305. HUMAN CAPITAL PLAN FOR SURFACE TRANSPORTATION SECURITY PERSONNEL.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a human capital plan for hiring, training, managing, and compensating surface transportation security personnel, including surface transportation security inspectors.

(b) CONSULTATION.—In developing the human capital plan, the Assistant Secretary shall consult with the chief human capital officer of the Department of Homeland Security, the Director of the Surface Transportation Security Inspection Office, the Inspector General of the Department of Homeland Security, and the Comptroller General.

(c) APPROVAL.—Prior to submission, the human capital plan shall be reviewed and approved by the chief human capital officer of the Department of Homeland Security.

SEC. 306. SURFACE TRANSPORTATION SECURITY TRAINING.

(a) STATUS REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the status of the Department's implementation of sections 1408, 1517, and 1534 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, and 1184), including detailed timeframes for development and issuance of the transportation security training regulations required under such sections.

(b) PRIVATE PROVIDERS.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall identify criteria and establish a process for approving and maintaining a list of approved private third-party providers of security training with whom surface transportation entities may enter into contracts, as needed, for the purpose of satisfying security training requirements of the Department of Homeland Security, including requirements developed under sections 1408, 1517, and 1534 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, and 1184), in accordance with section 103 of this Act.

SEC. 307. SECURITY ASSISTANCE IG REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the roles and responsibilities of the Transportation Security Administration and any other relevant component of the Department of Homeland Security in administering security assistance grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135).

(b) CONTENTS.—The report shall—

(1) clarify and describe the roles and responsibilities of each relevant component of the Department, including the Transportation Security Administration, at different stages of the grant process, including the allocation stage, the award stage, and the distribution stage;

(2) identify areas in which relevant components of the Department, including the Transportation Security Administration, may better integrate or coordinate their activities in order to streamline the grant administration process and improve the efficiency of the project approval process for grantees;

(3) assess the current state of public transportation and passenger rail security expertise possessed by relevant personnel involved in the grant administration or project approval processes carried out by relevant components of the

Department, including the Transportation Security Administration; and

(4) include recommendations for how each relevant component of the Department, including the Transportation Security Administration, may further clarify, coordinate, or maximize its roles and responsibilities in administering grant funds and approving grant projects under section 1406.

SEC. 308. INTERNATIONAL LESSONS LEARNED FOR SECURING PASSENGER RAIL AND PUBLIC TRANSPORTATION SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) numerous terrorist attacks since September 11, 2001, have targeted passenger rail or public transportation systems;

(2) nearly 200 people were killed and almost 2,000 more were injured when terrorists set off 10 simultaneous explosions on 4 commuter trains in Madrid, Spain, on March 11, 2004;

(3) 50 people were killed and more than 700 injured in successive bombings of 3 transit stations and a public bus in London, England, on July 7, 2005, and a second attack against 4 similar targets on July 21, 2005, failed because of faulty detonators;

(4) more than 200 people were killed and more than 700 injured in simultaneous terrorist bombings of commuter trains on the Western Line in the suburbs of Mamba, India, on July 11, 2006;

(5) the acts of terrorism in Mamba, India, on November 26, 2008, included commando-style attacks on a major railway station; and

(6) a disproportionately low amount of attention and resources have been devoted to surface transportation security by the Department of Homeland Security, including the security of passenger rail and public transportation systems, as compared with aviation security, which has been the primary focus of Federal transportation security efforts generally, and of the Transportation Security Administration in particular.

(b) STUDY.—The Comptroller General shall conduct a study on the efforts undertaken by the Secretary and Assistant Secretary, as well as other entities determined by the Comptroller General to have made significant efforts, since January 1, 2004, to learn from foreign nations that have been targets of terrorist attacks on passenger rail and public transportation systems in an effort to identify lessons learned from the experience of such nations to improve the execution of Department functions to address transportation security gaps in the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the study. The report shall also include an analysis of relevant legal differences that may affect the ability of the Department to apply lessons learned.

(2) RECOMMENDATIONS.—The Comptroller General shall include in the report recommendations on how the Department and its components, including the Transportation Security Administration, can expand efforts to learn from the expertise and the security practices of passenger rail and public transportation systems in foreign nations that have experienced terrorist attacks on such systems.

SEC. 309. UNDERWATER TUNNEL SECURITY DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Assistant Secretary, in consultation with the Under Secretary for Science and Technology, shall conduct a full-scale demonstration project to test and assess the feasibility and effectiveness of certain technologies to enhance the security of underwater public transportation tunnels against terrorist attacks involving the use of improvised explosive devices.

(b) INFLATABLE PLUGS.—

(1) IN GENERAL.—At least one of the technologies tested under subsection (a) shall be inflatable plugs that may be rapidly deployed to prevent flooding of a tunnel.

(2) FIRST TECHNOLOGY TESTED.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall carry out a demonstration project that tests the effectiveness of using inflatable plugs for the purpose described in paragraph (1).

(c) REPORT TO CONGRESS.—Not later than 180 days after completion of the demonstration project under this section, the Assistant Secretary shall submit a report to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, on the results of the demonstration project.

(d) AUTHORIZATION OF APPROPRIATION.—Of the amounts made available under section 101 for fiscal year 2010, $8,000,000 shall be available to carry out this section.

SEC. 310. PASSENGER RAIL SECURITY DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Assistant Secretary, in consultation with the Under Secretary for Science and Technology, shall conduct a demonstration project in a passenger rail system to test and assess the feasibility and effectiveness of technologies to strengthen the security of passenger rail systems against terrorist attacks involving the use of improvised explosive devices.

(b) SECURITY TECHNOLOGIES.—The demonstration project under this section shall test and assess technologies to—

(1) detect improvised explosive devices on station platforms, through the use of foreign object detection programs in conjunction with cameras; and

(2) defeat improvised explosive devices left on rail tracks.

(c) REPORT TO CONGRESS.—Not later than 180 days after completion of the demonstration project under this section, the Assistant Secretary shall submit a report to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, on the results of the demonstration project.

SEC. 311. EXPLOSIVES DETECTION CANINE TEAMS.

Section 1307 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''2010'' and inserting ''2011''; and

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

''(3) ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall increase the number of canine teams certified by the Transportation Security Administration for the purpose of passenger rail and public transportation security activities to not less than 200 canine teams by the end of fiscal year 2011.

''(B) COOPERATIVE AGREEMENTS.—The Secretary shall expand the use of canine teams to enhance passenger rail and public transportation security by entering into cooperative agreements with passenger rail and public transportation agencies eligible for security assistance under section 1406 of this Act for the purpose of deploying and maintaining canine teams to such agencies for use in passenger rail or public transportation security activities and providing for assistance in an amount not less than $75,000 for each canine team deployed, to be adjusted by the Secretary for inflation.

''(C) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 101 of the Transportation Security Administration Authorization Act, there are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph for fiscal years 2010 and 2011.'';

(2) in subsection (d)—

(A) in paragraph (3), by striking ''and'';

(B) in paragraph (4), by striking the period at the end and inserting the following: ''; and''; and

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

''(5) expand the use of canine teams trained to detect vapor wave trails in passenger rail and public transportation security environments, as the Secretary, in consultation with the Assistant Secretary, determines appropriate.'';

(3) in subsection (e), by striking '', if appropriate,'' and inserting '', to the extent practicable,''; and

(4) by striking subsection (f) and inserting the following new subsection (f):

''(f) REPORT.—Not later than one year after the date of the enactment of the Transportation Security Administration Authorization Act, the Comptroller General shall submit to the appropriate congressional committees a report on—

''(1) utilization of explosives detection canine teams to strengthen security in passenger rail and public transportation environments;

''(2) the capacity of the national explosive detection canine team program as a whole; and

''(3) how the Assistant Secretary could better support State and local passenger rail and public transportation entities in maintaining certified canine teams for the life of the canine, including by providing financial assistance.''.

TITLE IV—TRANSPORTATION SECURITY CREDENTIALING

Subtitle A—Security Credentialing

SEC. 401. REPORT AND RECOMMENDATION FOR UNIFORM SECURITY BACKGROUND CHECKS.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs duplicate or conflict with Federal programs; and

(3) recommendations on limiting the number of background checks and forms of identification required under such programs to reduce or eliminate duplication with Federal programs.

SEC. 402. ANIMAL-PROPELLED VESSELS.

Notwithstanding section 70105 of title 46, United States Code, the Secretary shall not require an individual to hold a transportation security card, or be accompanied by another individual who holds such a card if—

(1) the individual has been issued a license, certificate of registry, or merchant mariner's document under part E of subtitle II of title 46, United States Code;

(2) the individual is not allowed unescorted access to a secure area designated in a vessel or facility security plan approved by the Secretary; and

(3) the individual is engaged in the operation of a live animal-propelled vessel.

SEC. 403. REQUIREMENTS FOR ISSUANCE OF TRANSPORTATION SECURITY CARDS; ACCESS PENDING ISSUANCE.

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(n) ESCORTING.—The Secretary shall coordinate with owners and operators subject to this section to allow any individual who has a pending application for a transportation security card under this section or is waiting for reissuance of such card, including any individual whose card has been lost or stolen, and who needs to perform work in a secure or restricted area to have access to such area for that purpose through escorting of such individual in accordance with subsection (a)(1)(B) by another

individual who holds a transportation security card.

''(o) PROCESSING TIME.—The Secretary shall review an initial transportation security card application and respond to the applicant, as appropriate, including the mailing of an Initial Determination of Threat Assessment letter, within 30 days after receipt of the initial application. The Secretary shall, to the greatest extent practicable, review appeal and waiver requests submitted by a transportation security card applicant, and send a written decision or request for additional information required for the appeal or waiver determination, within 30 days after receipt of the applicant's appeal or waiver written request. For an applicant that is required to submit additional information for an appeal or waiver determination, the Secretary shall send a written decision, to the greatest extent practicable, within 30 days after receipt of all requested information.

''(p) RECEIPT OF CARDS.—Within 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop a process to permit an individual approved for a transportation security card under this section to receive the card at the individual's place of residence.

''(q) FINGERPRINTING.—The Secretary shall establish procedures providing for an individual who is required to be fingerprinted for purposes of this section to be fingerprinted at facilities operated by or under contract with an agency of the Department of the Secretary that engages in fingerprinting the public for transportation security or other security purposes.''.

SEC. 404. HARMONIZING SECURITY CARD EXPIRATIONS.

Section 70105(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(6) The Secretary may extend for up to one year the expiration of a biometric transportation security card required by this section to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document required under chapter 71 or 73.''.

SEC. 405. SECURING AVIATION FROM EXTREME TERRORIST THREATS.

Section 44903(j)(2)(C) of title 49, United States Code, as amended by section 213 of this Act, is further amended by adding at the end the following:

''(vi) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the no fly list any individual who was a detainee housed at the Naval Station, Guantanamo Bay, Cuba, on or after January 1, 2009, after a final disposition has been issued by the President. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.''.

Subtitle B—SAFE Truckers Act of 2009

SEC. 431. SHORT TITLE.

This subtitle may be cited as the ''Screening Applied Fairly and Equitably to Truckers Act of 2009'' or the ''SAFE Truckers Act of 2009''.

SEC. 432. SURFACE TRANSPORTATION SECURITY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''TITLE XXI—SURFACE TRANSPORTATION SECURITY

''SEC. 2101. TRANSPORTATION OF SECURITY SENSITIVE MATERIALS.

''(a) SECURITY SENSITIVE MATERIALS.—Not later than 120 days after the date of enactment of this section, the Secretary shall issue final regulations, after notice and comment, defining security sensitive materials for the purposes of this title.

''(b) MOTOR VEHICLE OPERATORS.—The Secretary shall prohibit an individual from operating a motor vehicle in commerce while transporting a security sensitive material unless the individual holds a valid transportation security card issued by the Secretary under section 70105 of title 46, United States Code.

''(c) SHIPPERS.—The Secretary shall prohibit a person from—

''(1) offering a security sensitive material for transportation by motor vehicle in commerce; or

''(2) causing a security sensitive material to be transported by motor vehicle in commerce,

unless the motor vehicle operator transporting the security sensitive material holds a valid transportation security card issued by the Secretary under section 70105 of title 46, United States Code.

''SEC. 2102. ENROLLMENT LOCATIONS.

''(a) FINGERPRINTING LOCATIONS.—The Secretary shall—

''(1) work with appropriate entities to ensure that fingerprinting locations for individuals applying for a transportation security card under section 70105 of title 46, United States Code, have flexible operating hours; and

''(2) permit an individual applying for such transportation security card to utilize a fingerprinting location outside of the individual's State of residence to the greatest extent practicable.

''(b) RECEIPT AND ACTIVATION OF CARDS.—The Secretary shall develop guidelines and procedures to permit an individual to receive a transportation security card under section 70105 of title 46, United States Code, at the individual's place of residence and to activate the card at any enrollment center.

''(c) NUMBER OF LOCATIONS.—The Secretary shall develop and implement a plan—

''(1) to offer individuals applying for a transportation security card under section 70105 of title 46, United States Code, the maximum number of fingerprinting locations practicable across diverse geographic regions; and

''(2) to conduct outreach to appropriate stakeholders, including owners, operators, and relevant entities (and labor organizations representing employees of such owners, operators, and entities), to keep the stakeholders informed of the timeframe and locations for the opening of additional fingerprinting locations.

''(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

''SEC. 2103. AUTHORITY TO ENSURE COMPLIANCE.

''(a) IN GENERAL.—The Secretary is authorized to ensure compliance with this title.

''(b) MEMORANDUM OF UNDERSTANDING.—The Secretary may enter into a memorandum of understanding with the Secretary of Transportation to ensure compliance with section 2101.

''SEC. 2104. CIVIL PENALTIES.

''A person that violates this title or a regulation or order issued under this title is liable to the United States Government pursuant to the Secretary's authority under section 114(v) of title 49, United States Code.

''SEC. 2105. COMMERCIAL MOTOR VEHICLE OPERATORS REGISTERED TO OPERATE IN MEXICO OR CANADA.

''The Secretary shall prohibit a commercial motor vehicle operator licensed to operate in Mexico or Canada from operating a commercial motor vehicle transporting a security sensitive material in commerce in the United States until the operator has been subjected to, and not disqualified as a result of, a security background records check by a Federal agency that the Secretary determines is similar to the security background records check required for commercial motor vehicle operators in the United States transporting security sensitive materials in commerce.

''SEC. 2106. OTHER SECURITY BACKGROUND CHECKS.

''The Secretary shall determine that an individual applying for a transportation security card under section 70105 of title 46, United States Code, has met the background check requirements for such card if the individual was subjected to, and not disqualified as a result of, a security background records check by a Federal agency that the Secretary determines is equivalent to or more stringent than the background check requirements for such card.

''SEC. 2107. REDUNDANT BACKGROUND CHECKS.

''(a) IN GENERAL.—After the date of enactment of this title, the Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check of an individual seeking to transport hazardous materials.

''(b) WAIVERS.—The Secretary may waive the application of subsection (a) with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary to ensure the secure transportation of hazardous materials in the State or political subdivision.

''(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall limit the authority of a State to ensure that an individual has the requisite knowledge and skills to safely transport hazardous materials in commerce.

''SEC. 2108. TRANSITION.

''(a) TREATMENT OF INDIVIDUALS RECEIVING PRIOR HAZARDOUS MATERIALS ENDORSEMENTS.—The Secretary shall treat an individual who has obtained a hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, before the date of enactment of this title, as having met the background check requirements of a transportation security card under section 70105 of title 46, United States Code, subject to reissuance or expiration dates of the hazardous materials endorsement.

''(b) REDUCTION IN FEES.—The Secretary shall reduce, to the greatest extent practicable, any fees associated with obtaining a transportation security card under section 70105 of title 46, United Sates Code, for any individual referred to in subsection (a).

''SEC. 2109. SAVINGS CLAUSE.

''Nothing in this title shall be construed as affecting the authority of the Secretary of Transportation to regulate hazardous materials under chapter 51 of title 49, United States Code.

''SEC. 2110. DEFINITIONS.

''In this title, the following definitions apply:

''(1) COMMERCE.—The term 'commerce' means trade or transportation in the jurisdiction of the United States—

''(A) between a place in a State and a place outside of the State; or

''(B) that affects trade or transportation between a place in a State and a place outside of the State.

''(2) HAZARDOUS MATERIAL.—The term 'hazardous material' has the meaning given that term in section 5102 of title 49, United States Code.

''(3) PERSON.—The term 'person', in addition to its meaning under section 1 of title 1, United States Code—

''(A) includes a government, Indian tribe, or authority of a government or tribe offering security sensitive material for transportation in commerce or transporting security sensitive material to further a commercial enterprise; but

''(B) does not include—

''(i) the United States Postal Service; and

''(ii) in section 2104, a department, agency, or instrumentality of the Government.

''(4) SECURITY SENSITIVE MATERIAL.—The term 'security sensitive material' has the meaning given that term in section 1501 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1151).

''(5) TRANSPORTS; TRANSPORTATION.—The term 'transports' or 'transportation' means the movement of property and loading, unloading, or storage incidental to such movement.''.

SEC. 433. CONFORMING AMENDMENT.

The table of contents contained in section 1(b) of the Homeland Security Act of 2002 (116 Stat.

2135) is amended by adding at the end the following:

''TITLE XXI—SURFACE TRANSPORTATION SECURITY

SEC. 434. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.

Section 5103a of title 49, United States Code, and the item relating to that section in the analysis for chapter 51 of such title, are repealed.

SEC. 435. DEADLINES AND EFFECTIVE DATES.

(a) ISSUANCE OF TRANSPORTATION SECURITY CARDS.—Not later than May 31, 2010, the Secretary shall begin issuance of transportation security cards under section 70105 of title 46, United States Code, to individuals who seek to operate a motor vehicle in commerce while transporting security sensitive materials.

(b) EFFECTIVE DATE OF PROHIBITIONS.—The prohibitions contained in sections 2101 and 2106 of the Homeland Security Act of 2002 (as added by this subtitle) shall take effect on the date that is 3 years after the date of enactment of this Act.

(c) EFFECTIVE DATE OF SECTION 434 AMENDMENTS.—The amendments made by section 434 of this Act shall take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 436. TASK FORCE ON DISQUALIFYING CRIMES.

(a) ESTABLISHMENT.—The Secretary shall establish a task force to review the lists of crimes that disqualify individuals from transportation-related employment under current regulations of the Transportation Security Administration and assess whether such lists of crimes are accurate indicators of a terrorism security risk.

(b) MEMBERSHIP.—The task force shall be composed of representatives of appropriate industries, including labor unions representing employees of such industries, Federal agencies, and other appropriate entities, as determined by the Secretary.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the task force shall submit to the Secretary and the Committee on Homeland Security of the House of Representatives a report containing the results of the review, including recommendations for a common list of disqualifying crimes and the rationale for the inclusion of each crime on the list.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–127. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–127.

Mr. THOMPSON of Mississippi. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

Strike section 103 of the bill (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

In section 206 of the bill in the matter to be proposed to be inserted in section 44924(f), strike ''**FOREIGN**'' in the section heading.

In section 206 of the bill in the matter to be proposed to be inserted in section 44924(f), insert ''and domestic'' after ''foreign''.

In section 206 of the bill, insert ''security'' after ''comparable''.

In section 210 of the bill in the matter proposed to be inserted as section 44947(b)(1) of title 49, United States Code, strike ''facilities general aviation aircraft,''and insert ''facilities, general aviation aircraft, heliports,''.

In section 212 of the bill, in the matter proposed to be inserted in section 44903(m) of title 49, United States Code, strike paragraphs (1) through (3) and insert the following:

''(m) SECURITY SCREENING OF INDIVIDUALS WITH METAL IMPLANTS TRAVELING IN AIR TRANSPORTATION.—

''(1) IN GENERAL.—The Assistant Secretary shall carry out a program to ensure fair treatment in the screening of individuals with metal implants traveling in air transportation.

''(2) PLAN.—Not later than 6 months after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall submit a plan to the Committee on Homeland Security of the House of Representatives for improving security screening procedures for individuals with metal implants to limit disruptions in the screening process while maintaining security. The plan shall include an analysis of approaches to limit such disruptions for individuals with metal implants, and benchmarks for implementing changes to the screening process and the establishment of a credential or system that incorporates biometric technology and other applicable technologies to verify the identity of an individual who has a metal implant.

''(3) PROGRAM.—Not later than 12 months after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall implement a program to improve security screening procedures for individuals with metal implants to limit disruptions in the screening process while maintaining security, including a credential or system that incorporates biometric technology or other applicable technologies to verify the identity of an individual who has a metal implant.

''(4) METAL IMPLANT DEFINED.—In this paragraph, the term 'metal implant' means a metal device or object that has been surgically implanted or otherwise placed in the body of an individual, including any metal device used in a hip or knee replacement, metal plate, metal screw, metal rod inside a bone, and other metal orthopedic implants.''.

Strike section 228 of the bill (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

In section 233(2) of the bill, insert ''any'' before ''requirements''.

In section 234 of the bill, strike the section heading and insert the following: ''**TRUSTED PASSENGER/REGISTERED TRAVELER PROGRAM.**''.

In section 234 of the bill, insert ''a trusted passenger program, commonly referred to as'' before ''the Registered''.

Strike section 307 of the bill and insert the following: (and conform the table of contents accordingly):

SEC. 307. IMPROVEMENT OF PUBLIC TRANSPORTATION SECURITY ASSISTANCE.

(a) IN GENERAL.—Section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110–53) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by inserting ''bollards,'' after ''including''; and

(B) in subparagraph (D), by inserting after ''including'' the following: ''projects for the purpose of demonstrating or assessing the capability of such systems and'';

(2) by redesignating subsections (e) through (k) as subsections (f) through (l), respectively;

(3) by redesignating subsections (l) and (m) as subsections (n) and (o), respectively;

(4) by inserting after subsection (d) the following new subsection (e):

''(e) PROCEDURE.—

''(1) TIMELINE.—

''(A) AVAILABILITY OF APPLICATIONS.—Applications for grants under this section for a grant cycle shall be made available to eligible applicants not later than 30 days after the date of the enactment of the appropriations Act for the Department of Homeland Security for the same fiscal year as the grant cycle.

''(B) SUBMISSION OF APPLICATIONS.—A public transportation agency that is eligible for a grant under this section shall submit an application for a grant not later than 45 days after the applications are made available under subparagraph (A).

''(C) ACTION.—The Secretary shall make a determination approving or rejecting each application submitted under subparagraph (B), notify the applicant of the determination, and immediately commence any additional processes required to allow an approved applicant to begin to receive grant funds by not later than 60 days after date on which the Secretary receives the application.

''(2) PROHIBITION OF COST-SHARING REQUIREMENT.—No grant under this section may require any cost-sharing contribution from the grant recipient or from any related State or local agency.

''(3) ANNUAL REPORT.—Not later than the date that is 180 days after the last determination made under paragraph (1)(C) for a grant cycle, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate a report that includes a list of all grant awarded under this section for that grant cycle for which the grant recipient is not, as of such date, able to receive grant funds and an explanation of why such funds have not yet been released for use by the recipient.

''(4) PERFORMANCE.—

''(A) DURATION.—The performance period for grants made under this section shall be a period of time not less than 36 months in duration.

''(B) TIMING.—The performance period for any grant made under this section shall not begin to run until the recipient of the grant has been formally notified that funds provided under the terms of the grant have been released for use by the recipient.''.

(5) by inserting after subsection (l), as redesignated by paragraph (2) of this section, the following new subsection (m):

''(m) ACCESS.—The Secretary shall ensure that, for each grant awarded under this section, the Inspector General of the Department is authorized to—

''(1) examine any records of the grant recipient or any contractors or subcontractors with which the recipient enters into a contract, or any State or local agency, that directly pertain to and involve transactions relating to grants under this section; and

''(2) interview any officer or employee of the recipient, any contractors or subcontractors with which the recipient enters into a contract, or State or local agency regarding such transactions.''; and

(6) in subsection (o), as redesignated by paragraph (3) of this section—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to make grants under this section—

''(A) $900,000,000 for fiscal year 2010, except that not more than 30 percent of such funds may be used for operational costs under subsection (b)(2) of this section; and

''(B) $1,100,000,000 for fiscal year 2011, except that not more than 30 percent of such funds may be used for operational costs under subsection (b)(2) of this section.'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) the following new paragraph (3):

''(3) EXCEPTION.—The limitation on the percentage of funds that may be used for operational costs under paragraph (1) shall not apply to any costs involved with or relating to explosives detection canine teams acquired or used for the purpose of securing public transportation systems or facilities.''.

(b) TECHNICAL ASSISTANCE PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Assistant Secretary shall conduct and complete a pilot program to provide grants to not more than 7 public transportation agencies eligible for security grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110–53) for the purpose of obtaining external technical support and expertise to assist such agencies in conducting comprehensive security risk assessments of public transportation systems, resources, and facilities.

(B) METHODOLOGY.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary shall identify—

(i) a comprehensive risk methodology for conducting comprehensive security risk assessments using grants made under this subsection that accounts for all three elements of risk, including threat, vulnerability, and consequence; and

(ii) an approved third-party provider of technical support and expertise for the purpose of providing external assistance to grantees in conducting comprehensive security risk assessments.

(C) PARTICIPANTS.—

(i) IN GENERAL.—In selecting public transportation agencies to participate in the pilot program, the Assistant Secretary shall approve eligible agencies based on a combination of factors, including risk, whether the agency has completed a comprehensive security risk assessment referred to in subparagraph (B)(i) within a year preceding the date of enactment of this Act, and geographic representation.

(ii) PRIOR EFFORTS.—No eligible public transportation agency may be denied participation in the pilot program on the grounds that it has applied for other grants administered by the Department for the purpose of conducting a comprehensive security risk assessment.

(D) PROHIBITIONS.—In carrying out the pilot program the Assistant Secretary shall ensure that—

(i) grants awarded under the pilot program shall supplement and not replace other sources of Federal funding;

(ii) other sources of Federal funding are not taken into consideration when assistance is awarded under the pilot program; and

(iii) no aspect of the pilot program is conducted or administered by a component of the Department other than the Transportation Security Administration.

(2) REPORT.—Not later than 180 days after the completion of the pilot program, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives a report on the results of the pilot program, including an analysis of the feasibility and merit of expanding the pilot program to a permanent program and any recommendations determined appropriate by the Assistant Secretary.

(3) AUTHORIZATION OF APPROPRIATIONS.—Of amounts made available pursuant to section 101 for fiscal year 2010, $7,000,000 shall be available to the Assistant Secretary to carry out this subsection. Any amount made available to the Assistant Secretary pursuant to this paragraph shall remain available until the end of fiscal year 2011.

(c) REPORT ON RECOMMENDATIONS OF COMPTROLLER GENERAL.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of the Secretary's implementation of the recommendations of the Comptroller General with respect to the improvement of the administration of security grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110–53).

(2) REVIEW BY INSPECTOR GENERAL.—Before the Secretary submits the report required under paragraph (1), the report shall be reviewed by the Inspector General of the Department of Homeland Security. When the Secretary submits the report to Congress under paragraph (1), the Secretary shall include with the report documentation verifying that the report was reviewed by the Inspector General in accordance with this paragraph.

At the end of title III of the bill, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly):

SEC. 312. DEPUTY ASSISTANT SECRETARY FOR SURFACE TRANSPORTATION SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Transportation Security Administration's capacity to address surface transportation security would be enhanced significantly by establishing a position of Deputy Assistant Secretary for Surface Transportation Security to lead the Transportation Security Administration's surface transportation security mission; and

(2) a Deputy Assistant Secretary for Surface Transportation Security could provide the focused leadership and resource management necessary to implement the policies and programs that are critical to securing surface transportation modes and ensure the effectiveness of the Surface Transportation Security Inspection Office, security policy and grant functions affecting surface transportation modes, and the Transit Security Advisory Committee.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the feasibility and merit of establishing a Deputy Assistant Secretary for Surface Transportation Security in the Transportation Security Administration to reflect the reality of security threats that are faced by all modes of transportation in the United States and also whether establishing the position of a Deputy Assistant Secretary for Aviation Security would more effectively streamline or enhance the operational and policymaking capabilities of the Transportation Security Administration for all transportation modes.

(2) RECOMMENDATIONS.—The Inspector General shall include in the report recommendations on—

(A) the most effective and efficient ways to organize offices, functions, personnel, and programs of the Transportation Security Administration under or among all respective Deputy Assistant Secretary positions to be created;

(B) what offices, functions, personnel, and programs of the Transportation Security Administration would best remain outside of the scope of any new Deputy Assistant Secretary positions in order that such offices, functions, personnel, and programs maintain the status of reporting directly to the Assistant Secretary; and

(C) any other relevant matters, as the Inspector General determines appropriate.

In the heading of title IV of the bill, strike ''**CREDENTIALING**'' and insert ''**ENHANCEMENTS**''.

In the heading of subtitle A of title IV of the bill, strike ''**Credentialing**'' and insert ''**Enhancements**''.

Add at the end of subtitle A of title IV of the bill the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 406. PIPELINE SECURITY STUDY.

(a) STUDY.—The Comptroller General shall conduct a study regarding the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to pipeline security. The study shall address whether—

(1) the Annex to the Memorandum of Understanding executed on August 9, 2006, between the Department of Homeland Security and the Department of Transportation adequately delineates strategic and operational responsibilities for pipeline security, including whether it is clear which Department is responsible for—

(A) protecting against intentional pipeline breaches;

(B) responding to intentional pipeline breaches; and

(C) planning to recover from the effects of intentional pipeline breaches;

(2) the respective roles and responsibilities of each Department are adequately conveyed to relevant stakeholders and to the public; and

(3) the processes and procedures for determining whether a particular pipeline breach is a terrorist incident are clear and effective.

(b) REPORT ON STUDY.—Not later than 180 days after the date of enactment of this section, the Comptroller General shall submit to the Committee on Homeland Security in

the House of Representatives a report containing the findings of the study conducted under subsection (a).

(c) REPORT TO CONGRESS.—Not later than 90 days after the issuance of the report regarding the study conducted pursuant to this section, the Secretary of Homeland Security shall review and analyze the study and submit to the Committee on Homeland Security of the House of Representatives a report on such review and analysis, including any recommendations for—

(1) changes to the Annex to the Memorandum of Understanding described in subsection (a)(1); and

(2) other improvements to pipeline security activities at the Department of Homeland Security.

At the end of subtitle A of title IV (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 407. TRANSPORTATION SECURITY ADMINISTRATION CENTRALIZED TRAINING FACILITY.

(a) STUDY.—The Secretary of Homeland Security shall carry out a study on the feasibility of establishing a centralized training center for advanced security training provided by the Transportation Security Administration for the purpose of enhancing aviation security.

(b) CONSIDERATIONS.—In conducting the study, the Secretary shall take into consideration the benefits, costs, equipment, personnel needs, and building requirements for establishing such a training center and if the benefits of establishing the center are an efficient use of resources for training transportation security officers.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the results of the study.

The CHAIR. Pursuant to House Resolution 474, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise to offer my manager's amendment which makes a few perfecting changes to H.R. 2200, the Transportation Security Administration authorization bill. My amendment helps make the bill even more comprehensive by addressing five areas.

First, in the area of public transportation security assistance, my amendment improves the Department of Homeland Security's Transportation Security Grant Program by streamlining the award process. My amendment ensures accountability and transparency by requiring annual reports from TSA on the status of outstanding grant awards. It was developed in response to concerns expressed by public transportation agencies about when the clock should start ticking on the grant performance period. Under my amendment, it doesn't begin until grantees are actually able to access their awards. Additionally, this amendment would prohibit cost sharing for transportation security grants to ensure that grants are awarded efficiently and fairly. It also provides public transportation agencies with the tools and support they need to conduct comprehensive risk assessments in order to better secure their systems.

Second, Mr. Chair, this amendment tackles the question of whether TSA needs to be reorganized to get TSA away from behaving like the Aviation Security Administration. Specifically, it requires an honest assessment of creating two equal positions at the deputy assistant secretary level, one for surface transportation security and one for aviation security. It also articulates a sense of congress that the creation of a deputy assistant secretary for surface transportation security will provide the focused leadership and resource management necessary to secure surface transportation in a manner commensurate with aviation security.

Third, in the area of pipeline security, the amendment contains a provision offered at the markup by the gentleman from Florida (Mr. BILIRAKIS). This provision instructs the Comptroller General to study the roles and responsibilities of DHS and the Department of Transportation with respect to pipeline security in order to better secure our pipelines against intentional breaches.

Fourth, Mr. Chair, regarding workforce improvement, the amendment instructs the DHS Secretary to study the feasibility and merits of establishing a centralized advanced aviation training facility.

Finally, Mr. Chair, the amendment contains a provision to address the special needs of travelers with artificial metal implants.

□ 1345

The amendment contains a provision requiring TSA to establish a program to screen passengers with metal implants.

I urge my colleagues to support this amendment that makes key improvements to an already robust security bill.

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

Mr. DENT. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I am not opposed.

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

There was no objection.

Mr. DENT. Mr. Chairman, this amendment addresses a number of concerns raised by transit agencies and the GAO in an upcoming report. One of the biggest concerns of stakeholders was that TSA and FEMA were taking too long in distributing grant funding. This amendment requires that applications for grants be made available within 30 days of passage of an appropriations act. It then requires the transit agency to submit an application within 45 days and the Secretary to act within 60 days of receipt. These are the same deadlines that are usually required in any appropriations bills.

This amendment also codifies current practice prohibiting cost sharing required for grants. Previously, public transit agencies were required to share up to 25 percent of the cost of a project. Many agencies found this requirement prohibitive, given that they are largely funded by State and local taxpayers and that the costs associated with improving open architecture public transportation systems were considered too expensive.

This amendment also establishes a technical assistance pilot program that gives grants to transit agencies to conduct comprehensive risk assessments using approved third parties. The Office of Domestic Preparedness previously provided grants for such assessments, but these ended when ODP was combined with FEMA and Preparedness. Many State and local agencies do not necessarily have the in-house expertise to conduct comprehensive risk assessments and require outside assistance.

This amendment requires the GAO to examine the roles of the Department of Homeland Security and the Department of Transportation with respect to pipeline security. During a recent release of anhydrous ammonium from a pipeline in Florida, local response personnel were given differing opinions of which Federal agency regulated the security of pipelines. The GAO would examine if current responsibilities for protection against and responding to intentional pipeline breaches are adequately identified in interagency MOUs. The time to identify a lead Federal agency for pipeline security is never after an intentional breach.

So, again, I would just like to say I support this manager's amendment. I think it is a good revision to this legislation of which the underlying bill, of course, is a strong bill too. I support it.

At this time, I would yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, as you have heard, my amendment helps to strengthen the underlying bill and addresses the issues of interest to my colleague. I urge its adoption.

Mr. OBERSTAR. Mr. Chair, I rise in support of the manager's amendment to H.R. 2200, the "Transportation Security Administration Authorization Act of 2009", offered by the gentleman from Mississippi (Mr. THOMPSON), the Chairman of the Committee on Homeland Security.

The manager's amendment modifies section 212 of the reported bill and directs the Transportation Security Administration (TSA) to carry out a program to ensure fair treatment in the screening of passengers with metal implants while traveling in air transportation. The purpose of this provision is to ensure that, consistent with security regulations, such individuals can travel by air with greater ease and be treated with dignity and respect.

According to the Joint Implant Surgery & Research Foundation, there are approximately

500,000 total hip and knee replacements performed in the United States each year. An estimated 11 million people in the United States currently have a medical implant, and this number will grow as the population with implants increases.

In a 2007 study, researchers at the Harvard Medical School found that 100 percent of hip replacements and 90 percent of knee replacements cause commercial airport metal detectors to alert. Whenever a passenger triggers the walk-through metal detector, additional screening must be conducted to locate and resolve the source of the alarm. A Transportation Security Officer (TSO) checks the passenger with a hand-held metal detector and conducts a pat-down inspection of any area that alarms; the TSO then conducts a whole-body pat-down. This additional screening consumes an average five minutes more of a passenger's time at security checkpoints. This excess screening of individuals with metal implants is also an inefficient use of a TSO's time.

This provision is based on H.R. 2335, a bill that I introduced to require the Department of Homeland Security (DHS) to establish a travel credential that incorporates biometric or other applicable technologies to verify the identity of an individual with a metal implant.

The manager's amendment requires TSA to submit a plan to Congress, within six months of the date of enactment, on ways to improve security screening procedures for individuals with metal implants. Within 12 months, TSA must implement the program, including the establishment of a biometric credential to limit disruptions for such travelers.

I thank Chairman THOMPSON for working with me on this provision, which is of great importance to me and millions of travelers with metal implants.

While I support the manager's amendment, I have significant concerns with Subtitle B of Title IV of the underlying bill, entitled the ''Safe Truckers Act of 2009''. The Safe Trucker provisions, offered as an amendment by the gentleman from California (Mr. LUNGREN) during Committee consideration of the bill, eliminate background checks for most commercial drivers who haul hazardous materials.

Currently, drivers who haul hazardous materials in a commercial motor vehicle in quantities requiring vehicle placards under Department of Transportation (DOT) regulations must have a hazardous materials endorsement (HME). In 2001, Congress enacted the USA Patriot Act (P.L. 107–56), which prohibited states from issuing a license to transport hazardous materials in commerce to any individual without a determination by DHS that the individual does not pose a security risk. Drivers seeking to apply for, renew, or transfer an HME on their state-issued Commercial Driver's License (CDL) must undergo a security threat assessment by TSA.

H.R. 2200 significantly narrows the scope of this requirement. The bill requires background checks only for a small subset of drivers—as few as five percent—who haul ''security sensitive materials''. Limiting background checks to only those drivers who haul extremely dangerous materials stands to weaken security on our roadways.

It will be extremely difficult to enforce a requirement that only some drivers carrying hazardous materials undergo background checks. If a driver is able to carry these security sensitive materials without special credential on his or her CDL that requires successful completion of a background check, we will have to rely on roadside inspectors to find drivers hauling these materials and verify that the driver has passed a background check. Only a small group of drivers undergo inspections, conducted by the Federal Motor Carrier Safety Administration (FMCSA) and its state partners. Moreover, it will be difficult for inspectors to determine whether a driver is carrying a class of hazmat requiring special verification. To make this system work, it would be necessary to develop a special identification for trucks carrying hazmat for which a driver must have undergone a background check.

The bill repeals the hazardous materials law that sets forth the existing process of conditioning the issuance of a commercial license on the successful completion of a background check. Instead, the bill institutes a vague enforcement requirement that the Secretary of Homeland Security ''shall prohibit an individual from operating a motor vehicle in commerce while transporting a security sensitive material'' unless the individual holds a Transportation Worker Identification Card (TWIC). Commercial drivers are not like port or airport workers who enter a defined, secure area on a regular basis for their employment, and where verification that they have undergone a background check by TSA inspectors or TWIC card readers can routinely occur.

Roadside inspections target particular carriers with a record of safety problems, not compliance with TSA regulations. Current resources do not result in adequate oversight of this geographically broad industry: in 2008, less than two percent of motor carriers underwent compliance reviews, and 3.5 million roadside inspections were conducted on an industry of 7 million drivers and over 700,000 motor carriers. Under this system, unfortunately, carriers and drivers that are not in compliance with regulations commonly go undetected.

DHS and DOT may recognize these enforcement problems and choose to implement the Safe Trucker requirements by requiring state Departments of Motor Vehicles to have separate processes for granting HMEs to drivers who haul hazardous materials and security sensitive materials. This approach would create a significant administrative burden for states. The associated costs will be shouldered by states, supplemented by Federal motor carrier safety grants funded out of the Highway Trust Fund. The resources diverted to meet this mandate will take away badly-needed funds from critical commercial driver safety activities.

Finally, the Safe Trucker provisions require operators hauling security sensitive materials licensed in Canada or Mexico to undergo a similar background check to U.S. drivers. The Committee on Transportation and Infrastructure included this requirement, applicable to all drivers hauling hazardous materials, in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59). TSA has failed to properly implement this requirement. Instead, TSA currently grants commercial drivers from Mexico authority to transport hazardous materials in the United States (currently limited to commercial zones on the U.S.-Mexico border) without conducting a check of their criminal history in Mexico. Our Committee will seek to address this in our broader efforts to ensure the safety of Mexico-domiciled carriers on U.S. roads.

I understand the arguments that the background checks associated with the HME and the TWIG are not well coordinated by TSA and the associated problems, including duplicate charges for drivers. I support finding a solution to these implementation issues. However, the solutions included in H.R. 2200 far exceed this problem and stand to strain insufficient motor carrier oversight and enforcement resources while potentially weakening security.

I support Chairman THOMPSON's efforts to move this bill expeditiously through the House, and have made every effort to facilitate the consideration of this legislation. I look forward to working with the gentleman from Mississippi on issues of mutual interest to our Committees as this bill moves ahead.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MICA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–127.

Mr. MICA. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MICA:

At the end of subtitle B of title II of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 240. ISSUANCE OF REGULATIONS AND SECURITY DIRECTIVES USING EMERGENCY PROCEDURES.

(a) IN GENERAL.—Section 114(l) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking ''immediately in order to protect transportation security'' and inserting ''in order to respond to an imminent threat of finite duration''; and

(B) in subparagraph (B) by inserting ''to determine if the regulation or security directive is needed to respond to an imminent threat of finite duration'' before the period at the end of the first sentence;

(2) by striking paragraph (3) and inserting the following:

''(3) FACTORS TO CONSIDER.—

''(A) IN GENERAL.—In determining whether to issue, rescind, or revise a regulation or security directive under this subsection, the Under Secretary shall consider, as factors in the final determination—

''(i) whether the costs of the regulation or security directive are excessive in relation to the enhancement of security the regulation or security directive will provide;

''(ii) whether the regulation or security directive will remain effective for more than a 90-day period; and

''(iii) whether the regulation or security directive will require revision in the subsequent 90-day period.

''(B) AUTHORITY TO WAIVE CERTAIN REQUIREMENTS.—For purposes of subparagraph (A)(i), the Under Secretary may waive requirements for an analysis that estimates the number of lives that will be saved by the regulation or security directive and the monetary value of such lives if the Under Secretary determines that it is not feasible to make such an estimate.''; and

(3) by adding at the end the following:

''(5) RULEMAKING REQUIRED.—Any regulation or security directive issued under paragraph (2) that remains effective, with or without revision, for a period of more than 180 days shall be subject to a rulemaking pursuant to subchapter II of chapter 5 of title 5.''.

(b) APPLICABILITY.—The amendment made by subsection (a)(3) shall apply to a regulation issued under section 114(l)(2) of title 49, United States Code, before, on, or after the date of enactment of this Act.

The CHAIR. Pursuant to House Resolution 474, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I rise in support of this amendment, which is also offered by Congressman EHLERS, Congressman GRAVES and Congressman PETRI. This amendment would tighten standards for when TSA can issue an emergency regulation or security directive.

After 9/11, Congress wanted to ensure the TSA could act quickly to respond to terrorist threats. I was instrumental in crafting some of that legislation, and we wanted to give TSA the ability to waive the Administrative Procedures Act and issue a security directive any time they believed there was an ''immediate threat to transportation security.''

Now we come some 8 years after 9/11 and we see the TSA issuing security directives when the ''immediate threat'' they are seeking to address is sometimes unclear. And also there are some problems with use of this authority.

First, we have security directives that change from week to week. TSA is also issuing many directives that are unfunded mandates without an opportunity to comment; others are ''published'' and then remain open for months. And then we have seen examples of even security directives that have been revised seven or eight times.

TSA's use of the security directive makes us ask the question: What immediate threat is TSA addressing with these security directives in the manner they are proceeding?

This amendment would ensure that the waiver of the Administrative Procedures Act occurs only when there is an ''imminent threat of finite duration.'' TSA would still have the ability to quickly respond to such threats, but if the directive is in place for longer than 6 months, it would be required to conduct a regular rulemaking process.

This amendment would refine TSA's security directive issuance process to make it truly responsive to imminent threats and not just the whim of the agency. That is not what we intended. So I ask my colleagues to join other colleagues here in trying to strengthen and clarify this law.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from Mississippi is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Mr. Chair, I yield such time as he may consume to the gentleman from Oregon for the purpose of opposition debate.

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

I share with the gentleman—he and I helped create the Transportation Security Administration—tremendous frustration with bureaucracy that gets over the edge for no real purpose, and I will not say that the current process is perfect. Particularly as relates to general aviation, we have had a couple of problems, one in which the chairman has been very involved, having to do with standards for what constitutes a potential threat aircraft and also the issue of background checks for those who work in the general aviation field.

But beyond that, many of these directives are based on sensitive security information or even classified information. So they could not very well, if you were dealing, say, with the gel and liquids rule, subject that to the bureaucratic rulemaking process. I don't think the way to solve inadequacies and problems with the current directive process is to create an even more lengthy, expensive bureaucratic process. I don't think on a normal day the gentleman from Florida would ever present the idea to this Congress that we should expand rulemaking and go back and revisit rules that have already been made and put them through a very lengthy and expensive process. What he wants is more transparency. He wants common sense, and he wants stakeholder groups to have an opportunity to intervene. The legislation does bring stakeholder groups into the process, particularly as relates to general aviation.

The chairman is using his oversight authority to go after nonsensical rules and problems that have occurred. One happened recently with a group of aged veterans on a charter aircraft where the chairman has called the agency to account and asked for a review of the procedures they are using. So I would say there is a new era here.

We are going to make them responsive and responsible and make their work make more sense and meet our true security needs. But if you impose this on the entire structure, you're going to divert a lot of resources in the Transportation Security Administration over into a bureaucratic, lengthy rulemaking process. They are not going to have the flexibility to change, say, the liquids rule as they did from ''all liquids are banned'' to ''well, prescriptions can go'' to ''so many ounces can go.'' Each of those would have required a 6-month to 2-year change in the process during which we would be locked into whatever the first emergency rule was for only 6 months under the gentleman's proposal. It is not a practical way to address this.

Mr. MICA. Might I inquire as to the balance of our time?

The CHAIR. The gentleman from Florida has 2½ minutes remaining. The gentleman from Mississippi has 2½ minutes remaining.

Mr. MICA. I yield 1½ minutes to the gentleman from Michigan (Mr. EHLERS), also a cosponsor of this amendment.

Mr. EHLERS. Somebody asked, Why do this? Just look at the history and the record of the TSA and some of the things they have done. How many of you remember whenever we would fly into Washington National Airport we had to sit in our seats for 30 minutes before landing and we had to sit in the seats for 30 minutes after takeoff? That was a totally nonsensical rule which many of us tried to change.

The point is they make nonsensical rules that are totally unresponsive to our efforts to change it. And that rule was not changed until I offered an amendment on the floor. This was the only case in history I know of where an amendment was passed by acclamation and laughter because everybody supported it.

Now they have done some more regulations about general aviation without consulting the committee, without consulting general aviation interest and doing what I think is really very strange, often stupid regulations. It is clear that they need better review and that they have to use more caution and consult with those affected when they are developing rules. I believe that this amendment is badly needed and will force them to think more carefully and more thoroughly about what they are doing and what they are proposing to do.

So I strongly support this amendment, particularly as it affects general aviation, because that is where a lot of the problems have developed recently.

I urge the body to adopt this amendment.

Mr. THOMPSON of Mississippi. Mr. Chair, I yield 1½ minutes to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chair, may I inquire as to who has the right to close?

The CHAIR. The gentleman from Mississippi has the right to close.

Mr. DEFAZIO. I thank the gentleman for yielding.

First off, last week, I was subjected to the absolutely stupid 30-minute rule. United Airlines can't get it into their manual that it was repealed 4 years ago. I did ask to have my card sent up to the pilot, but I have complained several times. Some pilots still think that since it is apparently still in the United manual, that it was not created by the TSA. And our former Chairman MICA knows that. That was a Secret Service directive which preempted all of the agencies of the government and the newly created TSA.

The TSA agreed with us that it was an absolutely asinine rule, but we were told it was a higher authority. So that would never have gone through a rulemaking process. That was imposed.

Now, those sorts of things could be imposed for 6 months still under the gentleman's rule. And I don't know

that the Secret Service would claim that they could preempt even the 6-month limit. So we can't prevent all stupidity, but we push back against it.

Again, back to the gel rule. Under the gentleman's proposed amendment, they would still be amending the gel rule to get down to the 4 ounces or get to 4 ounces or whatever the current limit is. Maybe it is 3.4. I can't remember. That seems to change, too. But you don't need a 2-year process and shouldn't impose a 2-year process and an extraordinary expense to the taxpayers in that sort of a case.

Yes, there are problems. There is stupidity when it comes to the GA rule. The committee is dealing with it through oversight and pressure.

Mr. MICA. Mr. Chairman, do we have 1 minute left on our side?

The CHAIR. The gentleman has 1 minute remaining, and the gentleman from Mississippi has 1 minute remaining.

Mr. MICA. To close for our side, I would like to yield the balance of my time to another distinguished leader of the Transportation and Infrastructure Committee, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chair, I want to quote the conclusion of the Civil Aviation Threat Assessment released in December 2008 by the Department of Homeland Security. ''While terrorist groups maintain the capability and intent to conduct terrorist attacks against U.S. civil aviation and have shown some interest in conducting attacks using general aviation overseas, there is little evidence to suggest that terrorists are turning their attention specifically to the general aviation sector in the homeland.''

Mr. Chairman, to the best of my knowledge, to date there has not been a single terrorist attack on U.S. soil using general aviation aircraft. As a pilot more than 20 years myself, I know firsthand how general aviation security operates. The bottom line is that it works.

My remarks before Congress today are not meant to downplay the importance of the TSA. As we all know, the TSA is tasked with ensuring the safety of the traveling public. It is an extremely important and difficult task and one that we all take very seriously.

However, recently the TSA has been focusing their resources, efforts, and taxpayer dollars on further regulating the general aviation industry, which the agency itself concludes there is little evidence to suggest a threat.

Mr. Chairman, the amendment offered by Mr. MICA, co-offered by myself, Mr. PETRI, and Mr. EHLERS, is simple. It does not prohibit the TSA from issuing security directives if and when a threat exists. It simply requires them to go through the normal rulemaking process if a security directive is in place for more than 180 days.

□ 1400

Mr. THOMPSON of Mississippi. I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO) for the purpose of closing.

Mr. DEFAZIO. Where the gentleman concluded is where the debate should end, the normal rule-making process. On any ordinary day, the Republicans would not stand up and say that we need more bureaucracy; we need more 2-year rule-making on things that are important to the American people.

We are creating transparency here. We're creating a stakeholder committee.

Yes, they have done some stupid things in GA. But does that mean you're going to go to all of the things that relate to passengers and airports and baggage screening and explosives and everything else and put those out into a public rule-making process with all the sensitive security information that's involved? That's impossible. It's impractical, and it would jeopardize the safety of the American public.

Yes, let's fix the problems with GA. Somebody down there needs to be picked up and shaken upside down to understand what GA's all about. The chairman's doing that. We'll continue to do that. We'll work with you. We're creating a stakeholder group so that GA will have a voice. But don't throw out all of the other critical security directives and the flexibility to put them in place and change them without a bureaucratic process.

Mr. PETRI. Mr. Chair, I rise in support of the amendment offered by my colleague Mr. MICA and co-sponsored by myself and fellow subcommittee members, Congressman EHLERS and Congressman GRAVES.

This amendment seeks to clarify the standard for when TSA is allowed to circumvent the rulemaking process under the Administrative Procedures Act and issue a security directive in order to respond to an "imminent threat" of limited duration. While there are circumstances in which these security directives are necessary to address immediate threats to our transportation systems, they too often have been issued under unclear circumstances and have even been known to change from week to week. This places an unnecessary burden on commercial and general aviation alike—as well as other modes of transportation.

For example, TSA recently issued a security directive that required background checks and restrictive badging requirements for general aviation at airports with commercial service. This directive placed unneeded restrictions on thousands of pilots and others without identifying what imminent threat existed. The TSA subsequently eased the requirements somewhat, but the fact remains that a security directive was used to regulate an entirely new population of airport personnel and users. This is basically regulation by policy statement—not the more proper rulemaking that provides for the opportunity for public comment, consideration of costs and operational impacts, and greater transparency and accountability. By the way, this one Security Directive has been revised 8 times!

We are all aware of the threats our nation's transportation systems face. TSA must have the authority to address imminent threats by bypassing the formal rulemaking process. But this authority should not be used to impose new security requirements that do not meet the security directive threshold as contemplated by Congress.

This amendment not only will ensure that TSA retains this needed authority, but also establishes a proper balance between security and the protection of our civil liberties by tightening the issuance standard.

I want to express my appreciation to Mr. MICA and others for their work to bring this amendment to the floor, and urge my colleagues to support its adoption.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

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

Mr. THOMPSON of Mississippi. 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 Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MICA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–127.

Mr. MICA. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MICA:

At the end of subtitle A of title II of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 214. KNOWN AIR TRAVELER CREDENTIAL.

(a) ESTABLISHMENT.—Section 44903(h) of title 49, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

''(7) KNOWN AIR TRAVELER CREDENTIAL.—Not later than 6 months after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall—

''(A) establish a known air traveler credential that incorporates biometric identifier technology;

''(B) establish a process by which the credential will be used to verify the identity of known air travelers and allow them to bypass airport passenger and carry-on baggage screening;

''(C) establish procedures—

''(i) to ensure that only known air travelers are issued the known air traveler credential;

''(ii) to resolve failures to enroll, false matches, and false nonmatches relating to use of the known air traveler credential; and

''(iii) to invalidate any known air traveler credential that is lost, stolen, or no longer authorized for use;

''(D) begin issuance of the known air traveler credential to each known air traveler that applies for a credential; and

''(E) take such other actions with respect to the known air traveler credential as the Assistant Secretary considers appropriate.''.

(b) KNOWN AIR TRAVELER DEFINED.—Section 44903(h)(8) of such title (as redesignated by subsection (a) of this section) is amended—

(1) by redesignating subparagraph (F) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following:

''(F) KNOWN AIR TRAVELER.—The term 'known air traveler' means a United States citizen who—

''(i) has received a security clearance from the Federal Government;

''(ii) is a Federal Aviation Administration certificated pilot, flight crew member, or cabin crew member;

''(iii) is a Federal, State, local, tribal, or territorial government law enforcement officer not covered by paragraph (6);

''(iv) is a member of the armed forces (as defined by section 101 of title 10) who has received a security clearance from the Federal Government; or

''(v) the Assistant Secretary determines has appropriate security qualifications for inclusion under this subparagraph.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the amendments made by this section.

The CHAIR. Pursuant to House Resolution 474, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification which I have provided at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 3 offered by Mr. MICA:

The amendment as modified is as follows:

In section 234 of the bill, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following:

(c) TREATMENT OF INDIVIDUALS WITH TOP SECRET SECURITY CLEARANCES.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish protocols to—

(1) verify the identity of United States citizens who participate in the Registered Traveler program and possess a valid top secret security clearance granted by the Federal Government; and

(2) allow alternative screening procedures for individuals described in paragraph (1), including random, risk-based screening determined necessary to respond to a specific threat to security identified pursuant to a security threat assessment.

The CHAIR. Without objection, the amendment is modified.

There was no objection.

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

First of all, I do want to express my sincere gratitude to Chairman THOMPSON, to the majority staff, and to the staff on our side of the aisle and Members from the minority. They worked together, I think, in the best interest of trying to bring forward the best possible Transportation Security Administration authorization and legislation they could, and also worked very closely to modify an amendment that I originally proposed.

My colleagues, Congress has repeatedly directed the Transportation Security Administration to use biometric identifier technology for identification cards, travel documents and access control programs.

In fact, Mr. Chairman and Members of the House, these are the times, and I was one of the original authors of the TSA legislation, in which we included a similar directive back immediately after 9/11. But these are the times I have passed, or Congress has passed, into law directives, law after law, directive after directive to TSA to use biometric. And I'd like to submit a list of those for the RECORD.

CONGRESSIONAL MANDATES FOR THE UTILIZATION OF BIOMETRIC IDENTIFIER TECHNOLOGY FOR IDENTIFICATION CARDS, TRAVEL DOCUMENTS, AND ACCESS CONTROL PROGRAMS

* * *

USA PATRIOT Act of 2001

Aviation and Transportation Security Act of 2001

Enhanced Border Security and Visa Entry Reform Act of 2002

Maritime and Transportation Security Act of 2002

Intelligence Reform and Terrorism Prevention Act of 2004

Department of Homeland Security Appropriations Act for FY2006

Unfortunately, to date, TSA has still failed to fully implement this technology for airport security purposes. And while I'm very supportive of the Registered Traveler Program and its use of biometric technology, the TSA still has failed to utilize this program to its fullest potential.

Biometric technology, fingerprint technology, that uses the thumb, the eye, and is used for registered travelers, is very common, not only for, again, our Registered Traveler Program, but also for various Federal agencies. And I have copies of their IDs, which we use, scanning the Department of Energy, the Department of Defense. However, it is, in fact, used also for secure Federal installations, including very sensitive operations at national laboratories, at military bases and other government facilities. However, we still don't have this technology for use, again, with TSA.

The use of biometric identifier technology, I believe, will not only improve the security of our air transportation, but also the efficiency. If we know who a person is, having a thoroughly vetted background of that individual, we can, in fact, confirm their identification through the use of these credentials that incorporate this biometric technology. Then we can cut down on the amount of unnecessary screening at airports and some of the costs incurred and inefficiency. Wait times for all air travelers, hopefully, will be lessened, and the TSA will actually be able to focus their scarce resources on unknown people who do potentially pose a threat to the system.

To this end, my amendment is a simple one. It requires again the Transportation Security Administration to establish protocols, first, to verify the identity of United States citizens who participate in a Registered Traveler Program, and who possess valid Top Secret Security Clearance, and there are hundreds of thousands that do that. And that clearance is granted by the Federal Government.

It would also allow an alternative screening procedure for those alternatives. And I hope that would be part of the Registered Traveler Program, again, making it more effective, and leveraging existing biometric identifier technology.

So I think we can stop some of the duplication of efforts, the unnecessary screening, creating multiple credentials.

I want to thank, again, Chairman THOMPSON, Ranking Member KING and staffs on both sides of the aisle for working with us to perfect this amendment. I believe it's a win-win for everybody.

And, again, I can't be more grateful for the cooperation in trying to get an amendment that, hopefully, will make a significant difference in our transportation security system.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, while not in opposition to the amendment, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise today in support of my colleague's amendment requiring TSA to establish expedited screening protocols for passengers with a Top Secret Security Clearance.

This amendment enhances section 234 by requiring TSA to establish special protocols for individuals in the Registered Traveler Program who possess a valid Top Secret Security Clearance issued by the Federal Government.

These individuals have access to some of the most sensitive secrets this country has. TSA should be able to figure out how to adopt a screening system to take into account that these passengers are well-known to the Federal Government, have this special status and, as added layers of security, are traveling with a biometric card that confirms their identity.

I'm pleased that Mr. MICA worked with me to fine-tune this amendment, and I urge my colleagues to adopt this amendment.

Mr. Chair, I yield back the balance of my time.

Mr. MICA. I only have a short period of time, but I would like to yield it to Mr. DENT.

Mr. DENT. Real quickly, I just want to say that individuals with Top Secret Security Clearance go through an extensive background check and investigation every 5 years and friends, family members, coworkers and even neighbors are interviewed during this process.

This amendment recognizes the expansive nature of the top secret investigation and the reduced risk individuals with these clearances pose. For these reasons, I strongly support this amendment and urge its adoption.

The CHAIR. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. MICA).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BACHUS

The Acting CHAIR (Mr. HOLDEN). It is now in order to consider amendment No. 4 printed in House Report 111–127.

Mr. BACHUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BACHUS:

At the end of subtitle B of title II of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 240. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code (as amended by this Act), is further amended by adding at the end the following:

''(n) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

''(1) IN GENERAL.—The Assistant Secretary shall develop and implement a plan to provide expedited security screening services for a member of the Armed Forces, and any accompanying family member, when the member of the Armed Forces is traveling on official orders while in uniform through a primary airport (as defined by section 47102).

''(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

''(A) leveraging existing security screening models used by airports and air carriers to reduce passenger wait times before entering a security screening checkpoint;

''(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

''(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (115 Stat. 613), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

''(3) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan.''.

(b) EFFECTIVE DATE.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall establish the plan required by the amendment made by subsection (a).

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Alabama (Mr. BACHUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Chair, I think there are some issues that may divide us, but there are other issues that unite us as Members, and this is a perfect example of an amendment, I think, that brings us all together.

In fact, this amendment is cosponsored by DENNIS MOORE, my Democratic colleague from Kansas. And Homeland Security Committee Chairman BENNIE THOMPSON was very helpful in crafting this amendment. And I express my appreciation to you, also, the ranking member, PETER KING, and to the ranking member of the subcommittee, CHARLIE DENT, and also to the chairman of the subcommittee, Ms. SHEILA JACKSON-LEE. They and the Homeland Security Committee were most helpful.

Mr. Chairman, often, as we go through the airports of America, we and our constituents see our members of the military passing through those airports. Many of them are going to Iraq and Afghanistan. They're leaving their loved ones, facing sometimes an uncertain future. Others are coming in from Iraq and Afghanistan, going home to see loved ones. Sometimes they haven't seen them for over a year. They're often loaded down with heavy gear.

Now, also, at the same time, we see the registered travelers that we talked about earlier, we see United Premium members, we see Delta Platinum members and Gold Medallion members. We all see them getting priority, and that's okay. I have no problem with that.

But if there is any group of Americans who ought to get priority to go to the front of the line, not to skip security, but to go to the front of the line, it's men and women in uniform. So this amendment extends to them the same basic courtesy that we extend to over a million other Americans right now.

In fact, this is my Southwest A-list member. I, because I travel, I get to use that. United members do, Delta members do. But I want to see our military have this same privilege.

I will reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chair, while not opposed to the amendment, I ask unanimous consent to claim time in opposition.

The Acting CHAIR. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chair, I am pleased to support the amendment offered by the gentleman from Alabama (Mr. BACHUS). It directs TSA to craft special security screening protocols for men and women of the Armed Forces.

All of us have been in airports. We've seen our men and women returning subject to all kinds of searches. It is absolutely important that we say thank you for putting themselves in harm's way. And I support 100 percent the directive requiring TSA to set up a protocol to recognize their value to the country.

I yield back the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield such time as the gentleman, the ranking member of the subcommittee, Mr. DENT from Pennsylvania, may consume.

Mr. DENT. Mr. Chairman, I strongly support this amendment by Mr. BACHUS. It's a good amendment. Expedited screening services are provided to frequent flier travelers and registered travelers at our Nation's commercial airports all the time. And yet our servicemen and women, many with metal items such as combat boots, medals and badges, often need additional screening when they set off the magnetometer.

Our brave servicemen and women are on the front lines in the fight against terrorism. Surely some kind of expedited treatment at an airport checkpoint is the least our country can do for them.

Currently there is no formal TSA requirement or process in place to screen our servicemen and women in any expedited fashion. At some airports, Transportation Security Officers may escort members of the Armed Forces to the front of the checkpoint, but at other airports no such special treatment is given.

□ 1415

So Mr. BACHUS' amendment is an excellent one. It's just common sense that a formal checkpoint screening process should be established for servicemen and women who sacrifice so much for their country.

And finally, these men and women place themselves in harm's way to the benefit of our American way of life. The very least we can do is make the airport checkpoint experience as smooth and as pleasurable as possible.

Mr. BACHUS. Mr. Chairman, let me close by saying this.

We received a letter in the last 2 days from Major General Abner Blalock, who says this amendment will make a big difference for our military and for their families. And I hope it does. I think it's a small gesture that we can make.

I also received an e-mail from a young marine who was coming back from Iraq, and this is what he said:

As I returned from Iraq, where I had been for over a year, I had to remove my boots and my blouse—a military term for battle dress uniform—and then a hand wand was used over my entire body.

That was after he waited in line for some period of time. He said he felt humiliated.

There is a way to have proper security, and this amendment does nothing to change those requirements. But we can give those young men in uniform some expedited service, and we also ask TSA to look at when men and women are in uniform, under orders, to consider an expedited way to get them through security.

With that, Mr. Chairman, I ask all the Members to join with me in expressing our appreciation to the men and women who serve us and risk their life for us every day.

Mr. MOORE of Kansas. Mr. Chair, I rise today in support of the amendment I offered with my good friend from Alabama, Representative SPENCER BACHUS.

Like many of my colleagues, I travel home to my district almost every

weekend, and am forced to spend a considerable amount of time in airports. I frequently see members of our armed forces at the airport traveling to fulfill assignments, in full military uniform and often loaded down with gear and equipment.

The amendments Representative BACHUS and I introduced would help ease the burden on these service men and women traveling on official orders.

The Bachus/Moore amendment would direct the Transportation Security Administration (TSA) to establish a dedicated screening process at airport security checkpoints for military personnel travelling in uniform on official orders. The amendment would also enable family members to accompany the service man or woman through the expedited screening process.

While some airports and airlines have expedited screening policies in place for certain types of passengers, there is no group that deserves greater consideration than our brave men and women in uniform. Our servicemen and women, as well as their families, sacrifice so much as a part of their military service.

This amendment represents a small, simple gesture of kindness in order to make travel more convenient and efficient for our heroes.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–127.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HASTINGS of Florida:

In title II, at the end of subtitle B add the following new section:

SEC. ___. REPORT ON COMPLAINTS AND CLAIMS FOR LOSS OF PROPERTY FROM PASSENGER BAGGAGE.

Not later than six months after the date of enactment of this Act, the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives on complaints and claims received by the Administration for loss of property with respect to passenger baggage screened by the Administration, including—

(1) the number of such claims that are outstanding;

(2) the total value of property alleged in such outstanding claims to be missing;

(3) an estimate of the amount of time that will be required to resolve all such outstanding claims;

(4) the amount of Administration resources that will be devoted to resolving such outstanding claims, including the number of personnel and funding; and

(5) efforts that the Administration is making or is planning to make to address passenger grievances regarding such losses, enhance passenger property security, and provide effective oversight of baggage screeners and other Administration personnel who come in contact with passenger property.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I'm pleased to offer an amendment to the Transportation Security Administration authorization legislation requiring the TSA to report on the status of passenger property claims. Between 2003 and 2008, passengers filed almost $3.5 million in claims for property lost after their bags were mishandled by the TSA, including jewelry, electronics, and other personal effects. This is unacceptable. The American people already deal with numerous hassles at the airports. Worrying about theft from their luggage should not be one of them.

This amendment ensures adequate oversight of the TSA's efforts to address passenger complaints and claims. This amendment requires the TSA to report on the outstanding claims, their value, and the agency's efforts to enhance our passenger property security and provide effective oversight of baggage screeners and other TSA personnel.

Mr. Chairman, the TSA does an outstanding job of protecting our Nation's airports and ensuring the safety and security of the tens of millions of passengers who access our air transportation network each year. This authorization bill—and I compliment Chairman THOMPSON and his staff, as well as the ranking member and their staff, for offering this very good bill—but it offers us an opportunity to improve the TSA's operations and ensure that all Americans can rest assured that their property is safely cared for under the control of TSA personnel.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I rise to claim time in opposition to the amendment, although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. DENT. Mr. Chairman, this amendment requires the TSA to report on the number of claims it receives for lost and damaged property, as well as the value of that property and an estimation on the time and resources necessary to resolve such claims.

The men and women of the TSA work hard every day to protect the property entrusted into their care. While the underlying premise is faulty, in that it assumes TSA personnel are to blame for loss or damage associated with baggage, the information gleaned from this report might prove useful in allocating additional resources to manage these claims.

The TSA has instituted a process in which a tag is placed inside every bag they open and inspect. This includes bags that are sealed and require a forcible entry.

Unfortunately, the traveling public is sometimes quick to blame the TSA for any loss or damage associated with their luggage, as opposed to the air carriers, baggage handlers, or simple errors in bar code scanning.

This report may prove useful in identifying any possible improvements to the TSA notification and claims process.

So, as I said, I support the amendment.

At this time, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I'm prepared to yield back the balance of my time, and I do so.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. LINCOLN-DIAZ BALART OF FLORIDA, AS MODIFIED

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–127.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I offer an amendment, and I ask unanimous consent that my amendment be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. LINCOLN DIAZ-BALART of Florida:

In section 237 of the bill, insert ''(a) PROCESS.—'' before ''Section 1604(b)(2)''.

In section 237 of the bill, insert at the end the following:

(b) REIMBURSEMENTS OF AIRPORTS FOR ELIGIBLE COSTS REIMBURSED AT LESS THAN 90 PERCENT.—If the Secretary or Assistant Secretary reimbursed, after August 3, 2007, an airport that incurred before August 3, 2007, an amount for eligible costs under section 44923 of title 49, United States Code, that was less than 90 percent of such costs, the Secretary or Assistant Secretary shall reimburse such airport under such section an amount equal to the difference for such eligible costs.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Mr. LINCOLN DIAZ-BALART of Florida:

The amendment as modified is as follows:

In section 237 of the bill, insert ''(a) PROCESS.—'' before ''Section 1604(b)(2)''.

In section 237 of the bill, insert at the end the following:

(b) REIMBURSEMENTS OF AIRPORTS FOR ELIGIBLE COSTS REIMBURSED AT LESS THAN 90 PERCENT.—If the Secretary or Assistant Secretary reimbursed, after August 3, 2007, an airport that incurred an amount for eligible costs under section 44923 of title 49, United States Code, that was less than 90 percent of such costs, the Secretary or Assistant Secretary shall reimburse such airport under such section an amount equal to the difference for such eligible costs.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I'd like to thank the distinguished chairman of the committee for his consideration and another clear demonstration of bipartisanship on this House floor.

Mr. Chairman, I rise to offer an amendment that is a matter of simple fairness to airports that are installing congressionally mandated In-Line Explosive Detection Systems, known as EDS.

Airports that were offered TSA discretionary funding for EDS projects in 2008 were not treated equally. This was due to funding language that, in effect, pitted airports against each other, depending upon who was awarded in fiscal year 2008 or fiscal year 2007 appropriations.

In the fall of 2008, TSA had funding at its disposal from fiscal year 2007 and fiscal year 2008 to distribute EDS reimbursement funds. Some airports received Federal discretionary grants for 90 percent of the costs of installing the EDS for airport baggage systems from the fiscal year 2008 appropriations. At the same time, other airports were given grants for 75 percent of their costs from fiscal year 2007 appropriations. Both of these awards were distributed at the same time, in the fall of 2008.

Miami International Airport, which is located in the district that I am honored to represent, and several other large airports around the country fell into the 75 percent category, and these airports are now at a competitive disadvantage which increases costs to the airlines and, of course, to the flying public who ultimately pays the bills.

The TSA and the OMB made an arbitrary funding decision. They picked winners and losers based on no known criteria. This amendment simply restores fairness to TSA's discretionary funding of EDS projects and assures that these critical airport security projects can be completed in a timely basis.

Again, I'd like to thank Chairman THOMPSON and Ranking Member KING and their staffs for working with my office to perfect this amendment.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim time in opposition.

The Acting CHAIR. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, this is a classic example of a commonsense amendment. There is no reason why some airports should be reimbursed at 90 percent and others at 75 percent. This corrects that inequity. We support it.

I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–127.

Ms. CASTOR of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. CASTOR of Florida:

In the heading to section 403 of the bill, insert before the period at the end the following (and conform the table of contents of the bill accordingly): ''**; REDUNDANT BACKGROUND CHECKS**''.

At the end of section 403 of the bill, strike the closing quotation marks and the final period and insert the following:

''(r) REDUNDANT BACKGROUND CHECKS.—The Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a transportation security card is issued under this section. The Secretary may waive the application of this subsection with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary.''.

The Acting CHAIR. Pursuant to House Resolution 474, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chairman, I'm pleased to offer an amendment that promotes economic growth and fairness.

My amendment eliminates redundant and expensive additional background checks that are making the Transportation Worker ID Card less effective and keeping qualified verified workers from jobs at our ports.

The Transportation Worker ID Card was designed to ensure that people working at our ports are not security risks. We now verify that port workers have not been involved in activities related to terrorism or other serious criminal activity.

The TWIC harmonizes port security across the Nation, so that any port authority in the country can be secure in the knowledge that job applicants have been examined by the TSA and deemed qualified and safe to access our ports.

While the Transportation Worker ID Card has standardized port security for the vast majority of States, in Florida a worker who holds that national TWIC card is still not allowed to access ports without additional background checks and additional fees under a parallel and duplicative State-run system. That's not fair.

A trucker delivering a load to a port in Georgia or South Carolina can simply present the TWIC card and make his or her delivery, as Congress intended when the TWIC program was designed. However, the same trucker in Florida will have to pay additional fees because the State refuses to recognize the TWIC as a sufficient security credential.

Florida is the only State in the country to require two security clearances to enter public seaports. These duplicative clearances not only defeat the purpose of having a Federal port security credential, but they put Florida's seaports, tenants, trucking companies and workers at a competitive disadvantage, and this is hurting Florida's economy. It's a terrible burden on business.

Now, in 2007, this Congress directed TSA to work with Florida to come to a mutually agreeable solution that would allow the TWIC to serve its purpose, but the ensuing years of negotiations led Florida to reaffirm this spring that it would not accept the national standard for port security but would continue to require expensive duplicative and unnecessary extra background checks.

□ 1430

The criminal background checks are almost identical. Both screen for crimes such as trafficking and narcotics, robbery and assault. Both agencies also have the ability to issue waivers to applicants when offenses are judged to represent no threat to port commerce or national security.

The price of the DHS TWIC port credential 5-year card is $132.50. And if you're in Florida, you have to pay an additional $100 to $130 for the Florida clearance for the same 5-year period. This additional financial and bureaucratic burden on Florida port businesses and workers is unnecessary.

The amendment I'm offering will restore a reasonable, rational, and cost-efficient maritime business environment. Duplicative and unnecessary costs erode the efforts to stimulate and grow Florida's economy and decrease the effectiveness of national standards put in place by Congress through the TWIC program.

Now, for those that might be concerned, if Florida can justify additional background checks with legitimate homeland security concerns, this amendment gives them the opportunity to do so, and the parallel program could be maintained. But if the duplicative and expensive background checks required by Florida are not making our ports safer, workers should not have to pay for them.

Mr. Chairman, I urge my colleagues to adopt the amendment.

I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. While the Transportation Worker Identification Credential, TWIC, card was intended to be the one security credential required of port workers nationwide, some State governments could not wait for the Federal Government to establish its programs, and they moved forward with their own.

Currently, as has been stated, Florida is one State requiring a separate and, some argue, duplicative security background check and card for workers entering port facilities. While it's unfortunate that Florida port employees are required to pay for background checks twice, TSA cannot share the results of its background checks with Florida.

Florida State law allows for individuals to be disqualified even if they were found qualified by the TSA due to differences in disqualifying crimes. Perhaps a better amendment would have been to allow TSA to share the results of its TWIC background checks with Florida. I would suggest that as a better amendment than the one currently before us.

As written, this amendment would preempt Florida from continuing their security background check program, a program that the Florida State Legislature strongly supports. Additionally, some workers in port facilities receive criminal background checks, drug and alcohol testing, and credit checks as part of their screening process.

Many have distinguished this type of employment screening from the security-focused screening of the TWIC program. It is unclear if DHS would see the Waterfront Commission's background check as being preempted under this amendment because it is an employment-safety criminal background check, not a security background check.

While the amendment does allow a State to demonstrate a ''compelling homeland security reason'' that a separate background check is warranted, this places an extraordinary burden on a State legislature. State legislatures should have the right to determine what offenses qualify as disqualifying offenses in their ports, and this amendment would preempt that.

I reserve the balance of my time.

Ms. CASTOR of Florida. Mr. Chairman, I'd like to thank the chair of the committee, Mr. THOMPSON from Mississippi, for his leadership on this issue and the professional Homeland Security staff who are the committee supportive of the amendment.

I'd also submit, for the RECORD, letters of support from the Transportation Trades Department, the Florida Ports Council, Port Everglades, Port Manatee, Port of Miami, the Tampa Port Authority, and the Passenger Vessel Association.

I urge my colleagues to support the amendment and come down on the side of economic growth in a time of economic disaster; to come down on the side of the hardworking folks at our ports, to say that it's not fair in America that just because you live in one State, that you're going to be subjected to additional bureaucratic barriers to get to your job. I urge approval of the amendment.

TRANSPORTATION TRADES
DEPARTMENT, AFL–CIO,
Washington, DC, June 4, 2009.

SUPPORT THE TSA AUTHORIZATION ACT AND THE CASTOR AMENDMENT

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL–CIO (TTD), I urge you to support the Transportation Security Administration Authorization Act (H.R. 2200) which will make significant improvements to the security of our transportation network. I also urge you to vote for an amendment offered by Representative Castor which seeks to eliminate duplicative security credentials.

As we approach the 8th anniversary of the September 11, 2001 attacks on our country, we are reminded that much work remains to better secure our entire transportation system and to ensure that front-line workers are well-positioned to help address our security vulnerabilities. Toward this end, we applaud Chairman Bennie Thompson and the members of the Homeland Security Committee for reporting out legislation that will impose new security requirements and move to ensure that rules already on the books are quickly implemented.

Specifically, we support the provision in the bill that will finally ensure that flight attendants receive the uniform and mandatory security training they need to respond to threats in the aircraft cabin. Despite claims by some in industry, the costs of this program are minimal—it would add five hours of training to pre-existing safety training and would only occur every other year. This provision is a significant compromise from the original multi-day proposal and we simply do not see how industry can responsibly oppose it. The concept that workers themselves should have to pay for this mandatory training is ludicrous and we thank the Committee for rejecting this concept.

We also support the expanded training and support for the Federal Flight Deck Officer (FFDO) program. The bill provides that Federal Air Marshal Service field office facilities can be used for the FFDO activities. The section also allows for reimbursement of costs incurred by flight deck officers during requalification for this program, which is required to work as a flight deck officer. The bill also provides additional training for cargo pilots. For years, security regulations pertaining to cargo operations have been inadequate and this mandate will take an important step to address this problem.

Section 206 mandates the issuance of security standards for foreign and domestic aircraft repair stations performing maintenance work on U.S. aircraft. The provision also mandates that security standards at foreign stations working on U.S. aircraft are comparable to the security standards for maintenance work done in this country. These regulations were originally mandated by Congress in 2003 and were supposed to be finalized in August 2004. With over 70 percent of maintenance work now outsourced to domestic and foreign stations, security rules and the required inspections must be immediately implemented.

The TSA Authorization makes several urgently needed improvements to the Transportation Worker Identification Credential (TWIC) program. Section 403 requires the Coast Guard to coordinate with owners and operators of port facilities and vessels to allow TWIC applicants to be escorted on port facilities by a TWIC holder. This will provide relief to workers who have waited up to several months in some cases to receive their credential. Many now are suffering severe financial harm because, through no fault of their own, they cannot access their job sites. This section also reiterates the need for TSA to process applications in a timely manner by instructing TSA to respond to applicants within 30 days after receiving a completed application and creating a 30-day timeline for the review of requests for appeals and waivers. Additionally, this provision addresses serious deficiencies in the TWIC distribution process by allowing credentials to be sent to a card holder's home and subsequently activated at a TWIC enrollment center. These changes are absolutely essential to the creation of a functional and trustworthy TWIC program that improves our nation's maritime and port security.

Rep. Castor's amendment would prohibit a state or local government from imposing a separate, additional security check for a purpose for which a federal transportation security card has already been issued. Workers, for example, who have already applied for and received a TWIC should not be subject to additional and duplicate security checks for entering a port or a maritime vessel. The purpose of the TWIC and other federal security checks was to create a uniform credential that minimizes costs and creates one level of security. To allow states to impose their own security checks without any limitation would defeat one of the main goals of the TWIC and make it hard for workers and cargo to move from state to state. This is a modest prohibition and can be waived by DHS if a state can demonstrate compelling homeland security reason for imposing additional security checks.

Again, I urge you to vote for H.R. 2200 and for the Castor amendment.

Sincerely,

EDWARD WYTKIND,
President.

FLORIDA PORTS COUNCIL,
Tallahassee, FL, June 4, 2009.

Hon. KATHY CASTOR,
U.S. Congresswoman—11th District,
Cannon HOB, Washington, DC.

DEAR CONGRESSWOMAN CASTOR: On behalf of Florida's fourteen deepwater seaports, I write to express our support for your amendment to H.R. 2200 concerning redundant criminal history checks.

As you know, Florida's seaports help to foster growth in trade and tourism. Our ports generate more than 350,550 jobs with an average wage of more than $48,000 per year—well above the Florida average wage of approximately $34,000. In addition, goods and services that move through Florida seaports generates more that $1.3 billion in state and local revenues. Thus, we are concerned with any unnecessary or redundant costs that impact our ability to stimulate and grow Florida's economy.

Florida has been a leader on seaport security since 2000. Florida's seaports have invested millions in infrastructure and security forces to ensure that our seaports are safe, and that passengers and cargo are protected. However, the State of Florida also has been slow to change unnecessary and duplicative seaport security requirements in light of the significant changes made by the federal government since 9/11. The Florida criminal history background check is a product of out-of-date analysis and requirements.

We believe that the threat assessment conducted by the Transportation Security Administration (TSA) under the Transportation Workers Identification Credential (TWIC) provides a significant level of protection for the country—including Floridians and visitors to Florida. This TSA threat assessment, coupled with the significant investment by Florida's seaports in infrastructure and operational security provides a level of safety and security in Florida second to none.

The redundant criminal history background check has been the law in Florida for over nine (9) years, and has become unnecessary and redundant now that the federal TSA threat assessment is in place and operational. We do not believe that an additional criminal history check provides any additional safety in Florida. However, if the FDLE can provide some compelling reason to continue requiring a second check, your amendment does allow the State of Florida to request a waiver and continue requiring a second check.

Again, thank you for your leadership on this issue, and for offering this business-friendly amendment. We appreciate your efforts to ensure that Florida's seaport have to ability to stimulate and grow Florida's economy.

Respectfully yours,

MICHAEL L. RUBIN,
Vice President.

BROWARD COUNTY FLORIDA,
PORT EVERGLADES,
Fort Lauderdale, FL, June 4, 2009.

DEAR MR. PHILLIPS: On our behalf, please sincerely thank Congresswoman Castor for her amendment to prohibit redundant background checks for any purpose for which a transportation security card (TWIC) is issued.

Port Everglades and all of Florida's seaports have invested millions in infrastructure and security forces to ensure that our seaports are safe, and that passengers and cargo are protected. We believe that the threat assessment conducted by the TSA under the TWIC program provides a significant level of protections for the country—including Floridians and visitors to Florida. This TSA threat assessment, coupled with the investment by Florida's seaports in infrastructure and operations security provides a level of security in Florida second to none.

The redundant background check in Florida has been in Florida law for over nine (9) years. It has become unnecessary now that the federal TWIC process is in place. We do not believe that this redundant check provides for any additional security. However, if the FDLE can provide some compelling reason to continue requiring a second check of port workers, then Congresswoman Castor's amendment does allow the State of Florida to request a waiver and continue requiring a second check.

This issue is eroding efforts to stimulate and grow Florida's economy as the duplicative and unnecessary costs affect the competitive balance between Florida and other Southeastern ports as the additional cost to Florida port employers and port workers is significant. We appreciate Congresswoman Castor's attention to this issue and her business-friendly amendment.

Sincerely,

PHILLIP C. ALLEN,
Port Director.

Hon. KATHY CASTOR,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN CASTOR: I'm writing to make you aware of Port Manatee's support of your amendment to H.R. 2200, which prohibits states from requiring separate security background checks for access to the nation's seaports.

This important legislation eliminates a competitive disadvantage suffered by all Florida ports when competing for business with ports from other states. The Sunshine State is the only state in the Union requiring both federal and state background checks for Transportation Worker Identification Credentials and Florida port access identification cards.

Please contact me directly if I may be of further assistance regarding this matter and thank you for your continued leadership with regard to Florida's seaport system and in particular, all that you do to make Port Manatee successful.

Respectfully,

DAVID L. MCDONALD,
Executive Director,
Port Manatee.

DEAR CONGRESSWOMAN CASTOR: Thank you for your sponsorship of the amendment to H.R. 2200 which prohibits states from requiring separate security background checks for access to seaports. Florida's duplicative system places the state at a competitive disadvantage by increasing the cost of doing business at our public seaports.

Thank you for your leadership on this important issue for the Port of Miami.

Regards,

ADDYS KURYLA,
Manager, Intergovernmental Affairs,
Port of Miami.

TAMPA PORT AUTHORITY,
Tampa, FL, June 4, 2009.

Re: Amendment to H.R. 2200—Redundant Background Checks

Hon. KATHY CASTOR,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE CASTOR: The Tampa Port Authority supports the amendment to H.R. 2200 that you have offered to prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a Transportation Workers Identification Credential (TWIC) card is issued under section 403 of the bill. Only one security background check and one transportation security card should be required for entry into Florida ports. Redundant security background and transportation security cards do not enhance security at Florida ports and may place Florida ports at a competitive economic disadvantage with other deepwater ports across the United States. Consequently, we support the proposed legislation.

Sincerely,

RICHARD A. WAINIO,
Port Director and CEO.

PASSENGER VESSEL ASSOCIATION,
Alexandria, VA, May 29, 2009.

Hon. KATHY CASTOR,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN CASTOR: The Passenger Vessel Association (PVA)—the national trade association for owners and operators of U.S.-flagged passenger vessel operators of all types—commends you for your intended amendment to the TSA authorization legislation (H.R. 2200) to prohibit a state from requiring security background checks for maritime workers that duplicate those already performed by the federal government.

PVA has numerous members throughout Florida and in the Tampa area whose crew members have to obtain the expensive federal Transportation Worker Identification Credentials (TWIC). A prerequisite for obtaining a TWIC is a successful background check of an individual's criminal record and status on the terrorist watch list.

Requiring a TWIC for certain individuals that work on a dinner cruise, harbor excursion, or sightseeing vessel is burdensome and expensive enough. However, PVA's Florida operators have also had to contend with the duplicative state-mandated FUPAC credential. What additional value does this state requirement provide?

On behalf of our Florida members, including former PVA President Troy Manthey of Yacht Starship Dining Cruises of Tampa, thank you for your advocacy of your amendment. Please let us know how we can assist it in its passage.

Sincerely,

EDMUND B. WELCH,
Legislative Director.

I yield back the balance of my time.

Mr. DENT. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I do rise in opposition to the amendment, the way it is crafted. I thank the gentlelady from Florida. My colleague has very good intentions, but let's look at the results here.

First of all, this isn't going to eliminate the duplication that was referred to. Florida can still issue an identity card, its own identity card. And it would be better to have just one identity card, but they can still issue one identity card.

What this amendment does is it says that the State is prohibited from conducting a separate background check. So what this becomes is a protection and cover for basically thugs and criminals who are at our ports. You cannot do a criminal background check. This actually prohibits that. That's why I'm opposed to it.

The reason we're concerned in Florida about having criminal background checks—this is the Camber Report. I was in Congress when this was conducted in 2000. One of our ports had over 60 percent of those working at the port with criminal backgrounds.

Here's part of the security assessment. I will name this port; Jacksonville. It has a large physical layout of its facilities, three noncontiguous terminals. The port represents a lucrative target to would-be smugglers and terrorists.

So this amendment, by the way it is crafted—and it should be revised—would prohibit Florida from, even if they want to, and still can with this amendment, they can issue their own card, but they can't conduct a criminal background check. That's wrong. That's wrong.

We can't provide cover for thugs and criminals. And you hear from this report that it does pose both a criminal and terrorist threat, and that needs to be addressed.

This amendment, the way it's crafted, does not do that.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–127.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

In the proposed section 44947 of title 49, United States Code, as proposed to be inserted by section 210 of the bill, add at the end of subsection (a) the following new paragraph:

''(5) PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.—

''(A) PRESUMPTION.—It is the presumption of Congress that grants awarded under this section will be awarded using competitive procedures based on risk.

''(B) REPORT TO CONGRESS.—If grants are awarded under this section using procedures other than competitive procedures, the Assistant Secretary shall submit to Congress a report explaining why competitive procedures were not used.''.

In subsection (c) of such proposed section 44947, add at the end the following new sentence: ''None of the funds appropriated pursuant to this subsection may be used for a congressional earmark as defined in clause 9d, of Rule XXI of the rules of the House of Representatives of the 111th Congress.''.

The Acting CHAIR. Pursuant to House Resolution 474, 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, let me say from the outset, this is, I believe, a bipartisan amendment. A similar amendment has been adopted in previous authorizations. So I'm pleased to offer it.

H.R. 2200, as we know, establishes a new grant program that would provide grants to operators of general aviation airports for projects to enhance perimeter security, airfield security, and terminal security. Notably absent from the language, however, is the determination of how this grant money is to be spent.

Too often we have seen legitimate grant programs become vehicles for Member projects. Members will simply earmark these funds for projects back home. A great example of this is FEMA's Pre-Disaster Mitigation grant program. Originally, this program was intended to ''save lives and reduce property damage'' by providing funds ''for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain.''

Rather than continuing to award grants that have traditionally been awarded on the basis of merit, using a 70-page guidance document that details requirements and criteria, Congress decided in 2007 to earmark about half of that funding.

That same grant program was earmarked in last year's Homeland Security appropriations bill. I have little doubt that it will be earmarked again this year as well, because once earmarks start to flow, you can rarely cut them off. And so you have legitimate grant programs with a legitimate purpose. You have applicants waiting to apply, only to find that the money in the account has been drained by Member earmarks.

Let me just say another example of this is the COPS grant program. It was slated to cost $5.5 billion over the past 5 years. These are some of the most heavily earmarked programs that the Congress authorizes.

Specifically, the COPS Law Enforcement and Technology grant program appropriated about $187 million in fiscal year 2009. That accounted for more than 500 earmarks, included in both the House and the Senate, at the cost of more than $185 million. This means that nearly 100 percent of the funds for that particular COPS program were earmarked for particular towns and cities.

I'm mentioning this because that's an example of other areas where, in some cases like the Homeland Security program, we said many times we will not earmark these dollars, and yet unless we have a specific prohibition or language prohibiting it, it happens. And so these accounts go wanting later.

I'm offering this amendment obviously to prevent the wasteful use of taxpayer dollars. If we're going to authorize grant programs to meet specific needs, we need to ensure that these are met in a straightforward manner.

This amendment is simple. It would establish the presumption that the general aviation security grants will be awarded using competitive means and based on risk. Should the TSA decide to use an alternative means of awarding these grants, the amendment requires that the TSA provide to Congress a report explaining that decision.

Lastly, the amendment would prohibit this grant program from ever being earmarked. If Congress is serious about enhancing security at general aviation airports, including this kind of instructive language is necessary. History shows that without it, these programs, these accounts will become earmarked and it will nullify any legitimate need for the program to begin with, and I urge support for this bipartisan amendment.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chair, I'm pleased to support this amendment which reaffirms that grants awarded to general aviation airports under this bill are done so through a competitive process.

Mr. FLAKE's amendment, based on the competition and the risk, is the right thing to do. I support the amendment.

I yield back the balance of my time.

Mr. FLAKE. I thank the gentleman. I also want to thank the chairman for working with my staff to insert language to make sure that these programs, the awarding of these programs will be based on risk. That was a great addition to this amendment.

I appreciate being able to work with the chairman of the committee on this.

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 amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. LYNCH

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–127.

Mr. LYNCH. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. LYNCH:

In section 239 of the bill, strike subsections (a) and insert the following:

(a) USE OF PERSONAL PROTECTIVE EQUIPMENT.—

(1) IN GENERAL.—Any personnel of the Transportation Security Administration voluntarily may wear personal protective equipment during any emergency.

(2) WRITTEN GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish, coordinate, and disseminate written guidance to personnel of the Transportation Security Administration to allow for the voluntary usage of personal protective equipment.

(3) DEFINITION.—In this subsection, the term ''personal protective equipment'' includes surgical and N95 masks, gloves, and hand sanitizer.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Chairman, I want to thank Mr. THOMPSON, the chair of the Homeland Security Committee, for his great work on this bill. Specifically, this amendment that I have offered would address a difficult situation that is faced by our transit security officers, especially those on the Mexican border, but in every port of entry in the United States.

We have about 50,000 of these officers that actually come in contact, physically wanding and screening travelers. As you may remember, after the outbreak of the H1N1 virus, the epicenter was actually in Mexico City; yet the officers that we put on the border, especially Laredo, Texas, and other affected States, were not allowed—they were not allowed to wear masks, to wear gloves, or to use hand sanitizer as they proceeded to screen travelers coming through from Mexico.

A bizarre situation developed where our officers actually were able to look across at the Mexican security officers who all had masks on, they all had gloves on, yet our own TSA did not allow our workers to wear masks or gloves.

In fact, when our officers actually took the initiative to protect themselves, they were told by their superiors, Take off those gloves. Take off those masks. You're alarming the traveling public.

□ 1445

Many of these officers actually screen up to 2,000–3,000 visitors, travelers, per shift. So, to a high degree, they were actually exposed to people who were exhibiting influenza. There are a couple of stark instances we received on the committee, affidavits from officers who actually confronted travelers who were visibly sick. Yet they were told, even in those instances, they were not allowed to wear gloves and masks. So what this amendment would do would be to direct the Transportation Security Administration to basically issue guidance that would allow these workers to protect themselves.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Utah is recognized for 5 minutes.

There was no objection.

Mr. CHAFFETZ. Mr. Chairman, I thank Chairman LYNCH for his great work in identifying this as a challenge.

We have so many great men and women who serve at the TSA on the front lines. They are dealing with literally tens of thousands of people at a time, some of whom inevitably are going to be sick. It seems reasonable to me that we should put first and foremost the protection and the safety and the consideration of those TSA employees so that, if they choose to don a mask or to put on gloves to protect themselves and consequently to protect their loved ones and their livelihoods, we should afford them that opportunity.

We saw in the committee hearing that there was a great deal of confusion with the TSA. This amendment, which I appreciate that Mr. LYNCH has brought forward, helps clarify that so there is no ambiguity and so we can make sure that the TSA employees can have the safety and security that they deserve.

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

Mr. LYNCH. Mr. Chairman, I just want to point out the odd situation we have here. We have the World Health Organization that has actually brought us up to a level 5. They are now considering going to a level 6 on this influenza. Yet you have the Transportation Security Administration and DHS saying they did not think it was medically necessary for our folks to wear these. You have the Centers for Disease Control here in the United States, in Atlanta, alerting Americans just generally to cover their mouths, to avoid unnecessary travel to Mexico, to take prudent steps to protect themselves. Yet we have these officers on the border who are screening 3,000 people per day, and they aren't allowing these individuals to wear masks.

I think it points out a terrible incongruity in our policy. We've been trying to get them to change that policy. They would not do it voluntarily, so we have been put in a position where we have to do this legislatively.

Mr. Chairman, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining, and the gentleman from Utah has 4 minutes remaining.

Mr. LYNCH. I will reserve my time at this point.

Mr. CHAFFETZ. Mr. Chairman, I would like to yield as much time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I stand in support of the gentleman's amendment. I think it's a commonsense amendment on government oversight. We saw how there was an inconsistency with the stated purpose of protecting not only the public in general but also our employees. We also saw that there was a degree of, let's just say, insensitivity to the fact of allowing individuals the decency to be able to protect their own health.

Let me just say this to the author: I think that this issue also kind of addresses a problem that we didn't talk about in our committee, which is the public relations concern that has sort of trumped good common sense and public health, and I think that we should make this clear with your amendment:

Now you have got a supervisor who may be concerned with, if somebody wears a mask, I might get a complaint, and I don't want to put up with that kind of heat. With your amendment, the supervisor may say: If I get a complaint, I have the ability to point to a congressional directive here, and I have the reason as to why I can protect myself—by allowing the employee to make this call himself on behalf of his own public health.

I say this, Mr. Chairman, as a former public employee: It serves not only the public health of the employee, but it also serves the administrative structure because it eliminates and basically reduces the degree of threat they have of being attacked for allowing the employee to have that. I think the heat should stop here. I think the buck stops here. I think we set the example.

I appreciate the gentleman for proposing this amendment. I would like to point out that this is the kind of bipartisan cooperation we have in government oversight, and I am very proud of it. I am very proud to support your amendment, Mr. Chairman.

Mr. CHAFFETZ. Mr. Chairman, I urge passage, and I yield back the balance of my time.

Mr. LYNCH. Mr. Chairman, I just want to point out something that the gentleman from California (Mr. BILBRAY) just raised.

On several occasions, there have been justifications for not allowing people to wear masks and for not allowing these screeners to protect themselves on the border. The justification seems to be that the airlines and transportation officials don't want to alarm the public. I just want to point out that, when you travel around the globe, these are not large, evil-looking devices. These are very simple dust masks that can be used, and they look fairly common. You see them a lot overseas. It's quite a common thing. As they become more widely used, it will sort of, I think, become commonplace, and it will not bring alarm.

The last point I want to make is this: these employees don't have the right to collectively bargain. They don't have the right to send in a representative to file a grievance when they're told to take off their masks or gloves or when they refuse to allow them to use Purell or anything to protect themselves. If these folks had had a collective bargaining representative, they wouldn't have had to come to me. I feel like I'm the business manager for the Transportation employees. While I'm honored to have that responsibility, I think it would be much better handled if they had the right to collectively bargain and if they had the right to have their own employee representatives intervene on their behalf when their own personal safety and the safety of their families are threatened.

Mr. Chairman, I yield back the balance of our time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CHAFFETZ

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–127.

Mr. CHAFFETZ. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHAFFETZ:

In title II, at the end of subtitle A add the following new section:

SEC. ___. LIMITATIONS ON USE OF WHOLE-BODY IMAGING TECHNOLOGY FOR AIRCRAFT PASSENGER SCREENING.

Section 44901 of title 49, United States Code, is amended by adding at the end the following:

''(l) LIMITATIONS ON USE OF WHOLE-BODY IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

''(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that

whole-body imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

''(2) PROHIBITION ON USE FOR ROUTINE SCREENING.—Whole-body imaging technology may not be used as the sole or primary method of screening a passenger under this section. Whole-body imaging technology may not be used to screen a passenger under this section unless another method of screening, such as metal detection, demonstrates cause for preventing such passenger from boarding an aircraft.

''(3) PROVISION OF INFORMATION.—A passenger for whom screening by whole-body imaging technology is permissible under paragraph (2) shall be provided information on the operation of such technology, on the image generated by such technology, on privacy policies relating to such technology, and on the right to request a pat-down search under paragraph (4) prior to the utilization of such technology with respect to such passenger.

''(4) PAT-DOWN SEARCH OPTION.—A passenger for whom screening by whole-body imaging technology is permissible under paragraph (2) shall be offered a pat-down search in lieu of such screening.

''(5) PROHIBITION ON USE OF IMAGES.—An image of a passenger generated by whole-body imaging technology may not be stored, transferred, shared, or copied in any form after the boarding determination with respect to such passenger is made.

''(6) REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Assistant Secretary shall submit to Congress a report containing information on the implementation of this subsection, on the number of passengers for whom screening by whole-body imaging technology was permissible under paragraph (2) as a percentage of all screened passengers, on the number of passengers who chose a pat-down search when presented the offer under paragraph (4) as a percentage of all passengers presented such offer, on privacy protection measures taken with respect to whole-body imaging technology, on privacy violations that occurred with respect to such technology, and on the effectiveness of such technology.

''(7) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) PAT-DOWN SEARCH.—The term 'pat-down search' means a physical inspection of the body of an aircraft passenger conducted in accordance with the Transportation Security Administration's standard operating procedure as described in the Transportation Security Administration's official training manual.

''(B) WHOLE-BODY IMAGING TECHNOLOGY.—The term 'whole-body imaging technology' means a device, including a device using backscatter x-rays or millimeter waves, used to detect objects carried on individuals and that creates a visual image of the individual's full body, showing the surface of the skin and revealing objects that are on the body.''.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Utah (Mr. CHAFFETZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CHAFFETZ. Mr. Chairman, I would like to recognize for 2 minutes the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Chair, I would like to thank Chairman THOMPSON and his staff for their hard work on this very important bill. I would also like to thank my colleague Mr. CHAFFETZ. We share a deep concern and respect for the privacy of individuals.

When this full-body imaging technology was first introduced, the TSA said that it would only be used as a secondary screening method for those people who set off the metal detectors. Now it has become very clear that the TSA intends for this technology to replace metal detectors at airports all over the country. The New York Times reported as much in an April 7, 2009, article.

The Chaffetz/Shea-Porter amendment would ensure that full-body imaging remains a secondary screening method. It would also ensure that the people who do go through it are well informed and are given the option of a pat-down.

Mr. Chair, we do not take this amendment lightly. As a member of the Armed Services Committee, I am very aware of the security threats that are facing our country. We, too, want to ensure that the Department of Homeland Security and the TSA have the tools they need to prevent future terrorist attacks. However, the steps that we take to ensure our safety should not be so intrusive that they infringe upon the very freedom that we aim to protect.

Two weeks ago, I went to Washington National Airport to view one of these machines. I saw how the technology is being used. I saw the pictures it produces and the inadequate procedures TSA has put into place to protect our privacy. The images are incredibly revealing as I will show you here. This is a gross violation of a person's right to privacy. It is also illogical because, if we allow this intrusion into our lives, then there should be this same scan at every single train station, at every building that we enter and on every single bus that we board.

So I ask that my fellow Members join me in voting for this resolution and for this amendment.

Mr. DENT. Mr. Chairman, I rise to claim time, reluctantly, in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. Just yesterday, I visited Reagan National Airport and took a look at the whole-body imaging machines over there, and I just have to say a couple of things about this.

I was impressed by the technology. It seems that we have a great deal of satisfaction from passengers who utilize that type of screening. There are limitations to the magnetometer. A magnetometer can pick up metallic items, like keys, but other prohibited items, like liquids and C4 for potential explosives, will be detected under the whole-body imaging technology but not under a magnetometer. So I do believe that this technology is valid.

As for the privacy concerns that have been raised, while I understand them, I think they have been overstated. There are strong, strong restrictions in place to make sure that those individuals, the transportation security officers who actually help the passengers go through the whole-body imaging scanning, are not in contact with the person who is actually viewing the image. Those people are in a separate room, so they're separated. The face of the individual is also blurred, so that's another protection.

So I do think that this technology is very valuable. It will help make us safer. Again, I think it is a step in the right direction. So I would reluctantly oppose the amendment. I understand the concerns expressed, but nevertheless, I feel that this technology is valuable and that it enhances security.

At this time, I would like to yield as much time as he may consume to the gentleman from California (Mr. DANIEL E. LUNGREN), who previously served as the ranking member on the Transportation Security and Infrastructure Protection Subcommittee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. I rise in opposition to this amendment.

I happen to be one of those people who happens to have an artificial hip. Every time I go through, I set off the screener. Every time I go through, I get hand-patted down, and even though they do it in a very nice way, frankly, that's far more intrusive than going out to the Reagan National Airport and going through that particular system that we're talking about with those pictures.

We have been working for many years since 9/11 to try and come up with devices which will allow us to be able to detect those kinds of things that, if brought on airliners, would be a threat to all passengers. The whole-body imaging technology, which this amendment seeks to stop in terms of its application as a primary means of screening, can detect many things such as small IEDs, plastic explosives, ceramic knives, and other objects that traditional metal detection cannot detect. Let me underscore that: this device that this amendment seeks to take off the table as a primary means of screening can detect small IEDs, plastic explosives, ceramic knives, and other objects that traditional metal detection cannot detect. That ought to be enough for us to understand this.

If you look at the privacy questions, let's be clear: the person who actually is there, the employee of TSA who is there when you go through this machine, is not the one who reads the picture. That person, he or she, is in another room—isolated. They never see you. They actually talk to one another by way of radio. So this idea that somebody is sitting in this little room, waiting to see what you look like, frankly, is sort of overblown.

All I can say is this: I have been through many, many pat-downs because I happen to have an artificial hip. Going through this at Reagan National Airport was so much quicker

and so less intrusive of my privacy than what we go through now. For us to sit here now and to pass an amendment which is going to stop this development and application, frankly, I think, is misguided.

With all due respect to the gentleman from Utah, who I know is sincere about that, and to the gentlewoman, who is also sincere, I would ask you to rethink this. From my experience, this is far more protective of my privacy than what I have to go through every time I go to the airport, number one; but more importantly, it protects me and every other passenger to a greater extent than any other procedure we have now. We aren't doing this because we want to do it. We're doing it because we have people around the world who want to kill us, who want to destroy our way of life, and they have utilized commercial airliners for that purpose in the greatest attack in our Nation's history since Pearl Harbor.

□ 1500

This is a device which helps us take advantage of our technological know-how to gain an advance on the enemy. I would hope we would not do this by way of this amendment.

Mr. CHAFFETZ. Mr. Chairman, I would like to yield myself as much time as I need.

Whole-body imaging does exactly what it's going to do. It takes a 360-degree image of your body. Now, I want to have as much safety and security on the airplanes I'm flying every week, but there comes a point in which in the name and safety and security we overstep that line and we have an invasion of privacy. This happens to be one of those invasions of privacy.

Now I understand why the gentleman from California expressed his concern. Let me be clear that this amendment on whole-body imaging only limits primary screening. It can be used for secondary screening. You may get people with artificial hips or knees or something else, and they may elect this kind of screening. It's perfect for them.

But to suggest that every single American—that my wife, my 8-year-old daughter—needs to be subjected to this, I think, is just absolutely wrong. Now, the technology will actually blur out your face. The reason it does this is because there is such great specificity on their face, that they have to do that for some privacy. But down in other, more limited parts you could see specifics with a degree of certainty that, according to the TSA as quoted in USA Today, ''You could actually see the sweat on somebody's back.'' They can tell the difference between a dime and a nickel. If they can do that, they can see things that, quite frankly, I don't think they should be looking at in order to secure a plane. You don't need to look at my wife and 8-year-old daughter naked in order to secure that airplane.

Some people say there is radio communication. There is distance. Well, it's just as easy to say there is a celebrity or some Member of Congress or some weird-looking person. There is communication.

You say you can't record the devices. Many of us have mobile phones or have these little cameras. There is nothing in this technology that would prohibit the recording of these. With 45,000 good, hardworking TSA employees, 450 airports, some two million air traffic travelers a day, there is inevitably going to be a breach of security. And I want our planes to be as safe and secure as we can, but at the same time, we cannot overstep that bound and have this invasion of privacy.

I urge my colleagues to vote in support of this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ).

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

Mr. CHAFFETZ. 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 Utah will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. BORDALLO

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–127.

Ms. BORDALLO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. BORDALLO:

At the end of subtitle B of title II of the bill, insert the following (with the correct sequential provision designations and conform the table of contents accordingly):

SEC. _____. REPORT ON CERTAIN SECURITY PLAN.

Not later than 90 days after the date of enactment of this Act, the Assistant Secretary shall submit a report to the appropriate committees of Congress that—

(1) reviews whether the most recent security plans developed by the commercial aviation airports in the United States territories meet the security concerns described in guidelines and other official documents issued by the Transportation Security Administration pertaining to parts 1544 and 1546 of title 49, Code of Federal Regulations, particularly with regard to the commingling of passengers;

(2) makes recommendations regarding best practices supported by the Transportation Security Administration and any adequate alternatives that address the problems or benefits of commingling passengers at such airports to satisfy the concerns described in paragraph (1);

(3) reviews the potential costs of implementing the preferred and alternative methods to address the Administration concerns regarding parts 1544 and 1546 of title 49, Code of Federal Regulations, particularly in regards to the commingling of passengers at the airport; and

(4) identifies funding sources, including grant programs, to implement improved security methods at such airports.

The Acting CHAIR. Pursuant to House Resolution 474, the gentlewoman from Guam (Ms. BORDALLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Guam.

Ms. BORDALLO. First I want to thank Congressman BENNIE THOMPSON of Mississippi and Congresswoman SHEILA JACKSON-LEE of Texas for their support of this amendment.

Mr. Chairman, my amendment is very simple and straightforward. It would require the assistant secretary of TSA to conduct a study and to make recommendations on specific methods by which airports in the U.S. territories, including the Guam International Airport in my district, can best and most cost-effectively comply with existing security regulations. Specifically, it asks TSA to review compliance with parts 1544 and 1546 of title 49 of the Code of Federal Regulations relating to the issue of commingling of passengers at U.S. airports. The report would evaluate alternatives and identify the costs for their implementation.

Additionally, TSA is to identify sources of Federal and non-Federal financing to implement the preferred alternative at each of these airports. Guam is a small hub, Mr. Chairman, for a domestic airline. Our airport on Guam facilitates the daily transiting of international passengers to destinations in the United States, other Pacific islands, and major cities in the Pacific Rim, including Japan, Korea, the Philippines, Taiwan, and Australia.

The current security arrangement at the airport on Guam requires significant resources to be expended in constant around-the-clock monitoring by security personnel to prevent the commingling of transiting and departing passengers. The security enhancements made subsequent to the terrorist attacks of September 11, 2001—particularly with respect to preventing the commingling of passengers at our airports all across the country—have been costly, and in some cases, difficult to fully implement. Moreover, the current decrease in tourist arrivals and departures due to the economic downturn further erodes the financial capability of small airports to implement such improvements.

The Guam International Airport Authority has been operating under a waiver from the Transportation Security Administration for several years. Both the TSA and the Guam International Airport Authority agree that the temporary solution, which amounts to placement of removable partitions and use of security staff to prevent commingling of passengers in their movements throughout the terminal, is not feasible for the long term. However, the cost of implementing security arrangements and improvements at the Guam airport to ensure compliance is costly, and since other security enhancements and expansion of the airport, have completely obligated the passenger facility charge.

The amendment before us, Mr. Chairman, simply looks to provide options

for solving this problem on Guam and potentially other airports in the U.S. territories as well. More importantly, it would provide guidance for funding implementation of these security improvements.

And again, Mr. Chairman, I want to thank the chairman and his committee staff for their work with me and my staff on this amendment.

And for the record, I urge passage of the next amendment, No. 12, sponsored by Congressman JACKSON-LEE and Congressman HASTINGS.

I yield back the balance of my time.

Mr. DENT. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I have no real objections to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. DENT. First, I would like to say I support the amendment. Guam International Airport does not segregate passengers traveling internationally from those passengers traveling domestically. There is no physical separation by either a separate floor or by a solid wall. Prior to 9/11, the commingling of domestic and international travelers was not a concern. Guam International is concerned about the security implications of the current system and is looking for a long-term solution to prevent the commingling of domestic and international passengers.

This amendment would simply require that the TSA review the current procedures in place at the airports of the U.S. territories and make recommendations to the airports on how best to address the commingling of passengers. I have no objections. I support the amendment.

I would yield, at this time, to Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the ranking member very much for yielding. And I would like to applaud the gentlelady from Guam for this very thoughtful amendment.

Mr. Chairman, if we are going to have homeland security, we must have expanded homeland security, and that includes our territories. This amendment directs TSA to identify in its report funding sources to recover the costs of any long-term security improvements that will be needed at these airports in the territories.

I believe this is crucial. This is a seamless and important part of homeland security, and I would ask my colleagues to support it, which includes U.S. territories, especially the Guam International Airport, which is subject to significant fluctuations in passenger volumes because of the tourism market.

This is a good amendment, and I ask my colleagues to support it.

Mr. FALEOMAVAEGA. Mr. Chair, I rise in strong support of the Bordallo Amendment (#25) that would direct the Secretary of Homeland Security to report to Congress on a review to be conducted by the Transportation Security Administration (TSA) for preferred and alternative methods of having commercial airports in the territories comply with TSA security regulations.

I thank my colleague from Guam for her leadership and continuing to look out for the interest of all the territories. This amendment is pretty straight forward. It requires TSA to report on options for improving security airports in the U.S. territories with particular attention to the commingling of passengers that are connecting from international flights.

Moreover, this amendment recognizes the importance of the Territories to the national security of the United States. Commercial airports in the U.S. territories, especially the Guam International Airport, are subject to fluctuations in the tourism market, and making substantial security improvements is a costly endeavor for them to finance. Consequently, the amendment asks also that the TSA report would address the cost differences and financing opportunities for the territories to fully comply with the TSA regulations.

This amendment is especially important in light of the military buildup in Guam and I thank my good friend Ms. BORDALLO for bringing this amendment that would strengthen airport security not only in Guam but also in the other territories.

I strongly urge members to support this amendment.

Mr. DENT. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–127.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HASTINGS of Washington:

In section 230 of the bill, strike ''The'' and insert the following:

(a) AVIATION SECURITY.—The

In section 230 of the bill, add at the end the following:

(b) CARGO SCREENING.—The Secretary shall increase the number of canine detection teams, as of the date of enactment of this Act, deployed for the purpose of meeting the 100 percent air cargo screening requirement set forth in section 44901(g) of title 49, United States Code, by not less than 100 canine teams through fiscal year 2011.

The Acting CHAIR. Pursuant to House Resolution 474, 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 want to thank my colleagues, Ms. JACKSON-LEE of Texas and Mr. ROGERS of Alabama, for cosponsoring this very important amendment.

Mr. Chairman, highly trained K–9 teams have been successfully employed in the United States to screen airports and cargo since 1973. Dogs are extremely reliable and their mobility makes them invaluable in screening all types of cargo quickly and effectively.

As we approach the August 2010 deadline to screen 100 percent of cargo transported on passenger airplanes, it is critical that the TSA is able to deal with all types of cargo without necessarily slowing down exports. Within my district, cherry growers transport half of the cherries they export on passenger aircraft, and K–9s are by far the most workable screening method for these highly perishable products.

My amendment would increase the number of K–9 teams specifically dedicated to air cargo by a minimum of 100 dogs. The need for additional K–9s to screen air cargo is clear. For example, the Seattle-Tacoma International Airport began screening all of its cargo earlier this year. In order to meet the needs of all exporters, TSA will bring K–9 teams to the Pacific Northwest and other parts of the country during the cherry harvest to ensure that all cherries are screened in a timely manner. Once a 100 percent screening requirement goes into effect next year, the burden on all existing K–9 teams will only increase.

At a time when our economy is struggling, we should not be adding new roadblocks for American farmers and businesses. I strongly urge my colleagues to support keeping our skies secure without interrupting commerce and vote ''yes'' on the Hastings/Jackson-Lee/Rogers amendment.

Ms. JACKSON-LEE of Texas. I rise to claim the time in opposition. I will not oppose the amendment, and I thank the chairman.

The Acting CHAIR. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. JACKSON-LEE of Texas. Again, let me thank the chairman of the full committee, Mr. THOMPSON, and as well Mr. KING and my colleague, Mr. DENT. It was a pleasure to work with Mr. HASTINGS and ROGERS of Alabama.

So I rise in support of the Hastings/Rogers/Jackson-Lee amendment. I appreciate their collegiality and their willingness to work with me on this important amendment. We have toured the Homeland Security sites that have had K–9s. I have heard from airports who said, Give me one good dog, and we will provide security for America.

TSA's explosive detection K–9 teams are important and effective tools for securing all modes of transportation in the United States. The use of K–9 teams has managed what few other security measures can boast: They are well-liked by the community and traveling public. Our committee worked hard to reaffirm our support of K–9 teams for explosive detection in the different transportation modes through H.R. 2200. I'm proud to have led these efforts.

This amendment rounds out these important provisions. As we speak,

TSA continues its work meeting the hundred percent cargo screening requirement established by the 9/11 Act. And let me, as an insert, indicate that I am very proud of the language that we have about 100 percent cargo screening. It is one that we worked on with the Department of Homeland Security. We worked with Mr. MARKEY, we worked with our chairman and our ranking member of both committees—the subcommittee and full committee.

We want to have 100 percent cargo screening. A hundred additional K–9 teams that will be deployed under this amendment will help ensure TSA's success. Mr. HASTINGS, Mr. ROGERS, and I have offered what I perceive to be a thoughtful amendment, and I urge my colleagues to support it. I thank Mr. HASTINGS and Mr. ROGERS for their collaboration.

With that, I am going to yield back.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I want to thank my friend from Texas for her thoughtful remarks and for working on this issue. Agri-business is big in our area, and cherry season is a very tight time frame. It is important that nothing slows down the process of getting these cherries to market. So with that, I want to thank my friend from Guam for also endorsing this amendment, and with that, I urge my colleagues to vote for the amendment.

Ms. BORDALLO. Mr. Chair, I rise to express my support for this amendment, and to speak very briefly on its relevance to my district. Presently, a commercial air carrier contracts with the U.S. Postal Service to transport mail from Honolulu to Guam, and vice versa. Movement of U.S. Mail to and from Guam is handled solely by this contract—which includes transportation on both dedicated air cargo freighters as well as daily by passenger aircraft. Right now, the U.S. Postal Service requires mail patrons to affix Customs Declarations to all Guam-bound mail pieces weighing 16 ounces or more—not for customs purposes, but as a security measure to obtain a sender's identity. The reason for this onerous requirement is, in part, because the TSA and airport authorities lack the means and resources to screen all Guam mail. A few years ago, TSA trained and stood-up a canine detection team at our airport on Guam to help with the mail backlog, but this team cannot screen all the mail and keep up with the volume. Additionally, the airport in Honolulu needs a canine team dedicated to screening mail there. This amendment would help our situation. I support this amendment, urge its adoption, and thank my colleague for yielding me the time.

Mr. HASTINGS of Washington. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

□ 1515

AMENDMENT NO. 13 OFFERED BY MR. BUTTERFIELD

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–127.

Mr. BUTTERFIELD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BUTTERFIELD:

At the end of subtitle B of title II, insert the following new section (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 240. STUDY ON COMBINATION OF FACIAL AND IRIS RECOGNITION.

(a) STUDY REQUIRED.—The Assistant Secretary shall carry out a study on the use of the combination of facial and iris recognition to rapidly identify individuals in security checkpoint lines. Such study shall focus on—

(1) increased accuracy of facial recognition;

(2) enhancement of existing iris recognition technology; and

(3) establishment of integrated face and iris features for accurate identification of individuals.

(b) PURPOSE OF STUDY.—The purpose of the study required by subsection (a) is to facilitate the use of a combination of facial and iris recognition to provide a higher probability of success in identification than either approach on its own and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors and satisfy one of major issues with war against terrorists. The operational goal of the study should be to provide the capability to non-intrusively collect biometrics (face image, iris) in less than ten seconds without impeding the movement of individuals.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from North Carolina (Mr. BUTTERFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. BUTTERFIELD. Mr. Chairman, I rise today in support of the underlying bill, H.R. 2200, the Transportation Security Administration Authorization Act of 2009. This is a necessary bill that will help to safeguard the American people. I want to commend my friend and colleague Chairman BENNIE THOMPSON from Mississippi for steering this legislation through this process. Mr. THOMPSON, your leadership does not go unnoticed by Members of this body and the American people, and we thank you. We also thank the ranking member of this committee, Mr. KING of New York, for his leadership and for his work on homeland security as well as the other members of the committee. I particularly want to thank the hardworking staff of the Homeland Security Committee for all that they do and for the work that they've done in getting this legislation to the floor today.

Mr. Chairman, I offer a very simple amendment to H.R. 2200. It authorizes a study on the feasibility of combining facial and iris recognition technologies for rapid and accurate identification in airport security checkpoint lines. The study would focus on merits of using the combined technologies and the potential for use. Researchers tell us, Mr. Chairman, that this new technology holds great promise for providing a highly reliable, efficient, unobstructed and accurate way to establish and verify identities. Unlike names and dates of birth, which can be changed from time to time, biometrics are unique and virtually impossible to duplicate. Biometric information is already being collected by DHS, the Department of Homeland Security, through its US-VISIT Program. This invaluable information helps prevent people from using fraudulent documents to attempt to enter our country illegally. Collecting biometrics also helps protect travelers' identities in the event travel documents are lost or stolen. One of my constituents had his passport stolen, and it was used fraudulently. He has been unable to travel overseas to visit his family now for more than 1 year. This technology would have made the issuance of new travel documents a less cumbersome process.

Utilizing advanced technologies like special cameras or imaging systems with enhanced interoperability of 2–D and 3–D facial recognition technology and systems, TSA could collect and analyze the biometric data in a few short seconds. The collection, analysis and identification of an individual, Mr. Chairman, would only take as much time as it takes a person to go through that dreaded security line at the airport. In fact, the security process would be sped up and would significantly lessen the time an individual spends in line. By combining the facial and iris recognition data, TSA officials will get an accurate identification of an individual and will have the opportunity to investigate further, if necessary. The effective use of these databases to confirm or discover personal identities is critical in maintaining our national security. Travel is made safer and, again, the technology is nonintrusive.

This study, Mr. Chairman, requested under this amendment will also help to identify any specific environmental and operational factors that might limit these biometric capabilities and provide insight and information for biometric acquisitions and procedures.

It is my hope, therefore, that Members will support this amendment. It is a commonsense approach, using technology to increase the level of security at checkpoints. I want to remind my colleagues that this technology is totally nonintrusive and has the potential for improving accuracy and efficiency and safety for TSA personnel and travelers alike.

At this time I am going to reserve the balance of my time.

Mr. DENT. Mr. Chair, I rise to claim time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. DENT. I do support this amendment. It's a good amendment. I appreciate the gentleman offering it.

New advances in biometric identifications make this technology an exciting new possibility for rapidly identifying individuals approaching a security checkpoint. Imagine if someone with a want or a warrant or a fleeing felon would approach a security checkpoint and be identified as a threat before entering the sterile area of an airport. We may be years away from any real breakthroughs in this technology, but it certainly does hold some real promise.

Some would argue that this technology goes too far or invades one's privacy, but every individual approaching a TSA checkpoint must already provide a valid form of identification. This system, if proven effective, could ensure that documentation provided at the checkpoint is, in fact, authentic.

For all those reasons, I would urge my colleagues to support this Butterfield amendment. It makes sense, and I strongly urge its adoption.

At this time I would yield back the balance of my time.

Mr. BUTTERFIELD. I want to thank the gentleman for his support of this amendment and thank him very much for his work here in this body.

At this time, Mr. Chairman, I would like to yield 2 minutes to the gentlelady from California (Ms. RICHARDSON), a hardworking member of this Homeland Security Committee.

The Acting CHAIR. The gentleman from North Carolina only has 45 seconds remaining.

Mr. BUTTERFIELD. I will yield those 45 seconds to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Chairman, I rise in support of the Butterfield amendment. This amendment authorizes a study to combine facial and iris recognition that would rapidly identify individuals at security checkpoints. Additionally, this study authorizes the ability to consider environmental and operational factors and any capabilities that would hinder future acquisitions.

As a member of this committee, I support Mr. BUTTERFIELD and our chairman in his leadership with this bill, and I urge all of my colleagues to do the same.

Mr. BUTTERFIELD. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. ROSKAM

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111–127.

Mr. ROSKAM. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. ROSKAM:

At the end of title III of the bill, insert the following:

SEC. ___. PUBLIC HEARINGS ON SECURITY ASSISTANCE GRANT PROGRAM AND THE RESTRICTION OF SECURITY IMPROVEMENT PRIORITIES.

(a) PUBLIC HEARINGS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall conduct public hearings on the administration of the security assistance grant program under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135). The Assistant Secretary shall—

(1) solicit information and input from the 5 urban areas that receive the largest amount of grant funds under such section, including recipients providing mass transportation and passenger rail services; and

(2) solicit feedback from such recipients on whether current allowable uses of grant funds under the regulations or guidance implementing the grant program are sufficient to address security improvement priorities identified by transit agencies.

(b) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate a report on the findings of the public hearings conducted under paragraph (1). The report shall include—

(1) the Assistant Secretary's determinations with respect to the extent to which security improvement priorities identified by transit agencies are not met by the regulations or guidance implementing the grant program; and

(2) how such regulations or guidance should be changed to accommodate such priorities, or the Assistant Secretary's justification for not addressing such priorities with the grant program.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from North Carolina (Mr. BUTTERFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. Mr. Chairman, I yield myself as much time as I may consume.

First of all, I want to thank Chairman THOMPSON and the Homeland Security Committee for working with me on this amendment. I appreciate their attitude very much and their openness to this suggestion.

This is a fairly straightforward amendment. What it is trying to do is to mirror the resources of the Federal Government and to make sure that they're in sync with the needs of local transit systems. This actually developed out of a homeland security working group dialogue that I had in my congressional district. I represent the west and northwest suburbs of Chicago and a wide range of commuters. We've got bus lines and rail lines in the Chicago area, and there is a certain level of vulnerability. So last March I invited some of the leadership of the public transit systems and some of the security agencies to really offer ideas, and this is one of the ideas that they had.

They said, Look, we have needs at the local level, and there are resources at the Federal Government, but sometimes those two things aren't really in sync. So what this is, it says simply that the Assistant Secretary of Homeland Security will hold hearings, if this amendment is passed, and those hearings are really about the subject of whether current allowable uses of grant funds are sufficient to meet the daily security needs and the transit security needs of these local agencies. Then after that happens, after this conversation happens and these hearings, to come back to Congress and to report.

I think that this is one of these areas where there's a great deal of common ground. There is uncertainty sometimes at the State and local level about how Federal funds fit into their agenda. We all know that we, in the Congress, are trying to help. And this is a structured way to have that conversation, because when it comes down to it, there's nearly 12 million Americans that are riding on passenger trains each day, and that's six times as many that fly in our skies. I think that this is a wise use of resources and urge the adoption of the amendment.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim in time in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chair, the Roskam amendment builds on this effort to require TSA to engage in an open and constructive dialogue on the security priorities that matter most to State and local transit agencies. In these difficult times, it is more important than ever that we endeavor to make sure our State and local transit agencies are able to maximize their limited resources to implement effective and cost-effective security programs. The Roskam amendment supports that effort. Therefore, I urge my colleagues to vote ''aye'' on this amendment.

I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I first of all, I want to thank the gentleman for his support. And just one other point for the record: The amendment is endorsed by the American Public Transportation Association. I am not aware of any opponents. I appreciate the gentleman's support.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chair, again, I support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–127 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. MICA of Florida.

Amendment No. 10 by Mr. CHAFFETZ of Utah.

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

AMENDMENT NO. 2 OFFERED BY MR. MICA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 211, not voting 9, as follows:

[Roll No. 304]

AYES—219

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

NOES—211

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

NOT VOTING—9

Boswell
Courtney
Jackson-Lee (TX)
Ruppersberger
Sablan
Sánchez, Linda T.
Slaughter
Sullivan
Wilson (OH)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains on this vote.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND (during the vote). Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Chairman, we've not had any activity on the board in the last 3 minutes. Can you tell me what determines the vote staying open for over 30 minutes?

□ 1601

Mrs. MCCARTHY of New York, Messrs. BERMAN, KANJORSKI, SIRES, GRIJALVA, TEAGUE, LARSON of Connecticut, Ms. DEGETTE, Messrs. GORDON of Tennessee, GEORGE MILLER of California, LEVIN, Mrs. HALVORSON, Messrs. CLEAVER, RUSH, CHILDERS, SHERMAN, Mrs. KIRKPATRICK of Arizona, Messrs. CONYERS, LARSEN of Washington, DELAHUNT, HOLT, PAYNE, SCHRADER, HALL of New York, DAVIS of Tennessee, FOSTER, PERRIELLO, ACKERMAN, GUTIERREZ, BRALEY of Iowa, BERRY and MCNERNEY changed their vote from ''aye'' to ''no.''

Messrs. MURPHY of New York, HILL, HENSARLING, MATHESON, HERGER, COOPER, PAUL, BARROW, BUCHANAN, GRIFFITH, and TAYLOR changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Chairman, in the previous Congress, was there not a rule in place to prohibit a vote from being held open for the sole purpose of changing the outcome?

The Acting CHAIRMAN. It is not the purpose of the Chair to serve as a historian.

Mr. WESTMORELAND. I'm sorry, sir, could you repeat that?

The Acting CHAIRMAN. The Chair will not serve as a historian.

Mr. WESTMORELAND. Okay, let's try one more. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. WESTMORELAND. Does the rule still exist today that was in place in the 110th Congress, that was struck from the 111th Congress rules package, thus making it within the rules to hold a vote open for the purpose of changing the outcome?

The Acting CHAIR. There is no rule of that description.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Without objection, 5-minute voting will resume.

There was no objection.

AMENDMENT NO. 10 OFFERED BY MR. CHAFFETZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 310, noes 118, not voting 11, as follows:

[Roll No. 305]

AYES—310

Abercrombie
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Bishop (GA)
Blunt
Boccieri
Boehner
Boozman
Bordallo
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Campbell
Cao
Capps
Capuano
Cardoza
Carson (IN)
Carter
Cassidy
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Fudge
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kucinich
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Luetkemeyer
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pence
Perlmutter
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schmidt
Schock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Space
Speier
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Yarmuth

NOES—118

Ackerman
Aderholt
Akin
Andrews
Barrett (SC)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Bright
Burton (IN)
Butterfield
Cantor
Capito
Carnahan
Carney
Castle
Clyburn
Coffman (CO)
Cole
Costello
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Dicks
Edwards (TX)
Ehlers
Eshoo
Fleming
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gordon (TN)
Granger
Graves
Halvorson
Harman
Hastings (WA)
Herger
Himes
Hoekstra
Holden
Honda
King (NY)
Kirk
Klein (FL)
Kratovil
Lance
Latham
LaTourette
Lee (NY)
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Markey (CO)
Matsui
McCarthy (NY)
Mica
Miller (FL)
Miller (MI)
Minnick
Mollohan
Murphy, Patrick
Norton
Nye
Oberstar
Obey
Olver
Paulsen
Peterson
Platts
Price (NC)
Rahall
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Schakowsky
Schauer
Schrader
Schwartz
Sensenbrenner
Sestak
Shadegg
Simpson
Skelton
Slaughter
Snyder
Souder
Spratt
Thompson (CA)
Thompson (MS)
Towns
Visclosky
Walden
Waters
Wittman
Wu
Young (AK)
Young (FL)

NOT VOTING—11

Bishop (UT)
Boswell
Courtney
Jackson-Lee (TX)
Kennedy
McMahon
Ruppersberger
Sablan
Sánchez, Linda T.
Sullivan
Wilson (OH)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1610

Messrs. BLUMENAUER, RAHALL and MOLLOHAN changed their vote from ''aye'' to ''no.''

Mrs. MALONEY, Messrs. HASTINGS of Florida and BACA changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCMAHON. Mr. Chair, on rollcall No. 305, I was detained unavoidably from reaching the Chamber. Had I been present, I would have voted ''aye.''

Mr. KENNEDY. Mr. Chair, I regret that I was unable to participate in a vote on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 305, a Chaffetz (UT)/Shea-Porter (NH) Amendment to H.R. 2200, the Transportation Security Administration Authorization Act of 2009, I would have voted ''aye'' on the question.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes, pursuant to House Resolution 474, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KING of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KING of New York. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. King of New York moves to recommit the bill H.R. 2200 to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

Strike section 405 of the bill and insert the following:

SEC. 405. SECURING AVIATION FROM EXTREME TERRORIST THREATS.

(a) FINDINGS.—Congress finds the following:

(1) In 2001, Congress gave the Assistant Secretary, Transportation Security Administration, the task to ''develop policies, strategies, and plans for dealing with threats to transportation security''. The individuals currently held at the Naval Station, Guantanamo Bay, Cuba, were detained during armed conflict and pose a serious and continuing threat to the transportation security interests of the United States and its allies.

(2) Terrorists, including Khalid Sheikh Mohammad, the admitted mastermind of the September 11, 2001 terrorist attacks, have clearly demonstrated their desire and intent to use airplanes as weapons to kill innocent Americans. The August 2006 liquid explosive plot to take down 10 commercial airliners over the United States is positive proof that air transportation continues to be a target.

(3) In light of al Qaeda's propensity to conduct aviation-related attacks and the fact that, according to the Department of Defense, at least 74 former Guantanamo Bay detainees once considered ''non-threatening'' are recidivists to terrorism, restrictions on the air travel of former detainees are necessary to protect the public from future attacks.

(4) Therefore, individuals who are or have been detained at Guantanamo should not be allowed to fly commercially in the United States and should be added to the Transportation Security Administration's No Fly List, until the President certifies that each individual detainee poses no threat to the United States, its citizens, or its allies.

(b) PROHIBITION OF DETAINEE USE OF COMMERCIAL AVIATION.—Section 44903(j)(2)(C) of title 49, United States Code, as amended by section 213 of the bill, is further amended by adding at the end the following:

''(vi) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.''.

Mr. KING of New York (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes in support of his motion.

Mr. KING of New York. Mr. Speaker, this motion to recommit is very basic. It's very direct. It specifies that any detainee who is housed at Guantanamo Bay will go on the No Fly List. Very simply, anyone released from Guantanamo will not be able to fly on an American commercial flight.

And I have listened to the debate in committee. I've listened to the debate on the floor, and quite frankly, I cannot understand the opposition to this amendment. We are talking about approximately 240 people who are still at Guantanamo. These are the worst of the worst, the most hardcore.

Mr. Speaker, we can have various positions on Guantanamo, whether the President was right, whether the President's wrong, whether he's partially right, whether he's wrong, whether there's going to be tribunals, what's going to happen. But the reality is that there's a likelihood that some of these detainees could be released into the United States, and very simply, we are saying if they are, they should not be allowed to fly on American commercial flights.

□ 1615

Now, recent reports from the Defense Intelligence Agency say that one of seven of those who have been released thus far have returned to the battlefield, have returned to take part in terrorist activities. Now, whether that number is actually one in seven or one in 14 or one in 15, I say to anyone in this House, do you want your son or your daughter or your grandson or your granddaughter possibly being on the same plane as one of those seven or one of those 15? It is too high a risk to pay.

What the majority did when this was brought up by Mr. SOUDER, who argued it very articulately in committee and on the floor, was to say that they would go on the No Fly List, the detainees, after disposition by the President.

''Disposition'' is not defined. What does ''disposition'' mean? If the President says that this person is dangerous, does that mean he doesn't go on the No Fly List? Suppose that case is still pending in court. Suppose he was released on bail. What does final disposition mean? What does it mean?

Why are we having this debate? I can see if we were talking about something involving the civil rights of an American citizen or somebody who was legally in the country and we were talking about electronic surveillance or stop-and-frisk. We're talking about a person who is a detainee at Guantanamo and we're saying they cannot fly on an American plane. What human right is being violated by that? Let's balance the equities.

I know in the Dear Colleague that my good friend the chairman sent out to his members, he uses a quote from the President, saying that we must have an abiding confidence in the rule of law and due process and checks and balances and accountability.

Mr. Speaker, I fail to see the question of a balance here. What equities are we balancing?

Let's assume the worst from those who oppose this motion to recommit. Let's assume that someone who is in Guantanamo and really pure of heart and has no malice anywhere in the system, that person will not be allowed to fly on an American plane. Life is tough. If that's the worst he has to endure, I don't think that's going to shock the conscience of the Republic.

But suppose that person does return to violence and does blow up an airliner and hundreds of Americans are killed. Where is the cost-benefit ratio? What equities are we balancing here?

I would say the clear and correct thing to do here is to make it very clear that anyone released from Guantanamo should go on the No Fly List.

Now, if there are foreign policy considerations, if there are diplomatic considerations, the motion to recommit specifically says that the President can certify that that detainee is no longer a threat to American security and the President can take the person off the No Fly List.

So, if there is an injustice being done, if the President feels very strongly about this, then the President has the prerogative to exercise his power and take the person off the list.

Again, I just think this is a debate about politics for those who somehow think, if we talk about Guantanamo, that we're trying to inject some kind of fear. We're trying to protect the American people. And, to me, it's a clear issue if you ask any one of your constituency, people in your district, say to them, would they rather be certain that their relatives going on a plane will not have a detainee from Guantanamo sitting next to them or would they rather have the fact that that person may have to drive his own car or take a bus rather than fly in a plane.

So I would say in the interest of justice, in the interest of basic security for the American people and the interest of doing all we can to make this good bill much better and to give us the security that we need, that we vote ''yes'' on the motion to recommit.

In his statements, the chairman says that by not adopting this motion to recommit, or not using this language, that would make our skies more secure. How can our skies possibly be more secure unless we do everything we possibly can to keep Guantanamo detainees off our planes, off our commercial planes.

Those of us who lived in New York, any American, knows the horror of September 11. If we can do anything at all to prevent that without violating the civil rights of any American citizen, anyone lawfully in this country, then we should do it.

Mr. Speaker, in the interest of justice and homeland security, I ask adoption of the motion to recommit.

Mr. THOMPSON of Mississippi. I rise in opposition, Mr. Speaker, but I'm not opposed to the motion.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, at the beginning, let me say that I am not in opposition to the motion to recommit. This motion to recommit builds on the underlying provisions of this bill. But it also recognizes that the President has significant responsibility in making sure that Americans are kept safe.

I also support the fact that anyone who was detained at Guantanamo should be on the No Fly List. This motion to recommit does that. And I support it. I can accept it.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

The motion to recommit was agreed to.

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2200, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Mississippi:

Strike section 405 of the bill and insert the following:

SEC. 405. SECURING AVIATION FROM EXTREME TERRORIST THREATS.

(a) FINDINGS.—Congress finds the following:

(1) In 2001, Congress gave the Assistant Secretary, Transportation Security Administration, the task to ''develop policies, strategies, and plans for dealing with threats to transportation security''. The individuals currently held at the Naval Station, Guantanamo Bay, Cuba, were detained during armed conflict and pose a serious and continuing threat to the transportation security interests of the United States and its allies.

(2) Terrorists, including Khalid Sheikh Mohammad, the admitted mastermind of the September 11, 2001 terrorist attacks, have clearly demonstrated their desire and intent to use airplanes as weapons to kill innocent Americans. The August 2006 liquid explosive plot to take down 10 commercial airliners over the United States is positive proof that air transportation continues to be a target.

(3) In light of al Qaeda's propensity to conduct aviation-related attacks and the fact that, according to the Department of Defense, at least 74 former Guantanamo Bay detainees once considered ''non-threatening'' are recidivists to terrorism, restrictions on the air travel of former detainees are necessary to protect the public from future attacks.

(4) Therefore, individuals who are or have been detained at Guantanamo should not be allowed to fly commercially in the United States and should be added to the Transportation Security Administration's No Fly List, until the President certifies that each individual detainee poses no threat to the United States, its citizens, or its allies.

(b) PROHIBITION OF DETAINEE USE OF COMMERCIAL AVIATION.—Section 44903(j)(2)(C) of title 49, United States Code, as amended by section 213 of the bill, is further amended by adding at the end the following:

''(vi) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.''.

Mr. KING of New York (during the reading). I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

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

The amendment was agreed to.

RECORDED VOTE

Mr. THOMPSON of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 12, not voting 9, as follows:

[Roll No. 306]

AYES—412

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
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
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
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 (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)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
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 (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—12

Clarke
Clay
Cleaver
Conyers
Filner
Lee (CA)
Moore (WI)
Moran (VA)
Nadler (NY)
Paul
Smith (WA)
Waters

NOT VOTING—9

Boswell
Courtney
Jackson-Lee (TX)
Ruppersberger
Sánchez, Linda T.
Space
Stark
Sullivan
Wilson (OH)

□ 1638

Mr. MORAN of Virginia, Ms. LEE of California, Ms. MOORE of Wisconsin, and Mr. CONYERS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. THOMPSON of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 397, noes 25, not voting 11, as follows:

[Roll No. 307]

AYES—397

Abercrombie
Ackerman
Aderholt
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)
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
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
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
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
Filner
Fleming
Forbes
Fortenberry
Foster
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
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
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)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
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
Napolitano
Neal (MA)
Neugebauer
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 (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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
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 (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—25

Blackburn
Brady (TX)
Broun (GA)
Campbell
Conaway
Conyers
Deal (GA)
Duncan
Flake
Foxx
Holt
Johnson, Sam
King (IA)
Kingston
Linder
Markey (MA)
McClintock
McHenry
Nadler (NY)
Nunes
Paul
Price (GA)
Royce
Shuster
Stark

NOT VOTING—11

Adler (NJ)
Blumenauer
Boswell
Courtney
Fattah
Jackson-Lee (TX)
Kennedy
Ruppersberger
Sánchez, Linda T.
Sullivan
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE) (during the vote). Two minutes are remaining.

□ 1655

Mr. KINGSTON changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2200, TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that in the engrossment of H.R. 2200, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 626, FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2009

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 501 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 501

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. 626) to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, 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 Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, 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. 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 SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the

customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 501.

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

There was no objection.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 501 provides for the consideration of H.R. 626, the Federal Employees Paid Parental Leave Act of 2009, under a structured rule. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Oversight and Government Reform. The rule makes in order three amendments listed in the Rules Committee report, each debatable for 10 minutes. The rule also provides a motion to recommit with or without instructions.

Madam Speaker, I rise today not as a Democrat or a Republican, but as a father. Nothing can replace the first few days and weeks between a parent and a newborn or a newly adopted child when the bond that is forged is critical and sets the foundation for the child's entire later life. It is in these first few moments that a child's emotional and physical health and development is established—time which cannot be made up for later in life once it's lost.

Yet many parents are unable to forge this bond simply because they cannot afford to take unpaid leave from their jobs. In fact, a 2000 Labor Department survey showed that 78 percent of employees chose not to take unpaid leave because they just couldn't afford it. And they certainly cannot do so in the trying economic times we face today when hardworking families are struggling just to get by.

□ 1700

No parent should be placed in the position of having to choose between bonding with their new child and forgoing these formative moments in their child's life in order to keep a roof over that same child's head or to put food on the table, especially when the fate of a child is ultimately at stake. This is a moral and societal situation that has legislators, parents and as protectors of God's children, we must get right.

The Federal Government, I believe, has a moral obligation to set the stage for making changes across the table. We need to do more than just help in the care and development of a child. We must take the reins and lead by example. We should be setting the standard in family-friendly workplace policies across the Nation, not lagging behind.

H.R. 626 is quite simple. Current law requires that new parents be given up to 12 weeks of unpaid leave. If they wish to be paid, they must use any unused accrued sick time or vacation time. This bill helps families by providing 4 weeks of paid parental leave for Federal employees for the birth, adoption or fostering of a child and allowing employees to use that accrued vacation or sick time for that parental leave.

This small change in law will hopefully entice other employers to follow suit but, more importantly, have an immeasurable impact on the countless parents and the well-being of their children.

Madam Speaker, I can speak to this from my own experience. My dear wife Kathie and I have three beautiful children—one biologic and two that we adopted out of the foster care system. These children we love as much as they were our biological daughter. I will tell you from our own experience, however, that by adopting a child, especially one out of foster care, it requires special care and attention and additional time for bonding. This is not an option in their case. It is an absolute necessity. Our children—in fact, all foster children have faced and will continue to face significant challenges in their lives from the abuse that they incurred when they were in foster care. They will forever carry those unspeakable scars that every parent fears and no child should ever bear. Yet the only hope and chance that you have to save these children is to give them time to bond with those very new parents that are the ones that will be, in fact, trying to save their lives and rub away those scars. There is no other choice than to immediately give them all the love they can take and more than they've ever known; food, nutrition they desperately need, and the health care they have never had. They need the unflagging support and nurturing that they get from these new adoptive parents in order to establish a pattern of survival in their lives. I also know that without the time to forge this bond immediately after adoption, they have no hope of overcoming the enormous obstacles that they face.

Madam Speaker, you can put a price tag on a piece of legislation, but you cannot put a price on the importance of not having to worry about a paycheck and having the full and undivided attention of both parents lavishing boundless love on a disadvantaged child. I can think of no greater gift that we can give as parents to our children than the gift of time. Without it, far too many children will simply slip through the cracks, and for many more, all hope will be lost. As legislators, it is our imperative that we do what is morally right, not to let hope be lost, but rather to let hope spring eternally and to give these children, who already have so many things working against them, as I mentioned in the case of adoption and foster care, the chance at life that they deserve.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I want to thank my friend from California for yielding this time to me to discuss the proposed rule for consideration of the Federal Employees Paid Parental Leave Act of 2009. I yield myself such time as I may consume.

I've heard a lot of arguments here on the floor of the House of Representatives. I'm not a psychologist, but I would tend to bet that probably more than the first 12 weeks of a child's life is very important to their development. I'm kind of surprised that we don't have evidence today that says that the first 13 or 14, 16 years of a child's life is really the most important point, and maybe we just ought to let Federal employees take 16 years off since that's the defining moment. There's just no reality with this about the first 12 weeks of a child's life. Let me tell you, it's about probably the first 14 or 15 years; and as a parent, I can tell you, I remember the first 12 weeks. I remember them very vividly for both of my boys. I'm sure that there is some bit about what my children understood about the bonding with me.

Let's just go straight to this. This is expensive. It's going to cost a lot of money, and it's for Federal employees at a time when this Federal Government needs to be more efficient, and the people of this country cannot afford it. We've done without it for this number of years, and I'm surprised that we're doing it today in the economic times that we have.

Today I will discuss my opposition to the structured rule, which limits debate and does not provide for the ''open and honest Congress'' my Democrat colleagues have always called for for the past 3½ years. I also rise in opposition to putting taxpayers further in debt, those people that don't work for the government, to pay for this new extension of benefits by expanding an already generous government paid leave.

The economy is in a recession. Hello. Hello. Wake up, Washington. We're in a recession, and somebody else is going to have to pay for this. Oh, I know. It's about the kids. I know it's about this bonding for the first 12 weeks. Unemployment is at a 25-year high. Government spending is out of control, and individuals and retirees that have lost trillions in their savings and retirement are now going to have to pay another billion dollars for this plan. The government should be ensuring the future of the economy before taking on additional government benefits for those who have some of the greatest job security at the expense of the people who are paying for it, namely, the taxpayer.

I rise in opposition to this so-called structured rule and to this legislation, which would provide more government benefits to bureaucrats with benefits already in excess of what most hardworking Americans in the private sector have. I guess we're supposed to sacrifice a little bit more to make sure

our government employees get more benefits.

Madam Speaker, as the father of two children, I return to my home every weekend in Dallas, Texas. I have only been in this body 13 years. I have never spent a weekend in Washington, D.C. I go home when the votes end to be with my family; and I, like every Member of this body, love my family. We understand the importance of family and how strong families are to our country. Additionally, I know how hard Federal employees work. I honor them for their work and their devotion to the people of this country and the devotion to their jobs, and they do deserve competitive compensation and a good benefits package. At the same time, I believe at this time this bill sends the wrong message at the wrong time to working Americans, the taxpayers and their families that they, themselves, are struggling to sacrifice to give a select few in this government additional new benefits.

In February of this year, my Democratic colleagues passed a $1.2 trillion economic stimulus package with absolutely no—zero—Republican support. This was their failed attempt to provide jobs to the struggling economy. The U.S. has eliminated 663,000 jobs in March alone, an additional 563,000 in April. Over the past 12 months, the number of unemployed has risen by 6 million people to 13.7 million, and the unemployment rate has grown from 3.9 to 9 percent. We should be thinking about how we're going to struggle to get people employed in this country, not give additional benefits to government workers.

One would think that this massive amount of spending that was done this year by my friends on the other side would ensure job growth, investment and economic output. Instead, the failed policies of the Democratic Party and of this administration have led to a budget deficit that already has been announced, it's not just $1 trillion, it has now grown to $1.8 trillion, about $89 billion more than was predicted in the President's budget. That is nearly four times the record set last year by my Democrat colleagues of this House. This has led even to the President's chief economic adviser, Dr. Christina Romer, while speaking on CNN to acknowledge that it is ''pretty realistic'' that there will be no job growth until 2010, and the U.S. will hit 9.5 percent rate of unemployment this year. Well, let's just be honest about it. The Democratic plans are that there would be 9 percent unemployment next year. That was the Democrats' blueprint, their plan that was in the budget. Nine percent, that's their best estimate, their guess. We're going to rise to 9 percent. Well, the question is not whether Congress should support families but whether it makes sense when so many Americans are already struggling with unemployment rates, increased taxes, thanks to our good friends in the Democrat majority, and an economic recession in the 3 years that the House and the Senate have been run by Democrat leadership, to increase their tax burden to pay for this increased paid time off from work, especially in light of the fact that government workers, in my opinion, have not even asked for it.

Madam Speaker, my friends on the other side of the aisle often argue that Federal employees need greater benefits to be more competitive with private industry. There could be truth to that. But even the Office of Personnel Management has determined that Federal and private sector benefits compare favorably, and additional benefits would not help with retirement and retention. Additionally, this bill does not assist the older workforce facing retirement since it specifically deals with paid leave for having a child, adopting a child or taking care of a foster child.

The Congressional Budget Office estimates that this new benefit-in-search-of-a-problem will cost taxpayers $938 million over the next 5 years. Madam Speaker, at a time when average hard-working American families are already struggling and working many, many, many more hours and trying to find additional income through a job that they cannot find to pay their bills, I don't believe it's appropriate for Congress to increase the paid leave of Federal bureaucrats beyond their already generous levels by using taxpayer dollars to do it.

□ 1715

Since June of last year, the Federal Government workforce has grown by 37,000 employees while the private sector has shed more than 4.4 million jobs at the same time.

My colleagues on the other side of the aisle have spent trillions of the taxpayers' dollars over the past 6 months. Americans are faced with a $1.8 trillion deficit this year alone from the Democrat majority in this administration. Their plan. Taxpayers are reaching a breaking point when it comes to subsidizing higher Federal spending at their expense. It is costing the free enterprise system jobs and the opportunity to get a job tomorrow because of the massive spending that is taking place by this Democrat majority.

Responsible American families are cutting back their costs. They are dealing with the job loss. They are doing the things to help their families and their friends, and they are looking at the destruction of their savings and retirement accounts.

I think it is simply wrong. It is wrong for the Democratic Party to move this bill. Rather than trying to create jobs, they are trying to get new benefits for Federal employees.

Madam Speaker, I will be honest. You are darn right that this is going to be a tough vote for Members of Congress. Are we going to pay attention to what is happening back home or are we just going to come up here and spend another $1 billion?

I encourage my colleagues to vote ''no.'' Vote ''no'' on this legislation.

I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I just will respond to the gentleman that this is less than $100 million a year for the entire country. While every dollar that the taxpayers pay is significantly important, I would say that this particular bill is much more important in some ways than many expenditures this Federal Government makes.

It is also something that I believe is fundamentally important in many sectors, especially in the area that I talked about with adopting new children. The gentleman says that the Federal employees are some of the most stable workforce that we have in this country. Well, that is exactly the kind of people you want to adopt children, people in stable homes that have jobs that they are not going to lose, that can take the time to do what we have set forth in this bill.

While leave policies in the government generally may compare favorably with some private sector employment, the Federal Government's paid parental leave policy simply does not. Seventy-five percent of the Fortune 100 companies offer at least 6 weeks of parental paid leave and make them much more attractive to young working families who cannot afford to go without pay for that length of time.

Madam Speaker, I would like to, at this time, yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding.

I rise in strong support of the rule and the underlying bill that would provide 4 weeks of paid leave to Federal employees for the birth, adoption, or fostering of a child. It is identical to the version of the bill, H.R. 5781, which passed the House last Congress with strong bipartisan support. The vote count was 278–146, with 50 Republicans voting for the bill in the 110th Congress.

My good friend on the other side of the aisle said that Federal employees are not asking for this. That is not the truth, and I would like permission to place in the RECORD various letters written in support. They actively have been meeting with us and supporting it for the past 15 years. Majority Leader STENY HOYER and I and others have been championing this bill. And I would like to put their letters of support in the RECORD.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, June 4, 2009.

LEGISLATIVE ALERT

DEAR REPRESENTATIVE: The American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) strongly supports HR 626, the Federal Employees Paid Parental Leave Act of 2009. This vital legislation would provide all Executive and Legislative Branch federal employees with income support for up to four weeks of parental leave in

order to facilitate bonding between parents with newborn infants or newly adopted children.

Federal workers are among those who must choose between meeting their family obligations and maintaining family income because under current law, no part of the leave under the Family and Medical Leave Act is guaranteed to be paid leave. The years when employees are most likely to become parents coincide with the early years of their career, when they are least likely to have accumulated enough savings to forgo their salary for several weeks. Workers early in their career are also least likely to have accumulated enough annual leave to cover the time needed to provide adequate care for a newborn or newly adopted child. As a result, many workers are effectively prevented from using FMLA leave at all.

Spending time with a newborn or a newly adopted child should not be viewed as a luxury that only the rich should be able to afford. Virtually all research on child development and family stability supports the notion that parent-infant bonding during the earliest months of life is crucial. Children who form strong emotional bonds or ''attachment'' with their parents are most likely to enjoy good health and have positive relations with others throughout their lifetimes. H.R. 626 takes as a given that all children who become new members of a family need this critical time with their parents, and provides all parents—adoptive and biological—equal treatment.

More and more private sector employers provide paid parental leave because they recognize that productivity is lost when a parent returns to work before they have found appropriate child care for a newborn or newly adopted child, or when an employee comes to work ill because all leave was exhausted during the protracted adoption process. Without the extension of paid parental leave to all Executive and Legislative branch employees, the federal government will lose good workers, trained at taxpayer expense, who decide to leave federal service for an employer who offers paid parental leave.

The benefits to children and families of four weeks of paid parental leave have been well established. The AFL–CIO urges Congress to pass the Federal Employee Paid Parental Leave Act of 2009.

Sincerely,

WILLIAM SAMUEL,
Director,
Government Affairs Department.

NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES ASSOCIATION,
Alexandria, VA, June 3, 2009.

DEAR REPRESENTATIVE: On behalf of the National Active and Retired Federal Employees Association (NARFE), I am writing to urge you to support H.R. 626, the Federal Employees Paid Parental Leave Act, when it is considered by the House of Representatives on Thursday, June 4.

NARFE believes that extending paid parental leave to federal employees will assist federal agencies in their ongoing recruitment and retention efforts. Indeed, Congress needs to pass this family-friendly legislation if we are to attract the highly talented and skilled individuals necessary to take on the challenges of recovering from an unparalleled economic upheaval, fighting two wars and defending the homeland.

While federal workers need paid leave to care for a newborn or adopted baby, a growing number of ''sandwich generation'' employees require the same support as they struggle to provide care to their aging parents. The current trend toward an older workforce, coupled with overall increased longevity, greatly increases the need for employers to provide adequate leave and compensation for family caregiving duties on both ends of the sandwich generation. For that reason, we urge you to work with us to ensure that paid family leave is also extended to federal workers who serve as caregivers to their parents.

NARFE urges you to honor federal employees, who work each day to better our nation, by voting for H.R. 626.

Sincerely,

MARGARET L. BAPTISTE,
President.

NATIONAL TREASURY EMPLOYEES UNION,
Washington, DC, June 1, 2009.

DEAR REPRESENTATIVE: On behalf of the National Treasury Employees Union (NTEU) and more than 150,000 federal employees in 31 agencies and departments across the nation, I am writing to ask you to vote for passage next week of H.R. 626, the Federal Employees Paid Parental Leave Act.

This important bill, introduced by Representative Carolyn Maloney (D–NY), provides federal employees with four weeks of full pay to use while they are on Family and Medical Leave Act (FMLA) leave for the birth or adoption of a child. It will bring the government's approach on family leave closer to that of the private sector and many industrialized nations.

This bill will help our federal government recruit and retain dedicated and talented workers, and show that the federal government truly values families. Currently, federal workers do not have any guarantee of paid leave for the birth or adoption of a new child. Some have accrued paid sick or vacation time that they may be able to use while on FMLA leave. However, others, especially younger workers who have not accrued sick or vacation time, have no choice but to take unpaid leave. This measure will allow federal workers the ability to better balance family needs and work requirements as access to paid parental leave has become a necessity for today's working families.

In the coming years, federal agencies will be hiring many new workers. Fifty-eight percent of supervisory and 48 percent of nonsupervisory workers will be eligible to retire by the end of fiscal year 2010, according to a 2004 report by the Office of Personnel Management. In order to compete with the private sector and attract and retain the best workers, federal benefits must be competitive. According to a March 2008 report by the Joint Economic Committee staff, nearly 75 percent of the Fortune 100 firms offer working parents some paid time off when they have a new child. A paid parental leave policy will also save the government money by reducing turnover and replacement costs, which is estimated to be 25 percent of the worker's salary.

On behalf of our federal employees, I look forward to your vote for passage in the House of H.R. 626.

Sincerely,

COLLEEN M. KELLEY,
National President.

NATIONAL TREASURY EMPLOYEES UNION,
Washington, DC, June 4, 2009.

DEAR REPRESENTATIVE: As President of the National Treasury Employees Union (NTEU), with over 150,000 federal employees in 31 different agencies, I write to you today to ask that you vote no on the Issa amendment to be offered today on H.R. 626, the Federal Employees Paid Parental Leave Act of 2009.

This important bill, introduced by Representative Carolyn Maloney (D–NY), provides federal employees with four weeks of full pay to use while they are on Family and Medical Leave Act (FMLA) leave for the birth or adoption of a child. It will bring the government's approach on family leave closer to that of the private sector and many industrialized nations.

This bill will help our federal government recruit and retain dedicated and talented workers, and show that the federal government truly values families. Currently, federal workers do not have any guarantee of paid leave for the birth or adoption of a new child. Some have accrued paid sick or vacation time that they may be able to use while on FMLA leave. Many, especially younger workers who have not accrued sick or vacation time or workers who have had health issues, have no choice but to take unpaid leave. This measure will allow federal workers the ability to better balance family needs and work requirements as access to paid parental leave has become a necessity for today's working families.

The Issa amendment would require employees to use all accrued leave before receiving additional paid parental leave and would require additional paid parental leave to be treated as a repayable advance. This amendment essentially guts the bill, while not addressing the problem. Paid parental leave is needed precisely because the present leave is not sufficient for having a child and allowing bonding time with that child. We hear stories every day from my members, from women, mostly, who have put off operations to save sick leave to have a child, or people who have cared for their terminal parents, and now have hundreds of sick leave hours to repay, and put off having a child. Women go to work ill because they have to save time for childbirth. As a matter of fact, every time this bill is mentioned in the press, NTEU receives stories of federal employees desperate to get some help so they can stay home just a few weeks with their newborn or adopted child.

Representative Issa stated during the Oversight and Government Reform Committee's consideration that federal employees will somehow ''game'' this new parental leave by taking in a new foster child every year, thus getting a ''free'' extra four weeks a year—a statement NTEU finds preposterous. Now the opposition comes in the form of an amendment requiring a zero balance in sick and annual leave before paid parental leave begins. This is putting federal employees in exactly the position we seek to avoid by this legislation.

Seventy-five percent of the Fortune 100 companies in this country offer paid parental leave, and the average amount is six weeks. In the coming years, federal agencies will be hiring many new workers. Fifty-eight percent of supervisory and 48 percent of nonsupervisory workers will be eligible to retire by the end of fiscal year 2010, according to a 2004 report by the Office of Personnel Management. In order to compete with the private sector and attract and retain the best workers, federal benefits must be competitive. A paid parental leave policy will also save the government money by reducing turnover and replacement costs, which is estimated to be 25 percent of the worker's salary.

On behalf of our federal employees, I urge a ''no'' vote on the Issa amendment and ''yes'' for final passage of H.R. 626 as reported from committee.

Sincerely,

COLLEEN M. KELLEY,
National President.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, June 2, 2009.

DEAR REPRESENTATIVE: On behalf of the over 600,000 federal workers represented by the American Federation of Government Employees, AFL–CIO (AFGE), I strongly

urge you to support H.R. 626, the Federal Employees Paid Parental Leave Act of 2009, introduced by Rep. Carolyn Maloney (D–NY). H.R. 626, which has bipartisan support, provides four weeks of paid leave for federal workers who are the parents of newborns and newly adopted children. AFGE commends the bill's sponsor, Rep. Maloney for her years of ''commitment and tireless efforts to establish this important improvement in the work and family lives of over one million federal workers. This landmark legislation is an investment in both the federal workforce and their families.

Virtually all research on child development and family stability supports the notion that parent-infant bonding during the earliest months of life is crucial. Newborns and adopted children who form strong emotional bonds or ''attachment'' with their parents are most likely to do well in school, have positive relationships with others and enjoy good health during their lifetimes. These are national outcomes that should be the goal for all children, including those of federal employees. A parent should not be forced back to work immediately after the birth or adoption of a child because she or he could not do without his or her paycheck.

Those who oppose the bill cite ''fiscal responsibility'' as a reason to delay or deny action on H.R. 626 opposed these same provisions long before the recent economic downturn. Hard economic times are exactly the right time for the government to take responsible action on behalf of families. A recent Financial Times article stated that in this most recent recession, men account for almost 80% of job losses. A responsible worker benefit like federal employee paid parental leave provides a certain source of income that allows families to bond and households during economically troubled times.

A lack of paid parental leave negatively impacts the government when a good worker, trained at taxpayer expense, decides to leave federal service for another employer who does offer paid leave. Although federal workers do accumulate leave, by conservative estimates it would take a federal worker who uses two weeks of annual leave and only three days of sick leave per year close to five years to accrue enough sick and annual leave to receive pay during the 12 weeks of parental leave allowed under FMLA. Younger workers of child bearing years are at a moment in their careers when they can least afford to take any time off without pay and least likely to have accumulated significant savings. These so-called alternatives to a benefit of paid parental leave to federal workers are unrealistic and fail to adequately address the problems families face.

The time has come for the federal government to set the standard for U.S. employers on paid parental leave. Although there is no current law providing paid parental leave for federal workers, the federal government currently reimburses federal contractors and grantees for the cost of providing paid parental leave to their workers. Surely if such practice is affordable and reasonable for contractors and grantees, federal employees should be eligible for similar treatment. The benefits to children and families of four weeks of paid parental leave are enormous and long-lasting. AFGE strongly urges you to support the Federal Employee Paid Parental Leave Act of 2009.

Sincerely,

BETH MOTEN,
Legislative and Political Director.

I also would like to point out that this bill is PAYGO neutral and would not affect, and I quote, ''direct spending or receipts.'' To be clear, there are no PAYGO implications for H.R. 626 because it does not create new expenditures. Whether or not an employee takes paid leave, the pay for that employee has already been included in the salary budget for that agency. The only cost associated with the bill is the amount that agencies currently save when employees who have a new child take their 12 weeks of unpaid leave. And the $140 million figure for 4 weeks of paid leave in the Congressional Budget Office score is what Federal agencies currently save when employees take unpaid leave.

Paid leave can also offset costs by boosting employee morale and productivity while reducing turnover. Turnover is costly. It costs 20 percent of an employee's salary to hire and train a new worker compared to just 8 percent to provide a skilled, experienced employee with 4 weeks of paid parental leave. And the military already provides paid leave. New mothers are provided not with 4 weeks but 6 weeks of paid leave. And fathers are given 10 days.

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

Mr. CARDOZA. I yield the gentlelady 1 additional minute.

Mrs. MALONEY. This bill puts the civilian branch on par with the military. It has already been pointed out that a large portion of the private sector voluntarily provides paid leave. And in a study by Harvard and by the GAO, we found that we are ranked 168th in the world; 168 countries provide some form of paid leave. We are tied with Papua New Guinea, Swaziland, and Lesotho as countries that do not provide paid leave.

So this is an opportunity for this body, which constantly talks about family values, to show that they truly do value families and provide paid leave, 4 weeks, building on the 12 weeks of unpaid leave from the Family and Medical Leave Act, so that families can have support during this critical time of the birth, adoption, or fostering of a child.

I believe my time is expired. I urge a ''yes'' vote on the rule, and I urge a ''yes'' vote on the underlying bill.

Mr. SESSIONS. Madam Speaker, we have had two wonderful speakers on the majority side tell us—I think they were contradicting each other. One said it only costs $100 million a year. Another speaker said, oh, there is no cost. As a matter of fact, PAYGO says there is nothing to it.

Well, maybe the PAYGO rules of this House say that, but let me tell what you what the Congressional Budget Office says, their cost estimate. The Congressional Budget Office says, 5 years, $938 million; $938 million. Almost $1 billion over 5 years. Now, that is real money. Oh, no, no, no. You got it wrong. We are already going to give them the money anyway, so it doesn't cost any more.

That is not reality, and that is not the way it works. The CBO is right, $938 million over 5 years. We had our President just 3 or 4 weeks ago say, after spending all these trillions of dollars, the President said, I'm going to ask my budget to cut a whopping $100 million from all their budgets across government; 100 million. Well, that is this bill just for 1 year, as the gentleman says, just 1 year. But the bottom line is it is $938 million over 5 years.

You just can't have it both ways. You can't try and explain to the American people that you are really trying to do something good for them but turn around and make it more difficult. I think our friends that are in the majority party don't understand that you just can't sneak up here to Washington and do this and get away with it back home. People are going to pay attention to this.

Madam Speaker, at this time, I would like to yield 2 minutes to the gentleman from Clovis, California (Mr. NUNES).

Mr. NUNES. I want to rise in opposition to this rule. Madam Speaker, when our government can't ensure water to the people that live in this country, the government has failed. And I want my colleagues to know, particularly those in the Democratic leadership, that this government is presiding over a manmade drought in California. Thanks to this, my district is at 20 percent unemployment. Some communities are at 50 percent unemployment. And despite this crisis, today, the Obama administration announced a new biological opinion that will end water deliveries in California, laying waste to billions of dollars worth of infrastructure and starving the State of water. We must not allow this to happen, and this body must act.

I would like to conclude by addressing my friends in the Democratic leadership in this country. I want to express my congratulations for dealing with this crisis. You have managed to make the crisis worse.

Madam Speaker, we need to stop the spending, stop the bailouts, and get back to the basic responsibilities that this government has, like providing water to people.

With that, Madam Speaker, I urge a ''no'' vote on this rule.

Mr. CARDOZA. Madam Speaker, I respond to my colleague from California and my colleague from Texas in this way. My colleague from California knows that I support him in his efforts to try and solve the California water crisis, and, in fact, I have been a leader in trying to do that. I don't always agree. I have come to this House floor and argued with my own leadership with regard to the issues that have dealt with the causes of the California regulatory drought.

I would also like to remind the gentleman, who loves to blame the Democrats for everything that goes wrong, that it was a Republican bill and a Republican judge that put both of those concerns that are causing much of our water problems on the map.

With regard to my friend from Texas and his claim that this is all about the cost, I can tell you that as an adoptive parent, if I hadn't taken the actions I did by adopting two children, they would not have filled the place they hold in my heart, but they would have also cost the Federal Government much, much more. When we take kids out of an abusive home and put them into foster care, we do so in order to try and recapture their lives.

My children came out of a home where they were being neglected and abused by a drug-addicted mother. The scars that they will carry from that time in their lives are profound. Had I not had the ability to spend time with them, the challenges that we face with the emotional difficulties of those young people that I love so much would be, in fact, much worse than they are even today.

The gentleman can talk about how this is a cost issue, but let me tell you, if people can't get the time to do what is right about adopting young kids, they won't do that. And it will cost the Federal Government much more.

We argued this in a bill last year where we gave the opportunity for our troops to adopt young people and take that leave. It was the right thing to do then, and it passed. Last year, this bill was on the floor, and 58 of the gentleman's colleagues from Texas voted in support of this. This is the right thing to do for our country. It is the right thing to do for our kids. I believe in it profoundly. And, yes, this government wastes a lot of money in many different ways, but I can tell you that money spent in this area on this particular set of young people that I have talked about so much today is money well spent and will pay dividends many times over in the future. I have no question about that.

At this time, Madam Speaker, I would like to inquire of the gentleman from Texas if he has any remaining speakers.

Mr. SESSIONS. I thank the gentleman for the inquiry. As a matter of fact, I do have at least one more speaker. I would anticipate that if you do not have any additional speakers, I will then offer my close and then we could allow you to do the same, and then we can move on through this rule.

Mr. CARDOZA. I will reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman for that opportunity to move forward on this important bill.

Madam Speaker, I would like to insert into the RECORD the cost estimate for H.R. 626 from the Congressional Budget Office.

H.R. 626—FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2009

Summary: H.R. 626 would amend title 5 of the United States Code, the Congressional Accountability Act, and the Family and Medical Leave Act of 1993 (FMLA) by creating a new category of leave under FMLA. This new category would provide four weeks of paid leave to federal employees following the birth, adoption, or fostering of a child. In addition, the legislation permits the Office of Personnel Management (OPM) to increase the amount of paid leave provided to a total of eight weeks based on the consideration of several factors such as the cost to the federal government and enhanced recruitment and retention of employees.

Under current law, federal employees who have completed at least 12 months of service are entitled to up to 12 weeks of leave without pay after the birth, adoption, or fostering of a child. Upon return from FMLA leave, an employee must be returned to the same position or to an ''equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.'' Employees may get paid during that 12-week period by using any annual or sick leave that they have accrued. The leave provided by this bill would be available only within the 12-week FMLA leave period.

CBO estimates that implementing H.R. 626 would cost $67 million in 2010 and a total of $938 million over the 2010–2014 period, subject to appropriation of the necessary funds. Enacting H.R. 626 would not affect direct spending or receipts.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 626 is shown in the following table. The costs of this legislation would fall in all budget functions (except functions 900 and 950).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	69	215	219	221	224	947
Estimated Outlays	67	209	218	221	223	938

Basis of estimate: For this estimate, CBO assumes that H.R. 626 will be enacted by October 1, 2009, and that the necessary amounts for implementing it will be appropriated each year. Under the legislation, the new category of leave would become available six months after enactment (that is, around April 2010). As a result, the cost of the legislation in 2010 reflects implementation for only half of the year. After 2010, CBO has included in its estimate a 50 percent probability that OPM will use its authority to increase the amount of paid leave available from four weeks to eight weeks. Costs in future years are projected to grow with inflation.

CBO assumes that the potential users of the new leave would be primarily the roughly 700,000 civilian employees who are between the ages of 20 and 44 and have been employed at least 12 months. (This figure excludes employees of the Postal Service because H.R. 626 amends title 5 of the United States Code, which does not apply to them.)

Estimating an adoption rate based on data from the Department of Health and Human Services and applying birth rate information for the relevant age cohorts from the National Center on Health Statistics to the roughly 313,000 women eligible for the new leave yields about 17,800 women who might give birth or adopt in a given year. Based on average salary information from OPM, CBO estimates that four weeks of paid leave—the maximum amount guaranteed by the bill—for female employees would cost between $2,800 (for those in the youngest age cohort) and $5,400 (for those in the 40–44 age cohort). Assuming that nearly all of those women took the maximum amount of leave, CBO estimates the cost of the leave to be $77 million this year (if it were available for the entire 12–month period).

Applying those same calculations to the 390,000 men in the affected age groups, CBO estimates that roughly 24,000 men would be eligible for the four weeks of paid leave, at an average cost of between $3,100 and $6,000 per male employee. Assuming that eligible men would take the leave at about one-half the rate of women, CBO estimates that men would use another $54 million worth of leave this year (if it were available for the entire 12-month period), bringing the total to $130 million.

Since CBO assumes that the new leave would not be available until half-way through fiscal year 2010, there would be no costs for 2009 and the 2010 costs would represent only six months of the year, totaling $67 million. Beyond 2010, CBO assumes a full year of availability and has included a 50 percent probability that OPM would increase the amount of paid leave available to employees. As a result, anticipated costs increase to $209 million in 2011. (The 2011 costs would be about $140 billion if the benefit were kept at a maximum of four weeks.)

The effects of this bill on the budget derive from the provision of a new form of paid leave. To the extent that such a new benefit enables people to take advantage of paid leave rather than taking leave without pay, the costs are clear. However, employees who would currently use annual or sick leave upon the birth, adoption, or fostering of a child may choose to use this new form of paid leave and save their accrued leave for a later date. CBO has no basis for estimating the magnitude of such substitution, but the deferral of annual and sick leave also represents a cost either in terms of increased availability of paid leave or cash payments upon separation.

In addition, providing a more generous benefit to employees may enhance the federal government's ability to retain employees after the birth or adoption of a child and thereby lower recruitment and training costs. CBO estimates that such potential savings are likely to be relatively small over the next five years.

Intergovernmental and private-sector impact: H.R. 626 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Barry Blom; Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Mr. SESSIONS. Madam Speaker, I would like to insert into the RECORD a newsletter with information provided

by the National Federation of Independent Business, known as the NFIB. This letter provides information about strongly opposing this bill.

NFIB: FMLA SHOULD NOT GRANT PAID LEAVE FOR FEDERAL EMPLOYEES

WASHINGTON, D.C., June 4, 2009—Susan Eckerly, senior vice president, public policy for the National Federation of Independent Business, the nation's leading small business association, released the following statement asking the U.S. House of Representatives to defeat the Federal Employees Paid Parental Leave Act of 2009 (HR. 626).

''This legislation mandates an alarming expansion of the Family and Medical Leave Act from an unpaid leave program into one that would provide partial paid parental leave for federal employees. By carving out four of the 12 weeks of FMLA as paid parental leave, we are deeply concerned that H.R. 626 sets a precedent for future discussions over expansion of FMLA.

''In addition to creating a new paid leave component of FMLA at a great cost to the taxpayers, the bill doesn't require federal employees to first use accumulated vacation or sick leave before taking the paid parental leave. Again, this would set a bad precedent for the private sector. Currently, if an employee has accrued paid time off, an employer may require them to use some or all of their accrued paid time for some or all of the FMLA leave.

''Small businesses are struggling to survive in our tough economic times, and are very concerned that creating an expensive, new paid leave benefit for federal employees will eventually lead to new paid leave mandates on small business, something that's neither practical nor affordable. We are strongly urging the House to defeat this bill.''

Mr. SESSIONS. At this time, Madam Speaker, I would like to yield 2 minutes to the gentleman from New York (Mr. LEE).

Mr. LEE of New York. I thank the gentleman from Texas for yielding.

I rise to oppose the rule on the legislation in consideration of H.R. 626. Having run a business, I understand how important it is to look out for workers and to be supportive, especially in these difficult economic times, when families are making tough choices with regard to how they spend their money and their time.

I believe this debate should be focused on whether Washington should be granting additional fringe benefits to public sector employees in a period when private sector workers in hard-hit areas, like western New York where I come from, are struggling to hang on to their jobs. This is why I offered a simple amendment that said that legislation would not take effect until the national unemployment rate is down to 4 percent and no State has an unemployment rate greater than 7 percent.

I regret that the House will not have the opportunity to consider this amendment, because I think it provides a commonsense way to address the timing of this measure. Take an area of my district like Niagara County where tens of thousands of jobs are tied to the auto industry. The unemployment rate there is nearly 11 percent, a figure that was reported before General Motors and Chrysler began their restructuring, which we already know will lead to more job losses.

□ 1730

We also know that these workers who are able to hang on will have to accept significantly reduced compensation packages in order to stay employed.

These are tough times, regardless of what industry you're in. But think about these auto workers, the farmers, the retail workers who are being forced to do more with less just to keep their jobs and to keep their heads above water. Think about them when Washington turns around and proposes more generous fringe benefits for public sector employees. It sends the wrong message at the wrong time, and it's just another example of how Washington continues to find ways to spend money it doesn't have.

Again, I'm disappointed that the House will not have the opportunity to consider my amendment.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman from New York.

Madam Speaker, I did engage in an agreement with the gentleman from California. The gentleman has given concurrence. We had another speaker from the Republican Party who would choose to speak, and so, going back on my word, but with agreement, the gentleman is allowing me to extend 3 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I think this will be better for Mr. ISSA too so I don't get into his time, so I thank the chairman for letting me do this. And I thank you.

I rise in support of the bill, and I just wanted to give you some reasons. One, I supported the bill in the last session.

Two, our military today currently gets 6 weeks of parental pay leave. And the first person killed in Afghanistan was from my district, a civilian along side of the military, and so for the FBI, the CIA, the DIA, the DEA, the ATF they deserve basically the same thing.

Secondly, I was the ranking member on Children, Youth and Family years ago. And Dr. Brazelton, the leading child pediatrician, came in and pointed at the initial moment of birth—and I have five children and 13 grandchildren and soon to have two more—at the initial moment of birth, when the mother breathes on the baby, the bonding process begins. It begins. Those early days, weeks are absolutely positively critical. And so, for me, on a family issue, and a family value issue, I think that's really important.

The last thing is I just want to remind my colleagues that one of the leading people in this Congress, one of my heroes, two of the people that I looked up to more than anybody, one, Congressman Henry Hyde and former Congressman Dan Coats, who later went on to be a Senator, both supported parental leave.

Let me read to you what Henry Hyde said. The words of Henry Hyde, during the debate on family leave, and it was not paid family leave, so there was a difference just as important. He reminded us that ''the family supplies the moral glue that holds society together, and it is a central institution that stands between us and social disintegration.''

And so, one, the military gets 6 weeks. Two, that bonding process is when the baby comes out, you want the mother to be there. It is critically important. And, thirdly, one of the giants from the beginning of this Hall that ever served, Congressman Henry Hyde, led the effort and made the most passionate case on why family leave should have been passed years ago.

And with that I rise in support of the bill and thank the gentleman for yielding me time.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman from Virginia, not only for coming to the floor, but also the gentleman from California for allowing me to extend to an additional speaker. And I thank the gentleman very much.

Madam Speaker, we should have a different title to this bill. This bill should be the bill for what Congress needs to do to expend Federal benefits, benefits to Federal employees, while knowing that in April there were over 611,000 private sector jobs that were lost. That should be the name of the bill. This is what this Congress is going to do to respond to some almost 3 million jobs that have been lost, while this administration is in power. That's what this bill really should be known for.

This is the answer to 3 million job losses in the private sector. We're going to extend benefits, further benefits to the Federal Government.

Hey, I understand that because the Federal Government employment has risen about 100,000, and with, you know, car companies and banks and everything else, no telling how many Federal employees that we'll end up with at the end of this year. So maybe I was wrong. Maybe there is a strong demand out there for Federal Government employees who want additional benefits.

But we should remember that back home, where I'm from, and where a lot of people are from, 611,000 jobs disappeared in the month of April. And this is the response from our Democrat majority and our President: let's go spend more money, new benefits for Federal Government employees.

I get it. I think you will too, Madam Speaker, when we hear from people back home.

Madam Speaker, in closing I'd like to reiterate the horrible precedent that I think this legislation sets to those Americans who today that I just talked about, some 611,000 in April alone in the private sector who lost their jobs. Millions of Americans are jobless, and due to the out-of-control spending of this Democrat Congress, no analyst or White House official believes jobs will bounce back this year. None of them. Nobody.

As a matter of fact, the Democrat Party is on record and it's going to get worse next year and we're planning on it already. We already understand that. We ought to be saying that instead of extending benefits that it's going to cost another billion dollars.

Why are my friends on the other side afraid of risking more of the taxpayer dollars to provide Federal employees who already have the most job security and excellent benefits? Why are they afraid to back away and wait on this? Why are they pushing this? I wonder.

I wonder really who is more important and who they're hearing from, because evidently it's not people back home. Maybe it is the government workers that they're listening to. Maybe government workers are more important to this party than people back home. Maybe that's why this is happening.

Look, Republicans are providing quality solutions. We think we understand what the American people are going through. We understand what's happening with the taxing, the borrowing and the spending. Huge deficits and unemployment rates continue on and on and on.

I oppose this bill, and I hope that the American people understand that the taxpayer was heard today on the floor of the House of Representatives. They were heard by the speakers of the Republican Party who said we should not be extending benefits right now. We should not increase the spending and the cost of $1 billion over the next 5 years. We should understand what real people are going through.

I'm going to vote against this bill.

I yield back my time.

Mr. CARDOZA. Mr. Speaker, I've sat here and listened this evening to the gentleman from Texas (Mr. SESSIONS) talk about how this is a terrible waste of dollars, and how the Republicans are saying that this is a terrible waste of money.

But I'd wish to correct the gentleman. Today this isn't a partisan issue. In fact, I would predict that there are a number of his colleagues, the gentleman from Texas, on the Republican side of the aisle, like Mr. WOLF, who understand what this is about.

This is about America's children, about children coming into this world and bonding with a mother and a father and having the opportunity to do that in this hectic world that we live in today. It's about foster parents that come in and do the right thing, taking care of abused and victimized children, and needing that time to do it right.

It's about adoptive parents who, when they reach out and bring into their home permanently children who have been victimized by society's ills, having the opportunity to do it right so we can start healing those children.

There are a number of Republicans on that side of the aisle that are going to do the right thing tonight. They're going to vote for this rule, and they're going to vote for this bill because it's the right thing for America and building families.

They call themselves the ''Family Values Party.'' Tonight they can prove it by coming in here and voting to do the right thing.

Mr. Speaker, tonight I'd like to submit for the RECORD the statement of administration policy.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports the goal of H.R. 626, which would provide Federal employees with access to paid leave upon the birth, adoption, or fostering of a child.

Being able to spend time at home with a new child is a critical part of building a strong family. The initial bonding between parents and their new child is essential to healthy child development and providing a firm foundation for the child's success in life. Measures that support these relationships strengthen our families, our communities, and our nation. The Federal government should reflect its commitment to these core values by helping Federal employees to care for their families as well as serve the public. Providing paid parental leave has been successfully employed by a number of private-sector employers, and can help to make job opportunities accessible to more workers.

The Administration is currently reviewing existing Federal leave policies to determine the extent of their gaps and limitations. The Administration looks forward to working with Congress to refine the details of this legislation to make sure it meets the needs of Federal agencies and employees, as well as their families.

You know, the gentleman from Texas talks about how much money this government has wasted. He's right, there's a lot of money that gets wasted.

But over the last 8 years, as our country was being absolutely raped by those defense contractors in the Middle East with no accountability, where was the gentleman to stand up against that?

No, ladies and gentlemen, he's not willing to stand up against that, or wasn't during the last 8 years. But tonight he will criticize us spending a few dollars to get it right for our families in America.

Mr. Speaker, the fact of the matter is that while most parents wish to stay home with their new child, they just can't afford to take unpaid leave, which directly affects that child's well-being.

We can start with having the Federal Government lead by example to set the stage for making changes across the table. To paraphrase Mahatma Gandhi, we must be the change we wish to see in this world. I believe that couldn't be more true.

I ask the Members of both sides of the aisle to support the parents of America, to support the children of America, and be the change that we wish for our world.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 501 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. 626.

□ 1743

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. 626) to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes, with Ms. DEGETTE 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 Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

Madam Chairman, today I rise in strong support of H.R. 626, the Federal Employees Paid Parental Leave Act of 2009, which was introduced by our colleague, Congresswoman CAROLYN MALONEY, on January 22, 2009.

As chairman of the subcommittee on the Federal Workforce, Postal Service and District of Columbia, I'm proud to serve as an original cosponsor of this bill, along with 55 other Members of Congress.

H.R. 626 takes an important step toward improving the Federal Government's ability to recruit and retain a highly qualified workforce by providing paid parental leave to Federal and Congressional employees for the birth, adoption or placement of a child for foster care, which is a benefit that is extended to many in the private sector as well as to all government employees in other industrialized countries.

□ 1745

In considering H.R. 626, the Subcommittee on the Federal Workforce, Postal Service and the District of Columbia marked up the bill on March 25, 2009, and favorably recommended the measure to the full Committee on Oversight and Government Reform. The full committee then held markup on H.R. 626 on May 6, 2009, and ordered the bill to be reported to the floor by a voice vote.

The bill being considered today will allow all Federal and congressional employees to receive 4 weeks of paid leave taken under the Family Medical Leave Act, also called the FMLA, for

the birth, adoption or placement of a foster child.

As many of my colleagues are aware, the current FMLA statute provides workers up to 12 weeks of unpaid leave for the birth, adoption or placement of a foster child with an employee. Madam Chairman, the bill before us does nothing more than permit those Federal employees, first, to receive paid leave for 4 weeks out of the 12 weeks to which they already have access and if the leave is connected to the birth, adoption or placement of a foster child; and secondly, provides employees the option to use accrued sick or annual leave, if available, for the remaining 8 weeks.

Let us be clear. The bill currently being considered does not provide Federal workers any additional time or expand beyond the 12 weeks already given under current law.

The bill before us has also been strengthened by granting the director of the Office of Personnel Management the authority to increase paid parental leave from 4 weeks to 8 weeks after considering a thorough cost and benefit analysis.

Parental leave is a pertinent concern around the world, and unfortunately, America is lagging behind in offering paid leave for parents. The governments of 168 countries offer guaranteed paid leave to their female employees in connection with childbirth. Ninety-eight of these countries offer 14 or more weeks paid leave. Currently, the Federal Government, as an employer, guarantees zero paid leave for parents in any segment of the workforce. However, H.R. 626, once enacted, will, in fact, change that.

While the 12 weeks of unpaid leave, as authorized by the Family Medical Leave Act of 1993, has helped millions of families during some of the most precious moments or, in some cases, the most challenging times of their lives, most Federal employees cannot afford to take unpaid leave. This often forces these employees to choose between spending more time with their newborn child or maintaining an income to support their families, which is a difficult decision that Federal workers will hopefully not have to make after the passage of this Federal Employees Paid Parental Leave Act.

The United States of America, and in particular, the Federal Government, is supposed to be a world leader in this area. Yet, for years, we have been followers. I'm sure you will agree with me when I say that it is high time for us to catch up with the rest of world and provide our dedicated employees with paid parental leave of this limited time.

Providing Federal employees with paid parental leave will increase worker morale and improve productivity by creating a more family friendly environment for Federal employees. Further, providing 20 days, or 4 work weeks, of paid leave to our dedicated Federal employees should not be described as an overgenerous or excessive fringe benefit, but rather, as a necessary benefit to help strengthen American families and promote the healthy development of our children.

We also need to recognize that the Federal Government is the largest employer in the United States, and its policies in this area do set a tone for the country. No employee should have to choose between caring for a newborn child or their paycheck. This is especially true during an economic downturn.

Therefore, Madam Chairman, I'd like to once again reiterate my support for H.R. 626, the Federal Employee Paid Parental Leave Act of 2009, and I urge my colleagues to join me in voting in favor of this measure.

I reserve the balance of our time.

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

Madam Chairman, H.R. 626 sends the wrong message at the wrong time to working American taxpayers and families that are struggling in difficult times. Our economy is in crisis, and deficits are already soaring.

Excess government spending created record deficits that have continued to rise for years, in good times and bad, meaning government already spends too much of the taxpayers' money and has been running deficits before, and now during, the Obama administration.

But more than that, jobs are being lost. In the time since the last time this bill was considered and not passed into law, 4.3 million Americans have lost their jobs, while 36,000 net new Federal jobs have been created. My voters, my taxpayers, my constituents are suffering. So are yours, Madam Chairman. So are the people on the other side. But in fact, there's no suffering in Washington.

We have some of the lowest unemployment. We have a growing quality of life, and even home prices are not falling very much here. It's not a surprise why. Salaries are not falling here. Those of us who will speak here today are making nearly $170,000 a year, and many of our staff, a great many of our staff, make over $100,000 a year, as do a great many of the Federal workforce.

This bill does not have one provision to say if you make $170,000 a year, why do we have to give you this benefit, because you have to choose between feeding your children and being with your children? Certainly not. There are no protections against, in fact, those who do not need this special benefit getting it. There are no safeguards at all. As a matter of fact, this bill envisions the $1 billion over 5 years or more than $2 billion over 10 years swelling to $4 billion over 10 years or more because, in fact, they believe it should be 8 weeks of special leave.

Now, in the Rules Committee, I was told I just didn't understand, that Germany gives a year when you have a child. You know, the amazing thing is Germany and France and many of these countries are now going the opposite direction because they recognize that they were losing competitiveness and that these generous benefits, although good to have, were unsustainable, and they're particularly unsustainable when the only people that can afford it are those of us who live off the taxpayers'—I'd like to say generosity, but in fact, it's not generosity. This money is taken involuntary and spent at the whims of Congress.

Madam Chairman, Federal employees enjoy one of the highest levels of job security, without a doubt, anywhere in the United States. I would venture to say many of them the highest. More importantly, in good times and bad, they keep their jobs.

Even if you look at the protections against being arbitrarily let go or hired at will, that's not even the point. The point is, in a bad time, when tens of thousands of auto workers are being laid off, when 40,000 employees of Chrysler dealerships have just gotten from this administration a 26-day pink notice to go because their franchise has been taken arbitrarily, at that time we have grown the Federal Government by 36,000, and we're looking at a new benefit that could easily cost $4 billion over the next 10 years.

Now, this bill was scored at nearly $1 billion over 5 years, but of course, that's only if it remains at 4 weeks. And let's talk about those 4 weeks. This bill is not 4 weeks. This is 12 weeks.

Most Federal workers when they retire have a significant amount of, even when they leave in general, accrued sick leave, and you might ask why. Well, because the typical sick leave for Federal workers is 13 days a year. That's nearly 3 weeks a year you get to be sick, depending upon your seniority, 20 to 26 days a year of vacation. So you're looking at 5 weeks of vacation. On top of that you're looking at nearly 3 weeks of sick leave, and we're being told by the majority that they can't make those tradeoffs to use some of that when a child is born.

It's a joyous occasion when a child is born. It's an important occasion when a child is adopted. It's sometimes a critical time when a foster child, battered, beaten, or simply unloved, is brought into the home. The minority has no question at all about the importance of this. It's been a long time since 1993. This is well-established to be something in which people make the sacrifices without sacrificing their jobs, and we certainly have no objection to the current practice which is common throughout the Federal workforce to allow employees to take some or all of their sick leave.

As a matter of fact, an amendment which has been ruled in order, will be considered tonight, calls for employees, Federal employees to be not only able to use all of their accrued sick leave, but to borrow against future sick leave. So, if they want to take the whole 12 weeks and every single day receive a full paycheck, we're willing to

meet the majority more than halfway. We're willing to make the kind of compromise the American people would like us to make with the majority. It doesn't mean that this is the ideal solution. There are safeguards that are not in this legislation that we would like to see, and we will work with the Senate to see if we can't get that, but in fact, we offer an amendment that would at least cause there to be no net new cost to the American people.

And I know that the majority will come back and say this is PAYGO neutral. Well, PAYGO is a wonderful term but let's understand. If you create additional days the Federal workforce will be off, you can only have one of two choices. Either their labor wasn't needed and, as a result, doesn't need to be replaced, or their labor was needed and will be replaced. Replacement costs money. That ultimately will lead to a higher cost.

I believe CBO's scoring of approximately $1 billion over 5 years is, in fact, low, but I'm not going to argue with it. We accept theirs because they are, in fact, a neutral arbiter of these differences about what something costs or is worth.

So here the Republicans are going to offer to support codifying what many agencies are already doing in the Federal Government, but not without the American people understanding that if we add a new additional off-time benefit of 4 or 8 additional weeks, on top of the 5 weeks and nearly 3 weeks that are already granted to most Federal employees, I think that the American people, rightfully so, will send us packing. They will send us packing because we would be so out of touch, so inconsistent with what the small mom-and-pop and the not-so-small companies in America are experiencing.

Earlier, Madam Speaker, I said that 4,353,000 net jobs have been lost since the last time this bill was considered. That's not the true story. The true story is reflected in the State tax revenues and now in the Federal tax revenues, where we realize it's not just those who lost their jobs; it's those who lost a great percentage of the earnings they were making on their job. Overtime is gone, and in fact, profits, profit-sharing and additional commissions are generally gone. As a result, people aren't just out of work, but people who were still technically fully employed may be making less than half of what they were making just a year or two ago.

So, Madam Chairman, we on this side of the aisle will oppose the bill in its current form but not without offering viable alternatives, reasonable alternatives, some ruled, some not ruled, so that we can make this at least a bill that America can understand why we would consider doing it at a time in which so many Americans are suffering.

With that, I reserve the balance of my time.

Mr. LYNCH. Madam Chairman, I just want to address a single point that's been made by a number of the speakers on the other side who I have great respect for, the gentleman from Texas earlier and now the gentleman from California.

There is a drumbeat of justification that seems to be grounded in the fact that the economy is not in good shape right now, and that's a fact in my State, in my district, as well as all across America. But before we accept the argument that this is why it's being opposed, this bill is being opposed at this time, I just want to give a little brief history.

This bill has been presented for 15 years. This bill has been presented for 15 years before this body. In 2008, when a majority of the Republicans opposed this important benefit, the unemployment then was 5.6 percent, pretty good.

□ 1800

During the 109th Congress when the Republicans refused to bring this bill to the floor, the unemployment rate was never higher than 5.4 percent. During the 108th Congress when the Republicans again refused to bring this legislation to the floor, the unemployment rate ranged between 5.4 and 6 percent, relatively low.

During the 107th Congress when the Republicans refused to bring this legislation to the floor again, the unemployment rate never rose above 6 percent, and was below 4.5 percent for most of the year. During the 106th Congress when the Republicans again refused to bring this legislation to the floor, the unemployment rate never rose above 4.4 percent.

So there's a whole history here of my esteemed colleagues on the other side of the aisle opposing this bill, during good times and average times, and now in lousy times. But that is not the underlying reason that they're opposing the bill. The evidence does not support that.

At this time, I'd like to yield 3 minutes to the lead sponsor of this bill, who has been there for the entire 15 years fighting for this measure, our chairwoman from the 14th District, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership in moving this bill to the floor and so many other areas in this Congress. And I'd like to thank all of my colleagues that have supported this on both sides of the aisle in its overwhelming passage in the past Congress, and of course today, especially Majority Leader STENY HOYER who, with me, introduced this bill 15 years ago. And Chairman TOWNS, who has led our committee so well, and Ranking Member WOLF, DAVIS, LYNCH, and former Congressman Tom Davis for all of their leadership on this issue.

We are here today to show that this Congress doesn't just talk about family values; it values families. This bill, H.R. 626, that grants 4 weeks of paid leave for the birth or fostering or adoption of a child is the first bill to pass balancing work and family since 1993.

In 1993, we passed the landmark Family Medical Leave Act that provided 12 weeks of unpaid leave, which allowed women to have children and not lose their jobs. And this is very important since most women have to work. Many are single heads of household, but it takes two family incomes to make ends meet. This bill builds on those 12 weeks by providing 4 weeks of paid leave.

Many on the other side of the aisle have said that this economy is in recession and we should not be doing this. But I'd like to point out, in addition to the points that Mr. LYNCH made earlier, that they have been opposed to it in good times, bad times. They're just opposed to it.

But paid leave ensures that the birth of a child does not further destabilize families who are struggling to make ends meet during these troubled times. During this recession, working families need all the help they can get. 11.6 million Americans are unemployed today, which means that every paycheck counts more than ever.

Millions of dual-earner couples were struggling to stay afloat on two incomes before the economic crisis, and massive job losses mean that many of those families are now scrambling to pay the bills on just one income.

Without paid leave, the birth of a child means that many working families are left with no income at all. By extending benefits to Federal workers, we can diminish the risk of real economic hardship for the 1.8 million employees of America's largest employer, the Federal Government.

A new parent spends an average of $11,000 in additional spending in the first 2 years of a child's life, according to a study by the U.S. Department of Agriculture. By ensuring that family incomes remain steady while a parent is at home taking care of a new child, paid leave ensures that new parents' consumption remains steady, too. This consumption drives economic growth, which is precisely what our economy needs to recover.

In a downturn, workers who take parental leave without pay are at risk of serious financial hardship. Those workers may qualify for Federal or State benefits such as TANF or SNAP, which places an additional burden on our systems that are already strained by ballooning caseloads.

I have a great deal more to say on this issue, and I will place in the RECORD the remainder of my comments.

We need common-sense reforms like this, that reflect the way families live now. Many workers today, including Federal employees, simply cannot afford to go without a paycheck for any length of time.

Most families rely on two incomes to get by, and having one parent stay at home may not be an option. Without paid leave, the birth of a child can leave them with no income at all.

The U.S. should be a leader in family friendly workplace policies, but unfortunately we are

falling behind. 168 countries guarantee some form of paid leave. The United States, along with Lesotho, Swaziland, and Papua New Guinea, does not.

Federal employees are noticing the lack of family friendly work policies in the Federal Government.

The Office of Personnel Management's Federal Human Capital Survey for 2008 indicates that issues of work-life balance are becoming a major concern for more and more Federal employees, because outdated leave policies are not addressing their needs.

At the same time, they report less support from their supervisors on this issue than at any time in the past. Statistics like these are clear evidence that this bill is overdue.

Our Armed Forces are to be commended for taking the lead on this issue. They already provide their new mothers with paid leave for the birth of a child.

My colleague Congressman STARK has introduced legislation which would provide paid parental leave to employees in the private sector.

It is time for us to bring the Federal Government up to speed.

Opponents of this bill say it will cost too much, but H.R. 626 is PAYGO neutral, and according to CBO ''enacting H.R. 626 would not affect direct spending or receipts.''

Let me be clear: There are no PAYGO implications for this bill. This is not to say that implementing paid parental leave is free of cost.

CBO says that providing 4 weeks of paid leave provided for in this bill would total $140 million starting in 2011, which would increase to $209 million if and only if the Office of Personnel Management chooses to increase the amount of paid leave to 8 weeks.

What this number represents is the value of the salaries of the 17,800 female and 12,000 male federal employees that the CBO assumes will take 4 weeks of paid parental leave in the bill's first year of implementation.

In other words, it is what agencies currently save when those employees go without pay under the current system.

Not reflected in the CBO score is the money we can save by providing paid parental leave.

Over the next few years, providing paid parental leave will increase employee morale and productivity while reducing turnover costs.

It can also help boost the economy in general. New parents spend an average of $11,000 in added expenses in the year a child is born. By insuring that new families' incomes stay steady, paid leave insures that their consumption remains steady too, and this is exactly what our economy needs to recover.

Critics of this bill have said that it sends the ''wrong message at the wrong time'' to families and taxpayers.

That is not the message I hear.

Passing H.R. 626 today would send a strong message to hardworking families across the country that healthy and happy families are central to the well-being of this country, and that we never want a parent to have to make the terrible choice between getting a paycheck and caring for their new baby.

I urge my colleagues to support working families and to vote ''yes'' on H.R. 626.

Mr. ISSA. At this time, I'd like to yield 3 minutes to a ranking subcommittee member and somebody who has worked very hard on trying to make this bill better, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman for yielding and for his work on this issue and many others in the Congress.

Madam Chair, on Monday, June 1, 2009, in Ontario, Ohio, in our district, 1,200 General Motors employees found out that they're losing their job. The Obama task force said in 12 months from now 1,200 families will face the consequences of unemployment. Yet, here we are today, ready to pass a new billion-dollar entitlement for Federal workers at a time when our economy is in turmoil and millions of Americans are struggling with joblessness.

It is unconscionable that this Congress heap even more spending onto the backs of American families and businesses. At a time when taxpayers already have to tighten their belts, we are now asking them for an additional $1 billion. And worse, the spending is unnecessary.

Federal employees are already entitled to 12 weeks of unpaid leave during any 12-month period because of a birth, adoption, or the taking in of a foster child. In many cases, Federal workers can use accrued sick leave and annual vacation leave. In fact, if you have been a Federal employee for just 3 years, you already have 4 weeks of annual leave and 2½ weeks of sick leave each and every year.

With this new benefit for the Federal Government, we are also putting small businesses at a disadvantage. Think about this. Only 57 percent of the private sector offer any independently defined sick leave. Now they will have to compete for workers against this expanded benefit for government workers. This moves us exactly in the wrong direction.

We need to incentivize the growth and renewal of a vibrant private sector, yet instead we are subsidizing an ever expanding Federal Government that will crowd out the private sector and, I think, frankly, stifle innovation and entrepreneurialship.

The American people are watching us. In these difficult economic times, they expect their government to do exactly what they have done, cut the waste and tighten our belts. That is the message I have heard all across our district. It's what I've heard from families experiencing unemployment and small businesses that have had to shut their doors. Instead, this Congress continues to spend and spend and spend.

Rather than taking steps to improve the economy to create jobs for the 14 million unemployed Americans, we are giving a better deal to the 2.7 million people who are already employed in the Federal sector. This is the wrong message to send, and I encourage my colleagues to vote against this legislation.

Mr. LYNCH. Madam Chair, I yield 3 minutes to the full chairman of our committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I would like to thank the Federal Workforce Subcommittee chairman, Mr. LYNCH, for the outstanding job that he has done. I'd like to thank Chairwoman MALONEY for her leadership on this issue. I would like to thank the majority leader, STENY HOYER, for his work on it, and I'd also like to thank Congressman CONNOLLY for his work as well.

The gentlewoman from New York has worked tirelessly to make the Federal Government an environment that is supportive of working mothers and fathers. I want to thank her for her efforts and, may I add, a job well done.

We need to recognize that the Federal Government is the largest employer in the United States and that its policies should set a tone for the country. H.R. 626 provides Federal employees with 4 weeks of paid parental leave for the simple reason that no employee should have to choose between caring for a new child or their paycheck.

By providing 4 weeks of paid parental leave, H.R. 626 makes a strategic investment in the Federal workforce. This bill will help the government recruit and retain young, talented employees. As the Federal Government prepares for a wave of upcoming retirements, we need to attract this segment of the population to help us take on some of the challenges facing this country.

This bill also provides potential cost savings to the American people. The taxpayers directly benefit when the government retains existing employees rather than having to hire, retrain, hire, retrain. That is expensive.

Let me also add, the country is better served by an experienced and productive Federal worker that is able to adequately provide for the health and well-being of their newborn or newly adopted child. The long-term societal benefits of promoting healthy families and early child development are enormous.

We in the Federal Government have a unique obligation to set an example for the rest of the Nation, both in values that we promote and in the way we responsibly manage taxpayer-funded programs. This bill accomplishes both goals. It benefits children and families and will enable us to recruit and retain top-notch Federal employees whose work benefits the entire Nation.

For all these reasons, I urge all the Members to support this family-friendly legislation that says to the world we care about our children.

Mr. ISSA. Madam Chair, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank my friend and our ranking minority member, Mr. ISSA, for yielding the time and for his leadership here.

In an earlier life of mine, when I was with the Select Children Family Committee back in the eighties, my then boss—I was a Republican staff director—my then boss, Dan Coats, was one of the Republicans who supported the Family Medical Leave Bill, which I didn't agree with.

But I remember when he told me I could sit in all the meetings and we worked with how that law was going to be drafted. People said, Oh, it'll never be paid. This is just to cover people for unpaid. You're just a paranoid conservative because you keep talking about this becoming paid.

We watched this move into the government arena, and all of us understand the tensions here. My daughter just had our second grandchild. She's a schoolteacher. The struggle was how was she going to deal with the time she was going to take off. Was it going to be paid? Was it during a school year? What do you do when you have—Grant's 2 and Reagan, which won't shock anybody that my daughter picked the name Reagan. She has two little kids. How do you do this? What's fair? My oldest son, Nathan, and his wife both work in the government. They would love to have paid medical leave.

But there's some problems here. Quite frankly, one of the most controversial problems is what to do with the husband and should he be able to get time off when a baby is born. Forget all the medical questions. What do we do with air traffic controllers? What do we do with DEA agents who may be working in the final bust on a drug case? What about Homeland Security, where they've been working 2 years on the case, the wife has a baby. Can they take sudden leave as this case is going to trial?

There are very complicated fundamental questions in the challenge of how this would practically work.

The second challenge is, in case people haven't heard, we've been printing a lot of money or obligating a lot of future debt, and the question is: Is this the time that the Federal Government should be doing something that is, quite frankly, generous, would help many families, but do we really have the money to do this at this time?

I represent the number one manufacturing district in the United States, both in jobs and percent of jobs, at least if you counted before the recession started. I imagine I still may be there.

My best county, where Fort Wayne is, the biggest city of around 260,000, has a 9.5 percent unemployment rate. Whitley County has 11.6; Kosciusko, 12.2; DeKalb, 13.4; Noble County, 16.6, Steuben County, 15.1; LaGrange County, 17.7; Elkhart County, 17.8, where the President went in for the first stimulus package.

Now I'm supposed to go back to my district and say that government employees are going to get paid parental leave when they're looking at how they get unemployment and how they ever get a job.

The CHAIR. The time of the gentleman has expired.

Mr. ISSA. I would yield an additional 1 minute to the gentleman.

Mr. SOUDER. That generosity and kindness to families is important, but we also have to balance is this going to be mandated on the private sector, is this really workable. Have we thought through the particulars in the Federal sector? Do we have the money to do this? Lastly, is this the time, while millions of people are laid off, where others don't know how they're even going to pay their house payments, how they're going to pay their health care, to say, but we in the Federal Government are going to be generous with our employees and give them paid parental leave and family medical leave with their tax money?

□ 1815

Mr. LYNCH. Madam Chairman, I yield 2 minutes to one of our newest but most energetic and dynamic members of the subcommittee (Mr. CONNOLLY) from the 11th District of Virginia.

Mr. CONNOLLY of Virginia. I thank the distinguished subcommittee chairman, and I also thank, Madam Chairman, the distinguished chairman of the committee and Mrs. MALONEY from New York for her leadership on this very important issue.

Madam Chairman, I thought we had finally identified an issue where we could count on the support of the minority party. After enduring decades of sanctimonious speeches about family values, here we are, poised to take action. H.R. 626, the Paid Parental Leave Act, would allow federally employed mothers and fathers to spend time with their newborn children without sacrificing their income. Surprisingly, the minority party objects to such a notion.

In the Committee on Oversight and Government Reform, of which I am a member, the minority actually proposed during markup to prohibit paid parental leave being used for foster children. I can't even speculate about what the origin of that antipathy toward foster children might be; but I am reminded of a speech in this Chamber, Madam Chairman, made not so long ago by former Republican Majority Leader Tom DeLay. He spoke passionately about the plight of foster children and implored Congress to ''listen to the stories of these children and the stories they tell. Study the broken system we've created for them, and help them. For God's sake, help them.''

Madam Chairman, H.R. 626 will not solve all or even most problems with the foster care system, but it will allow more Federal employees to spend more time with very young foster children. We have a wealth of data that demonstrates that this parent-child interaction is essential for the cognitive and emotional development of these children. Yet the minority party introduced amendments in the committee that would actually punish foster children.

Now, here on this floor, the minority party endeavors to gut this legislation and to prevent mothers and fathers from spending time with their very young children. This bill is what real family values are all about. I ask my colleagues to support the bill.

Mr. ISSA. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Madam Chairman, I rise today in opposition to H.R. 626.

You know, ladies and gentlemen, what we do here in the United States House and in the United States Congress—the standards that we set and the expectations that we have in terms of benefits—really sets a precedent not only for the people whom we employ in the Federal Government but also for whom small businesses and large businesses around our country employ.

Like everyone else, I enjoy Federal benefits. My employees here with me enjoy our great benefits plan. Unfortunately, back home in central Illinois, many individuals there are not employed by the Federal Government. By and large, they're employed by the private sector. Unfortunately for them, this is a time when they're not looking to expand their benefit programs, when they're not going to their employers and asking for more. They're thankful for the paychecks they've got.

It seems to me a little disingenuous by those in support of this legislation that, at a time when we're talking about stimulating the economy and at a time when we're talking about feeling the pain of the American people, we know the truth—that our constituents are having to do the opposite. They're having to cut back. They're having to do with less. This bill and this measure seek to do the opposite.

Expanding 4 weeks of paid parental leave will not only add a cost to the Federal Government by the Congressional Budget Office's own figures of $1 billion over the next 5 years, but it will undoubtedly set a precedent for the private sector. Unfortunately, for the private sector, they cannot print the money or tax the American people to pay for their benefits.

The unemployment rate in my State of Illinois was just over 9 percent as of April. This includes over 24,000 jobs that were lost by my hometown employer, Caterpillar. When I go back there this weekend, I will have to tell those individuals who are now unemployed, not only do they not have jobs, but my colleagues in this body decided that our employees, who have not felt the economic impact of a downturn, are not only getting to keep their jobs, but they will also have added benefits at their expense as taxpayers.

I don't know how we can honestly vote for more benefits, for more pay, and for more cost to the Federal budget at the expense of taxpayers and of those people who are cutting back and losing their jobs.

I urge a ''no'' vote.

Mr. LYNCH. Madam Chairman, I yield 2 minutes to the gentlewoman from California's Sixth District (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairman, America should be a world leader in

helping parents balance their work and family responsibilities.

As the chairwoman of the House Subcommittee on Workforce Protections, I find it totally unacceptable that the country I live in—the United States of America—is one of only four countries not providing paid leave to new mothers and fathers. Today in the United States, 51 percent of new parents don't have paid leave. So, as a result, some take unpaid leave if they can afford it; some quit; and some are fired for taking too much time off.

That's why I strongly support H.R. 626, so we can ensure that Federal employees won't be forced to choose between their paychecks and their families at one of the most important times of their lives—the birth or the adoption of a child. Investing in our working families is the best way to strengthen our workforce. It is the best way to stimulate our economy, and it is the best way to strengthen our country.

So I ask my colleagues to join me in voting for this important legislation authored by Congresswoman MALONEY. Support working families. Don't force them to choose between putting food on the table and having dinner with their children and getting to bond with their new babies. Vote for this legislation because the United States of America needs to stand proud among other countries in this world.

Mr. ISSA. Madam Chair, I trust the gentlewoman from California was only misunderstood or had misspoken when she said someone would lose his job for taking parental leave. That would be a crime under the 1993 act.

I would yield to the gentlewoman to correct that.

Ms. WOOLSEY. Right. I said: for taking too much time off beyond the family medical leave.

Mr. ISSA. Beyond the 12 weeks?

Ms. WOOLSEY. Yes.

Mr. ISSA. I thank the gentlewoman.

Madam Chairman, I would now like to yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Chair, I rise in opposition to this legislation. It offers a new $1 billion benefit to Federal workers. I have no doubt that the Federal workers deserve this benefit, but to non-Federal workers, they don't deserve having their paychecks docked $1 billion to pay for it. That's what we're talking about. That's if the non-Federal Government workers are fortunate enough to still have their jobs in this troubled economy. Again, it's a great benefit. I wish every new parent could have that. I want to create a more prosperous economy in America so that every American could enjoy it, but this is absolutely nothing more than a wealth transfer of $1 billion from non-Federal Government workers to Federal workers. It is just patently unfair.

Why would you want to dock the pay of everybody else in this troubled economy to pay for this?

Already, if you look at the benefits that Federal Government employees receive—and listen, there are great Federal employees, and I want to keep them, and many of them are incredibly dedicated public servants. Yet look at the annual leave of the Federal Government versus the annual leave, on average, in the private sector. Federal workers are already receiving a better deal.

Look at the annual sick leave of the Federal Government compared to the average sick leave in the private sector. The Federal Government worker is already receiving a better deal.

Look at the family medical leave. You can see that Federal Government workers already receive, on average, a better deal than those in the private sector.

So, again, on average, when they're enjoying greater benefits and when they're enjoying greater job security, what a slap in the face to every worker in America who doesn't receive a government paycheck to see that, all of a sudden, they're going to have to pay for a new benefit for Federal workers.

This is on top of the fact that, today, the Federal Government is already having to borrow, Madam Chair, as you well know, 46 cents on the dollar. We are awash in red ink. Already, this body, under Democratic control, passed a budget that will triple the national debt in 10 years, costing taxpayers $148,926 per household. It will triple the national debt in the next 10 years. We are about to see more debt placed on this Nation, more debt in the next 10 years than in the previous 220.

You know, Madam Chair, there was a time in America's history where you worked hard today so that your children could have a better life tomorrow. Instead, a bill like this is saying: You know what? Let's go ahead and let the government work easy today so that our children have to work even harder tomorrow. Again, it's just unfair to everybody who doesn't receive that Federal Government paycheck.

At some point, Madam Chair, you have to ask: When does the debt and the spending stop?

We will never run out of good ideas. We will never run out of opportunities to take money away from one group of citizens and give it to another group of citizens. Those opportunities are there each and every day. Again, if you care about all of the children in America, you will quit placing an unconscionable burden of debt upon them.

So this bill must be rejected out of fairness and out of fiscal responsibility.

Mr. LYNCH. Madam Chairman, I yield 1 minute to the Representative from Maryland's Fourth District, DONNA EDWARDS.

Ms. EDWARDS of Maryland. Madam Chair, I rise today in support of H.R. 626, the Federal Employees Paid Parental Leave Act of 2009.

I would like to thank the gentlewoman from New York (Mrs. MALONEY) for her long-time leadership on this legislation and for her ongoing efforts to ensure family-friendly workplaces. That must begin at least with the Federal Government.

It is so tiresome and tedious to stand on this floor every day and to listen to the demagoging of Federal employees. They are the people who get up every single day and inspect our food. They make sure that we have clean water. They process Social Security checks. They do all of the business of this government, and it is so sad that, even when offering a simple parental leave act, we have to demagogue Federal employees in the process.

The legislation provides 4 weeks of paid parental leave for new mothers and fathers for the birth, adoption or fostering of a child. America's 1.8 million Federal employees will benefit from this time to learn how to care for and to bond with their new additions to their families. It's what many in the private sector already do, and it's what we strive for. The Federal Government needs to set an example.

The CHAIR. The time of the gentlewoman has expired.

Mr. LYNCH. I would like to yield the gentlewoman an additional minute.

Ms. EDWARDS of Maryland. This will also help employee morale, and it will allow the Federal Government to attract and to retain young and talented employees in our aging workforce.

Madam Chair, as a Representative of the Fourth Congressional District of Maryland—proudly the home to at least 70,000 Federal employees—for my neighbors, for my friends, for the people who work hard every day, this important legislation will advance family-friendly policies. It will allow new parents the time necessary to care for their children, and it will set a standard for the Federal Government and for the private workforce.

There are times when it is simply the right thing to do, and this is one of those times. I urge my colleagues to support this legislation.

□ 1830

Mr. ISSA. Madam Chair, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee and somebody who well knows about the challenges that people face in the workforce today.

Mr. SCALISE. I want to thank my colleague from California for yielding the time.

Madam Chairman, some of the greatest joys in my life were the two births of my daughter and son. Two years ago, my daughter, Madison, I was able to be there for the birth with my wife, one of the great joys of my life. And then just 4 weeks ago tomorrow, the birth of my baby boy, Harrison, and I was there as well. Just wonderful, wonderful times that every family should spend together. Those opportunities already exist today in law. There is nothing in this bill that either takes away or

gives the ability of parents to do that. They already have that right today, as they all should.

Why I rise in objection to this bill is it adds an extra $938 million in new entitlements, in new debt, money that we don't have in this country, to an already growing deficit. We're at a $1.9 trillion deficit this year alone. Projections are that in the next 5 years, this administration will double the national debt. And at what time do we stop and look out for those children? My son that was born 4 weeks ago, when do we look out for his future, his opportunity, so that he doesn't have to inherit another billion dollars in debt that this bill will give him?

I think it's very ironic in the same week that General Motors became ''Government Motors'' because of primarily health benefits, benefits that were added on and added on for employees to the point where the benefits of the employees bankrupted the company. And so what's Congress' answer to that? Congress' answer in the same week is to add more benefits at a time when people are losing their jobs, money that we don't have, almost a billion dollars. There used to be a saying ''a billion here, a billion there, pretty soon you're talking about real money.'' I think the public has spoken out. They said, Enough is enough. We've got to control spending and look out for our future generations.

Mr. LYNCH. I just want to clarify.

The way this has been scored by CBO is that the salaries are paid to the employees already. The cost and/or savings recognized in the CBO estimate that has been cited here reflect the fact that by forcing Federal employees to take leave without pay, they realize a savings from that. But there is no new debt acquired here.

What the savings here that CBO is recognizing is the fact that they have budgeted for these salaries but then people take a certain amount of time off without pay, and that realizes a gain in the budget that's recognized in the CBO estimate.

At this time I would like to yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I very much thank my good friend from Massachusetts (Mr. LYNCH) and Mrs. MALONEY and my colleagues who have fought hard for this bill.

There are a couple of reasons why I am a proud cosponsor of this legislation. One is that we are in the midst of an economic crisis in this Nation, and who do we turn to? We turn to the Federal workforce to reset our economy, to put our Nation's investments where they need to be. We turn to them because we know that they are incorruptible. This is the most professional, least corruptible organization, civil service, in the world. We should be very proud of our civil servants.

Now, as the corporate board of directors of the largest workforce in the Nation, it's incumbent on us to let them know how we see them, to recognize them, to incentivize them, to recruit the very best and brightest people in this Nation and to retain them. And how do we do that? By leading in terms of the benefits that other large corporations provide. We should be leading by example. But the reality is that other large workforces oftentimes provide much better benefits than the Federal Government. We need to be in the leadership. This enables us to catch up. We recognize these employees by doing things that are tangible, and this is a tangible benefit.

The second reason is that we recognize that the most important time in anyone's life are those first few weeks after birth where a parent has the opportunity to nurture, where the child can bond, where the child's brain can be stimulated, where the child can understand they will grow up in a secure, safe environment.

The CHAIR. The time of the gentleman has expired.

Mr. LYNCH. I yield the gentleman an additional minute.

Mr. MORAN of Virginia. I very much thank my good friend.

And I would hope that those who are in kind of knee-jerk opposition to this legislation would reconsider, because Mr. WOLF perhaps expressed it best: These are the days that matter, the weeks that matter. We want the healthiest workforce, we want the strongest society possible. And if we are to do that when we are the corporate board of directors of the largest workforce, we should lead by example by providing paid parental leave so a child can bond with their parents, so they can get them off to a healthy start. That's what this is all about. A strong society, enabling every child born in America to have the full opportunity to realize their potential.

This legislation enables the Federal workforce to achieve that objective. It's a noble national objective. It's what America ought to be about. Let's get this legislation passed.

Mr. ISSA. Madam Chair, may I inquire as to how much time is remaining on each side?

The CHAIR. The gentleman from California has 6¼ minutes remaining. The gentleman from Massachusetts has 7 minutes remaining.

Mr. LYNCH. I am prepared to close, so I reserve at this time.

Mr. ISSA. Madam Chair, I am prepared to close, so I yield myself the balance of my time.

Madam Chair, in a few short minutes we will complete general debate; we will go to amendments. At that time, I'm hopeful that the amendment offered by the committee, the Republicans on this committee, will be considered favorably. If it is, then what seems to be unreconcilable as our differences can be resolved.

Clearly, we agree that 14 million Americans are out of work. We agree that we're in a recession. We agree that Americans are suffering. We agree that whether you're having a child, adopting a child, or bringing a foster child in need into your home, that that bonding time is worthwhile now, just as it was in 1993 when we overrode all States and all employers to provide that option without fear of retaliation or loss of a job.

I think we agree that this bill is 12 weeks, 8 of which may be paid by the use of sick and other leave. I know we agreed that if you serve 15 years in the government you'll have about 8 weeks a year of paid leave already accrued. We only disagree on whether or not a new cost, a new entitlement will be borne by the American people. We seem to disagree on whether going from not paying somebody when they're off to paying them is, in fact, a cost to the government. We certainly disagree on whether or not when it becomes an additional 4 weeks of pay, many will choose to take it. As a matter of fact, Madam Chair, when the CBO scored, they made the assumption that half of all men would not take any benefits under the Parental Leave Act as they currently don't. But, of course, when you're offered 4 weeks free, completely free of sick leave, perhaps it will be irresistible to take some, in which case the $1 billion over 5 years could rise above that figure.

So there are some things we disagree on.

But if we take what we agree on, which is the American people are watching mounting deficits, the American people do believe that at times we're out of touch, that we don't feel their pain. The gentleman from Virginia talked about the Federal workers in his district. The Federal workers have grown in his district at a time in which the gentleman from Illinois has seen 40,000 workers lose their job at Caterpillar. Those were good-paying jobs. They had benefits. They may have even had some parental leave benefits. Today, they have no benefits. They're not choosing between having a paycheck or being with their child; they're choosing whether or not to go out and find some minimum-wage job or do something to try to bring a little money into the house, because in fact, they no longer have the good-paying jobs that have evaporated in this recession.

We did a stimulus package, and we disagreed on a lot of how it was done, but we understood we needed to get Americans rolling again, we needed to get them the opportunities. What those 14 million have given up—and countless millions more have given up in loss of some of their income—is what we disagree about.

So, Madam Chair, I would ask that the CBO document scoring this be placed in the RECORD so there is no question as to what we all agree on, the NFIB letter opposing this, and the letter from the Independent Electrical Contractors also be placed in the RECORD at this time.

H.R. 626 FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2009

Summary: H.R. 626 would amend title 5 of the United States Code, the Congressional Accountability Act, and the Family and Medical Leave Act of 1993 (FMLA) by creating a new category of leave under FMLA. This new category would provide four weeks of paid leave to federal employees following the birth, adoption, or fostering of a child. In addition, the legislation permits the Office of Personnel Management (OPM) to increase the amount of paid leave provided to a total of eight weeks based on the consideration of several factors such as the cost to the federal government and enhanced recruitment and retention of employees.

Under current law, federal employees who have completed at least 12 months of service are entitled to up to 12 weeks of leave without pay after the birth, adoption, or fostering of a child. Upon return from FMLA leave, an employee must be returned to the same position or to an ''equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.'' Employees may get paid during that 12-week period by using any annual or sick leave that they have accrued. The leave provided by this bill would be available only within the 12-week FMLA leave period.

CBO estimates that implementing H.R. 626 would cost $67 million in 2010 and a total of $938 million over the 2010–2014 period, subject to appropriation of the necessary funds. Enacting H.R. 626 would not affect direct spending or receipts.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact of H.R. 626 is shown in the following table. The costs of this legislation would fall in all budget functions (except functions 900 and 950).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	69	215	219	221	224	947
Estimated Outlays	67	209	218	221	223	938

Basis of estimate: For this estimate, CBO assumes that H.R. 626 will be enacted by October 1, 2009, and that the necessary amounts for implementing it will be appropriated each year. Under the legislation, the new category of leave would become available six months after enactment (that is, around April 2010). As a result, the cost of the legislation in 2010 reflects implementation for only half of the year. After 2010, CBO has included in its estimate a 50 percent probability that OPM will use its authority to increase the amount of paid leave available from four weeks to eight weeks. Costs in future years are projected to grow with inflation.

CBO assumes that the potential users of the new leave would be primarily the roughly 700,000 civilian employees who are between the ages of 20 and 44 and have been employed at least 12 months. (This figure excludes employees of the Postal Service because H.R. 626 amends title 5 of the United States Code, which does not apply to them.)

Estimating an adoption rate based on data from the Department of Health and Human Services and applying birth rate information for the relevant age cohorts from the National Center on Health Statistics to the roughly 313,000 women eligible for the new leave yields about 17,800 women who might give birth or adopt in a given year. Based on average salary information from OPM, CBO estimates that four weeks of paid leave—the maximum amount guaranteed by the bill—for female employees would cost between $2,800 (for those in the youngest age cohort) and $5,400 (for those in the 40–44 age cohort). Assuming that nearly all of those women took the maximum amount of leave, CBO estimates the cost of the leave to be $77 million this year (if it were available for the entire 12-month period).

Applying those same calculations to the 390,000 men in the affected age groups, CBO estimates that roughly 24,000 men would be eligible for the four weeks of paid leave, at an average cost of between $3,100 and $6,000 per male employee. Assuming that eligible men would take the leave at about one-half the rate of women, CBO estimates that men would use another $54 million worth of leave this year (if it were available for the entire 12-month period), bringing the total to $130 million.

Since CBO assumes that the new leave would not be available until half-way through fiscal year 2010, there would be no costs for 2009 and the 2010 costs would represent only six months of the year, totaling $67 million. Beyond 2010, CBO assumes a full year of availability and has included a 50 percent probability that OPM would increase the amount of paid leave available to employees. As a result, anticipated costs increase to $209 million in 2011. (The 2011 costs would be about $140 billion if the benefit were kept at a maximum of four weeks.)

The effects of this bill on the budget derive from the provision of a new form of paid leave. To the extent that such a new benefit enables people to take advantage of paid leave rather than taking leave without pay, the costs are clear. However, employees who would currently use annual or sick leave upon the birth, adoption, or fostering of a child may choose to use this new form of paid leave and save their accrued leave for a later date. CBO has no basis for estimating the magnitude of such substitution, but the deferral of annual and sick leave also represents a cost either in terms of increased availability of paid leave or cash payments upon separation.

In addition, providing a more generous benefit to employees may enhance the federal government's ability to retain employees after the birth or adoption of a child and thereby lower recruitment and training costs. CBO estimates that such potential savings are likely to be relatively small over the next five years.

Intergovernmental and Private-Sector Impact: H.R. 626 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate Prepared by: Federal Costs: Barry Blom, Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle, Impact on the Private Sector: Paige Piper/Bach.

Estimate Approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, June 3, 2009.

DEAR REPRESENTATIVE: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing to notify you of our opposition to H.R. 626, the Federal Employees Paid Parental Leave Act of 2009.

The legislation mandates an alarming expansion of the Family and Medical Leave Act (FMLA), from an unpaid leave program into one that would provide partial paid parental leave for federal employees. By carving out 4 of the 12 weeks of FMLA as paid parental leave, NFIB is concerned that H.R. 626 sets a precedent for future discussions over expansion of FMLA.

In addition to creating a new paid leave component of FMLA, the bill does not require federal employees to first use accumulated vacation or sick leave before taking the paid parental leave. Currently, if an employee has accrued paid time off, an employer may require them to use some or all of their accrued paid time for some or all of the FMLA leave.

Small businesses are struggling to survive in our tough economic times, and are very concerned that creating an expensive, new paid leave benefit for federal employees will eventually lead to new paid leave mandates on small business. I urge your strong opposition to this legislation.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

INDEPENDENT ELECTRICAL CONTRACTORS,
Alexandria, VA, June 3, 2009.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: I am writing on behalf of the 2,700 merit shop contractor members of the Independent Electrical Contractors (IEC), who urge you to oppose H.R. 626, the Federal Employees Paid Parental Leave Act, which would expand the Family and Medical Leave Act (FMLA), as it applies to federal employees, to mandate four weeks of paid FMLA leave, on top of existing leave.

Please let me be clear that our opposition to this bill is based solely on the precedent it sets for the private sector, and has nothing to do with the individuals who work for the federal government.

IEC is concerned that, in radically expanding FMLA to include paid leave, Congress is laying the groundwork for mandating paid sick leave on private sector employers. One-size-fits-all leave mandates, such as the Healthy Families Act (H.R. 2460/S. 1152), fail to take into account the varied natures of our nation's industry segments, and the individual employers whose unique business models are exactly the factor that determines their success or failure.

And, most importantly in this debate, it is paramount that Congress ascertain the real world impact of mandating paid sick leave on the private sector. Small business owners craft their pay, leave, and work rules based on the business model that keeps them competitive, grows their business, and creates more jobs. If Congress stunts the flexibility of these individual business models, then it will be directly threatening this competitiveness and the jobs that come with it.

IEC encourages Congress to seriously consider the precedent that is set by this expansion of FMLA, and oppose H.R. 626.

Thank you for your consideration.

Sincerely,

BRIAN WORTH,
VP of Government and Public Affairs.

Lastly, Madam Chair, I believe that the intentions of the majority are generally good, but I believe that this bill contains something the American people may not have heard, and in closing, I want them to hear.

This bill not only gives 4 weeks of new paid leave for the mom who may be coming home immediately following the birth of the child, but it gives that 4 weeks of additional pay to the father. It does so whether it's an adult child

they're adopting, someone 15 or 16 going off to school every day. It does it for both mom and dad, and it does it on top of the 8 weeks they can take in other ways already.

So I want the American people to understand not only does it do that, but it is anticipated by the majority that after an OMB study—which they fully believe will show that on balance this is still a good motivator and positive for the workforce—this benefit will rise from 4 weeks of additional pay to 8 weeks of additional pay for both men and women in the Federal workforce at a time in which 14 million Americans have no income at all.

With that, Madam Chair, I hope that the majority will see that they're out of touch if they don't think the American people are concerned that this is, in fact, showing a disconnect between the American people suffering and in fact, the new benefits to the one portion of the workforce that is not suffering, the one portion that has not seen a pay cut but in fact a pay raise, the one portion that has not seen cuts in their numbers but in fact increases in their numbers, and that's the wonderful men and women who make up the Federal workforce in all areas. They're good people, but they understand. And listening tonight, I believe the Federal workers in my district will understand that in fact this is a time for them not to look for big gains when, in fact, people on both sides of their homes are losing their homes.

So, Madam Chair, I would urge that we not support the bill in its current form, and I look forward to the amendment that we plan to offer being in fact favorably considered so we can make a bill that balances this good effort with those 14 million people who today have no solution for parental leave and in fact do not understand why we would add 4 or 8 weeks of additional paid time for people at this time no matter how well-intentioned.

And with that, I yield back the balance of my time.

Mr. LYNCH. Madam Chair, this bill is narrowly tailored to specific circumstances. It would provide 4 weeks of paid parental leave. The specific instances are the birth of a new child, an adoption, or someone taking a child into foster care. That's how you qualify for receiving these 4 weeks of benefits. And I think that this makes a strategic investment in the Federal workforce.

□ 1845

This will help the government retain and attract young talented employees; and in so doing, it provides potentially an ultimate savings to the American people since there's a direct benefit when the government retains existing employees rather than having to hire and retrain new ones. We are all familiar with the revolving door in the Federal Government, where we bring in people, we train them, they become very competent in their areas of expertise, and then private industry steals them away because they can offer them much greater benefits and much, much higher pay. This provides a basic and decent benefit of 4 weeks for the occasions that I mentioned.

Before closing, I'd like to also point out that the Obama administration, in their recently issued statement of administration policy on H.R. 626, also recognized the benefits of supporting families during the birth of a child, adoption of a child or for foster care. According to the President's policy position, the Federal Government should reflect its commitment to helping Federal employees care for their families as well as serve the public. Measures such as H.R. 626 support this commitment and strengthen our families, our communities and our Nation. Given that statement alone, I urge my fellow Members to join me in voting in favor of H.R. 626.

Mr. VAN HOLLEN. Madam Chair, I rise in strong support of the Federal Employees Paid Parental Leave Act.

H.R. 626 provides four weeks of pay to federal employees to use while they are on family or medical leave. Having this option is of special importance to our younger employees and employees seeking to start a family.

As the federal workforce ages, the government will have to hire many new workers. Indeed, by 2010, more than 50 percent of managers, and almost 50 percent of other federal workers will be eligible for retirement. The federal government will have to compete with the private sector to attract the best and brightest to federal service to replace them. But the federal government lacks an important benefit enjoyed by 75 percent of Fortune 100 companies—paid leave for parents of newborns.

This legislation permits federal employees to take up to four weeks of paid leave for the birth or adoption of a child. For younger employees, the lack of paid leave forces them to choose between using accrued sick leave or vacation time, which for newer employees is in short supply, or to simply go without pay when having a newborn.

I encourage my colleagues to join me in helping to show the public that the federal government values families. Support H.R. 626, the Federal Employees Paid Parental Leave Act.

Mr. STARK. Madam Chair, I rise today in support of H.R. 626, the Federal Employees Paid Parental Leave Act of 2009. As a longtime advocate of paid family leave, I believe our nation's largest employer—the U.S. Government—must also be our nation's model employer and set a progressive example for healthy workplace policy. The legislation on the floor today will provide real security to those who serve our nation's government and their families.

The 1993 Family and Medical Leave Act (FMLA) was landmark legislation that established job-protected leave and it has helped millions of workers care for their families without fear of losing their job. The FMLA, however, requires only unpaid leave, and many workers must chose between taking leave to care for their families or not paying their bills. Research has shown that nearly 75 percent of FMLA-eligible workers do not take leave because they cannot afford it. Even before the hardship caused by the current recession, millions of workers could not access family or medical leave because of financial constraints. Paid leave is a vital resource to help workers balance their family and work obligations.

Paid parental leave provides benefits well beyond the purely monetary. It also benefits our society as a whole. A 1999 report by the President's Council of Economic Advisers found that since 1969, children have lost 22 hours per week with their parents. Studies have shown that increased parental involvement and care giving are linked to gains such as shorter hospital stays, improved behavior, and higher educational achievements for their children. Providing paid parental leave will make leave more accessible, allowing parents to spend more time with their children—clearly an investment worth making.

Individual states have begun to successfully implement paid family and medical leave programs. Since 2004, my home state of California has led the country in the provision of paid leave and the law has been a boon to both the state's families and businesses. According to a Harvard study published four years after the enactment of California's paid leave policy, California had a lower rate of foreclosures than other states due to income loss arising from the need to care for a household member. We can and should replicate this success nationwide.

It is the responsibility of the Federal government to take the lead in the promotion of workers' economic security and family-friendly policies, which is why I am pleased to lend my full support to the Federal Employees Paid Parental Leave Act. Providing parental leave to federal workers is an important first step toward what must be our ultimate policy goal of providing paid family and medical leave to all workers, and I look forward to the day when all workers have the chance to care for their families and still be able to pay the bills.

Mr. POLIS. Madam Chair, I rise in support of H.R. 626, the Federal Employees Paid Parental Leave Act of 2009. Let me thank my friend from New York, Mrs. MALONEY for her continued dedication to this issue. I also applaud Chairman TOWNS and my colleagues on the House Oversight and Government Reform Committee for championing the cause of paid parental leave for federal employees.

This legislation helps families employed by the government, offering up to four weeks of paid leave for parents to care for a new child. It recognizes a fundamental and basic need of new parents, namely, the importance of caring for and spending time with their young children.

As Americans workers struggle to weather the economic storms that have beset our nation, we need to ensure that our primary safety net—the American family—remains strong and intact. In doing so, this bill establishes the federal government—as an employer—as a champion for the American family, making it a model for the rest of the country to follow.

The Federal government is one of the country's largest employers, with over 1.8 million civilian employees. According to the Department of Health and Human Services 18,000 women and 24,000 men will qualify for parental leave this coming year.

Under existing law, federal employees are allowed to take unpaid parental leave. Sadly, in 2000, it was reported that as many as 78 percent of these eligible employees did not

take leave, simply because they could not afford it. Under present economic conditions, the desire to remain at work and forgo unpaid leave is even stronger. With the government playing such a significant role in the American workforce, we can no longer afford to punish such a large portion of our workforce for taking a few weeks leave to help raise a child.

Economic loss affects not just the worker, but all those who rely on the head wage-earner for support, and oftentimes the hardest hit group is the American family.

Today, in the midst of a recession, it is essential that working parents have the resources to care for and support both themselves and their families. This bill provides a necessary lifeline for new parents who must simultaneously provide round-the-clock care for their young children and keep their jobs in an increasingly competitive and shrinking economy.

Too often, families are forced into a bind, having to choose between earning enough to survive and caring for a child. No parent wants to decide between a child and work, but under current conditions, many federal employees must.

Families are helpless in this situation, and it is both the employer and employees that suffer for it. Federal employers have a high turnover rate, due to families searching for employers with better benefits or leaving the workforce to care for a child.

Even more importantly, this bill encourages parents to provide care during a period of crucial development for children. The education of children starts from day one, and in many ways, it is the earliest experiences of a child that will set the course for the rest of their life. The care children receive in their earliest days can provide them with the necessary building blocks to succeed in school and the workforce later on.

This bill also takes steps to accommodate the changing and often varied types of households that make up the American family, which current law does not take into account. Many families today don't have a stay-at-home member, making it all the more difficult for working parents to accommodate their family needs. Stay-at-home dads, friends, partners, siblings, aunts, uncles, or grandparents are all assuming the role of primary care-giver. Federal employee benefits need to take these new family dynamics into account.

This legislation will provide a gain to federal employers as well as the economy. According to the Congressional Budget Office (CBO), this legislation accrues no extra cost for taxpayers. Federal employers can save losses from turnover rates and improve retention of some of its most reliable and adept employees.

In times of economic turmoil we must keep families strong. By strengthening the family, in turn we strengthen our workforce. Healthy families make productive employees and raise engaging and innovative children, giving an extra boost to the economy and the current and future American workforce.

Madam Speaker—this legislation is needed today, more than ever before! It will create a more progressive and family-oriented benefit system for the current federal workforce, setting an example for similar positive developments within all sectors of the economy. It will help working families to care for and support their young children, during a time when economic struggles often overshadow parents' most basic duties of childcare.

On behalf of all those who have spent time in creating this bill, as well as almost two million federal employees and their families, I urge my colleagues to support and vote ''yes'' on H.R. 626.

STATEMENT OF ADMINISTRATION POLICY

H.R. 626—FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2009

(Rep. Maloney, D–New York, and 55 cosponsors, June 3, 2009)

The Administration supports the goal of H.R. 626, which would provide Federal employees with access to paid leave upon the birth, adoption, or fostering of a child.

Being able to spend time at home with a new child is a critical part of building a strong family. The initial bonding between parents and their new child is essential to healthy child development and providing a firm foundation for the child's success in life. Measures that support these relationships strengthen our families, our communities, and our nation. The Federal government should reflect its commitment to these core values by helping Federal employees to care for their families as well as serve the public. Providing paid parental leave has been successfully employed by a number of private-sector employers, and can help to make job opportunities accessible to more workers.

The Administration is currently reviewing existing Federal leave policies to determine the extent of their gaps and limitations. The Administration looks forward to working with Congress to refine the details of this legislation to make sure it meets the needs of Federal agencies and employees, as well as their families.

Mr. LANGEVIN. Madam Chair, I rise in support of H.R. 626, the Federal Employees Paid Parental Leave Act, which would provide four weeks of paid parental leave and eight weeks of unpaid leave for all federal employees after the birth or adoption of a child. Under this measure, these employees may also use accrued annual or sick leave to receive compensation for the unpaid weeks. Currently, employees may take up to twelve weeks of unpaid leave under the Family and Medical Leave Act to care for a newborn or adopted child.

H.R. 626 will help the United States Government compete with the private sector in order to recruit the best and brightest employees and retain that talent. In 2007, a Government Accountability Office report found that countries offering paid parental leave experienced increased employee retention and a reduction in the amount of time women spend out of the workforce. Disappointingly, the GAO also reported that the U.S. lags behind other industrial nations in providing policies that support working parents and their children. In fact, 169 countries guarantee women leave with income in connection with childbirth.

The U.S. Census Bureau reports that women are more likely to work before and after pregnancy than they were 30 to 40 years ago, and Congress must legislate according to the changing makeup of our workforce. So far, we have not met that mark. I know that many of my colleagues have already met or exceeded the requirements of this bill, and I applaud their efforts. I know from firsthand experience that allowing new parents guaranteed paid leave helps balance the demands between work and family. For the hard work they provide for us, we owe our employees the time to enjoy the bonds that matter most in their lives.

I strongly urge my colleagues to support this measure. It is time that the Federal Government sets the standard for working parent policies.

Mr. HONDA. Madam Chair, I rise today to express my strong support for the Federal Employee Paid Parental Leave Act of 2009 (H.R. 626). As the country's largest single employer, the Federal Government is responsible for over 2.7 million employees. The Federal Government is facing the retirement of 40% of its workforce over the next ten years and must be able to compete with private sector opportunities in order to attract talented new employees. Under current law, federal employees who want paid time off for the birth or adoption of a child only have the option of using their accrued sick days and vacation time to supplement unpaid leave. It is difficult for relatively new employees or those who experience reoccurring health problems to save up enough time for paid parental leave. Even for older employees who rarely get sick, unpredictable life events can make it equally difficult to accrue sufficient parental leave time. Parents should not be forced to choose between their new child and their paycheck.

The Congress' Joint Economic Committee has found that Fortune 100 firms offer paid leave that typically lasts six to eight weeks. This is also consistent with the amount of leave typically offered by Congressional offices. The lack of a Paid Parental Leave policy for newly born or adopted children puts the Federal Government in the minority, not only in relation to U.S. companies but also among developed nations. The European Union requires that member countries offer 14 weeks of paid maternity leave and most offer more than the required amount, and the U.S. is one of only five countries out of 165 surveyed that does not guarantee paid parental leave.

The Federal Employee Paid Parental Leave Act of 2009 will make the Federal Government a more family-friendly, competitive employer. It will cost relatively little compared to the benefit to American families and workers that it would bring. It is past time for federal employees to enjoy the benefits offered to employees of private companies and fix a flaw in our current system.

Mr. HOYER. Madam Chair, I am proud to support this bill to strengthen America's families. Strong families are the cornerstone of our Nation's future. They enhance children's well-being, improve their self-esteem, and significantly increase the odds that they will succeed in school and grow up to be good parents themselves. And study after study shows that a strong predictor of child well-being is the degree to which a parent and child bond in the first months after birth. The more constant and nurturing that bond is in the early months of life, the better off that child will be in the years to come.

One of the most important things Congress did to help parents and children strengthen that bond was to pass the Family and Medical Leave Act (FMLA) in 1993. It was the first bill signed by President Clinton. Under its protection, eligible workers receive 12 weeks of leave every year, so that they can care for a newborn or adopted baby, or help a loved one recover from illness, or get better themselves—without the worry that, when they return, their job will be gone.

The FMLA has been an outstanding success. But it has not been enough. Because

the FMLA does not entitle anyone to receive an income while on leave, far too many people with the right to leave are unable to take it. They rush back to the workplace after giving birth, or send their sick children to school, or leave their ailing parents at home to somehow make it through the day—because there is no other option. In fact, when it comes to the failure to guarantee paid maternity leave, America stands virtually alone in the world.

It's time to realize that a right to paid leave, especially for new parents, is more than a family matter—it is a public good that means healthier families, more productive children, and, in the end, a stronger economy for all of us.

Today, we have a valuable chance to establish that right for some of our most dedicated public servants: Federal employees. Currently, the Federal Government does not provide them with paid parental leave. This bill would change that—providing four weeks of paid leave to Federal employees for the birth, adoption, or foster placement of a child.

As the Nation's largest employer, the Federal Government has the opportunity to set a valuable and lasting example for a responsible leave policy. It is time for America to catch up with the rest of the world, and this bill is a vital step in that direction. I urge my colleagues to support it.

Mr. JOHNSON of Georgia. Madam Chair, I rise in strong support of H.R. 626, the ''Federal Employees Paid Parental Leave Act of 2009.''

This legislation will update federal employee benefits to reflect the way families live today by providing four weeks of paid parental leave for federal employees. The 90,000 federal employees living in my home state of Georgia need us to pass this bill.

A generation ago, the overwhelming majority of families had a mother who stayed at home to provide full-time childcare.

Today, tens of thousands of families depend on the income of more than one income-earner to make ends meet.

When these families prepare to welcome a new child into their homes they are often faced with an impossible decision—forgo a paycheck or forgo the most critical period of time to care for and bond with their new baby.

As the Nation's largest employer, the Federal Government should lead the way in establishing family-friendly leave policies.

I urge my colleagues to support H.R. 626 to ensure that no federal employee is forced to choose between their new child and their job.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 626

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employees Paid Parental Leave Act of 2009''.

SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) AMENDMENT TO TITLE 5.—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by redesignating such subsection as subsection (d)(1);

(2) by striking ''subparagraph (A), (B), (C), or'' and inserting ''subparagraph (C) or''; and

(3) by adding at the end the following:

''(2) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

''(3) The paid leave that is available to an employee for purposes of paragraph (2) is—

''(A) subject to paragraph (6), 4 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

''(B) any annual or sick leave accrued or accumulated by such employee under subchapter I.

''(4) Nothing in this subsection shall be considered to require that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).

''(5) Paid parental leave under paragraph (3)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

''(B) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 or for any other purpose; and

''(C) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

''(6) The Director of the Office of Personnel Management—

''(A) may promulgate regulations to increase the amount of paid parental leave available to an employee under paragraph (3)(A), to a total of not more than 8 administrative workweeks, based on the consideration of—

''(i) the benefits provided to the Federal Government of offering increased paid parental leave, including enhanced recruitment and retention of employees;

''(ii) the cost to the Federal Government of increasing the amount of paid parental leave that is available to employees;

''(iii) trends in the private sector and in State and local governments with respect to offering paid parental leave;

''(iv) the Federal Government's role as a model employer; and

''(v) such other factors as the Director considers necessary; and

''(B) shall prescribe any regulations necessary to carry out this subsection, including, subject to paragraph (4), the manner in which an employee may designate any day or other period as to which such employee wishes to use paid parental leave described in paragraph (3)(A).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''In applying section 102(a)(1)(A) and (B) of such Act to covered employees, subsection (d) shall apply.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

''(d) SPECIAL RULE FOR PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.—

''(1) SUBSTITUTION OF PAID LEAVE.—A covered employee taking leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

''(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

''(A) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

''(B) any additional paid vacation or sick leave provided by the employing office to such employee.

''(3) LIMITATION.—Nothing in this subsection shall be considered to require that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (2).

''(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office; and

''(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.

(a) AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 102(d) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.—

''(A) SUBSTITUTION OF PAID LEAVE.—An employee of an employer described in section 101(4)(A)(iv) taking leave under subparagraph (A) or (B) of subsection (a)(1) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

''(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an employee of an employer described in section 101(4)(A)(iv) for purposes of subparagraph (A) is—

''(i) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

''(ii) any additional paid vacation or sick leave provided by such employer.

''(C) LIMITATION.—Nothing in this paragraph shall be considered to require that an employee first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use the paid parental leave described in clause (i) of such subparagraph.

''(D) ADDITIONAL RULES.—Paid parental leave under subparagraph (B)(i)—

''(i) shall be payable from any appropriation or fund available for salaries or expenses for positions with the employer described in section 101(4)(A)(iv); and

''(ii) if not used by the employee of such employer before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

The CHAIR. No amendment to the bill is in order except those printed in House Report 111–133. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. ISSA

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–133.

Mr. ISSA. Madam Chair, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ISSA:

Page 3, strike lines 9 through 13 and insert the following:

''(4) Notwithstanding any other provision of this section, an employee may not use any paid parental leave described in paragraph (3)(A), in connection with a birth or placement, until such employee has exhausted all annual and sick leave which, as of the date of such birth or placement—

''(A) has been accrued or accumulated by such employee under subchapter I; and

''(B) may, under applicable provisions of law, rule, or regulation, be used for the purpose involved.

Page 6, strike lines 17 through 22 and insert the following:

''(3) LIMITATION.—Notwithstanding any other provision of this section, an employee may not use any paid parental leave described in paragraph (2)(A), in connection with a birth or placement, until such employee has exhausted all annual, sick, and other paid leave which, as of the date of such birth or placement—

''(A) has been accrued or accumulated by such employee under a formal leave system; and

''(B) may, under applicable provisions of such leave system, be used for the purpose involved.

Page 8, strike lines 18 through 24 and insert the following:

''(C) LIMITATION.—Notwithstanding any other provision of this section, an employee may not use paid parental leave described in subparagraph (B)(i), in connection with a birth or placement, until such employee has exhausted all annual and sick leave which, as of the date of such birth or placement—

''(i) has been accrued or accumulated by such employee under subchapter I of chapter 63 of title 5, United States Code; and

''(ii) may, under applicable provisions of law, rule, or regulation, be used for the purpose involved.

Page 9, after line 15, add the following:

SEC. 5. ADDITIONAL PAID PARENTAL LEAVE TO BE TREATED AS A REPAYABLE ADVANCE.

Notwithstanding any other provision of this Act or any amendment made by any other provision of this Act, any paid parental leave under section 6382(d)(3)(A) of title 5, United States Code (as amended by section 2), section 202(d)(2)(A) of the Congressional Accountability Act of 1995 (as amended by section 3), or section 102(d)(3)(B)(i) of the Family and Medical Leave Act of 1993 (as amended by section 4)—

(1) shall be treated as an advance of paid leave; and

(2) shall be subject to recovery by the United States to the same extent and in the same manner as any other advance of paid leave.

The CHAIR. Pursuant to House Resolution 501, the gentleman from California (Mr. ISSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Thank you, Madam Chair. I yield myself as much time as I may consume.

My amendment to H.R. 626 is a commonsense amendment. I believe the legislation bridges the differences between the majority and the minority, recognizing that the Federal workforce should, in fact, be able to use accrued and earned time they have, recognizing that it is already the policy of many, but not all, Federal agencies to allow all accrued leave, both vacation, if you will, and sick leave, to be used by somebody wishing to avail themselves of their 12 weeks of family medical leave.

Having said that, we do take away the question of 4 weeks of additional paid or 8 weeks of additional paid leave. We recognize, though, that not every person, particularly a young family new to the Federal workforce, may have accrued leave sufficient to do 12 full weeks. Therefore, my amendment allows for that worker to take an advance against future sick leave and other leave in order to ensure that they may remain with their new child for the full 12 weeks allowed within the law. This would, in fact, eliminate the contradiction between various government agencies. It would streamline the process. It would make clear that no Federal worker would ever have to choose between being with their newborn and receiving a paycheck.

So with that, I urge the strong support of this amendment as a commonsense middle ground.

I reserve the balance of my time.

Mr. LYNCH. Madam Chair, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

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

Madam Chair, I absolutely cannot support the amendment at hand, as it totally goes against the bill's fundamental purpose. To begin, this amendment actually guts the bill. It does little more than restate the status quo with regard to the type and amount of leave that is currently available to new parents in the Federal Government.

To be clear, I support H.R. 626 because I want to support working families across the country. I oppose the amendment because we should not replicate the current inadequate system that forces new moms and dads to choose between their paycheck and caring for a newborn. The gentleman's amendment, however well intended, would strike the bill's core requirement that Federal employees receive 4 weeks of paid parental leave. Instead, it would require new mothers and fathers to take advance leave in order to take care of their newborn or newly adopted child. In other words, new employees would be required to go into debt in their available leave as a cost of caring for their child.

I do want to point out an odd result of the gentleman's amendment. For the new employees who have unpaid leave right now, it would force them to take unpaid leave at a point in time—for instance, for a new mom right after she has the baby, it would force her to take unpaid leave; and then later on after the 8 or 12 weeks had expired, at a point maybe when that mom was ready to come back to work, it would then give those employees, mom and dad, 4 weeks of paid leave. So rather than come back to work, they'd be facing the opportunity to take paid leave at that point; and I think in some cases it may turn out that this may increase the cost. While it actually devalues the benefit to the employee up front, it also, by perhaps getting a higher utilization rate, in the end may cost the government more money. So it's sort of a lose-lose situation. Longer-term employees would be required to exhaust any available prior leave before being eligible to take the additional advance leave; and under most circumstances, they may already do this.

So the amendment's only alleged new benefit to employees is to allow newer hires to go into a deficit on their leave in order to get some days paid during their parental leave. But, again, Federal agencies can already offer employees advance leave, so there's really no new benefit here. The true effect of this amendment is to gut the primary purpose of the bill, which is to support families and child development by providing 4 weeks of unconditional paid leave to new mothers and fathers in the Federal workforce.

In addition to gutting the bill, the amendment is inequitable because it would impact new employees and older employees differently. Moreover, the amendment is not good policy because employees should not be forced to use up all of their accrued annual sick leave to care for a new child. This can leave employees in a desperate situation if any emergency arises or if they become seriously ill down the road.

This amendment is somewhat shortsighted. It ignores the strategic investment that H.R. 626 makes in the Federal workforce at a time that we need to be attracting young talented employees to prepare for a wave of upcoming retirements. Currently we have about 315,000 Federal employees that are eligible to retire; and unfortunately those are the most experienced and, in some cases, the most ablest employees that we have in the Federal Government.

This amendment ignores the social benefits to society as a whole that result from supporting families with progressive work-life policies, such as a paid parental leave program. Because this amendment guts the pending legislation, I do have to oppose it for all the reasons that I have stated in spite of the gentleman's good intentions. I ask that Members continue to support the bill and oppose this amendment.

I reserve the balance of my time.

Mr. ISSA. Madam Chair, I now proudly yield 1 minute to the ranking member of the subcommittee, somebody who is very aware of family values and the importance of this legislation, Mr. CHAFFETZ of Utah.

Mr. CHAFFETZ. Madam Chair, there's no more precious time than those with your children. We want to be as compassionate as we can. But at a time when we have literally millions and millions of people who are out of work, when we are looking at a $1.8 trillion budget deficit just this year alone, I don't want to saddle leave that new child who is coming into the world with this unbelievable debt. So it's something that I would like to do. But I think what Mr. ISSA's amendment offers is a very reasonable alternative to create the atmosphere and create the program and create the way that our Federal employees can tap into something that they have earned. But I think we have an obligation to recognize the proper role of government. We have to remember for every dollar, every benefit that we want to hand to a Federal worker, we're going to have to take that money from somewhere; and we're going to have to take it from the American people's pockets to give it to someone else.

The CHAIR. The time of the gentleman has expired.

Mr. ISSA. I yield an additional 30 seconds to the gentleman.

Mr. CHAFFETZ. I appreciate what Mr. ISSA is proposing here. Let's remember that it's the American people's money. It's not Congress' money. It's the American people's money. At a time of deficit, now is not the time to go out and spend billions of more dollars when we're so far in debt.

Mr. LYNCH. Madam Chair, I am prepared to close and continue to reserve the balance of my time.

The CHAIR. The gentleman from California has 2 minutes remaining. The gentleman from Massachusetts has 30 seconds remaining.

Mr. ISSA. Madam Chair, I yield myself the remaining time.

Madam Chair, I just want to review one more time why we believe that doing this within the existing means of the program dollars that are already available to the Federal workforce is a commonsense compromise.

Meeting the majority halfway, recognizing that 14 million Americans are making no money, except for their unemployment insurance, and those who are making so much less this year demand that we find ways not to increase our spending. So, Madam Chair, I would just like to review one last time. The Federal workforce, if you've been in for only 3 years, you have 4 weeks of paid vacation and 13 days, which is nearly 3 weeks, of sick leave per year. You already have that every year. Isn't it family values to be willing to give up some of that to be able to stay with your family? Why wouldn't you use some of that first?

Madam Chair, I want to recognize that the Federal workforce is a good workforce, and we want it to be a great workforce. But at a time in which 14 million Americans are looking for jobs, we are actually not having a hard time finding people who would like to come to work for the Federal Government. We're offering jobs. We're hiring. We're growing. So if we're ever going to need an inducement, it will be at a boom time, at a time in which we have to compete against higher salaries and bonuses, not at a time in which Americans are suffering and being laid off in record numbers.

Lastly, Madam Chair, I would like to refer to the President's statement, which was quite a weak statement, in support of this bill. He recites the bill and then says, ''The administration is currently reviewing existing Federal leave policies to determine the extent of their gaps and limitations. The administration looks forward to working with Congress to refine the details of this legislation to make sure it meets the needs of the Federal agencies and employees, as well as their families.''

Madam Chair, what that says to me is, this is not the right bill. They'd like to work with us to make it better. Hopefully this amendment will make it better here today.

I yield back the balance of my time.

Mr. LYNCH. Madam Chair, for the purpose of closing, I would like to yield the balance of my time to the gentlewoman from New York (Mrs. MALONEY) who, along with Congressman HOYER, has championed this bill for the past 15 years.

The CHAIR. The gentlewoman from New York is recognized for 30 seconds.

□ 1900

Mrs. MALONEY. I appreciate my colleagues' hard work and effort, but I rise in opposition to this amendment. The amendment would do absolutely nothing but maintain the status quo. It asks Federal employees to continue to cobble together sick and annual leave if they want to get a paycheck while they care for their new child.

This policy does not help relatively new employees, younger workers, or those with health problems who have little accrued leave to draw on. And it also puts the health and well-being of our employees and their families at risk.

The CHAIR. The time of the gentlewoman has expired.

Mrs. MALONEY. I would like to place in the RECORD the Statement of Administration Policy.

STATEMENT OF ADMINISTRATION POLICY

H.R. 626—FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2009

(Rep. Maloney, D–New York, and 55 cosponsors)

The Administration supports the goal of H.R. 626, which would provide Federal employees with access to paid leave upon the birth, adoption, or fostering of a child.

Being able to spend time at home with a new child is a critical part of building a strong family. The initial bonding between parents and their new child is essential to healthy child-development and providing a firm foundation for the child's success in life. Measures that support these relationships strengthen our families, our communities, and our nation. The Federal government should reflect its commitment to these core values by helping Federal employees to care for their families as well as serve the public. Providing paid parental leave has been successfully employed by a number of private-sector employers, and can help to make job opportunities accessible to more workers.

The Administration is currently reviewing existing Federal leave policies to determine the extent of their gaps and limitations. The Administration looks forward to working with Congress to refine the details of this legislation to make sure it meets the needs of Federal agencies and employees, as well as their families.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Madam 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 California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. AL GREEN OF TEXAS

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–133.

Mr. AL GREEN of Texas. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. AL GREEN of Texas:

Page 4, line 19, strike ''and''.

Page 4, after line 19, insert the following:

''(v) the impact of increased paid parental leave on lower-income and economically disadvantaged employees and their children; and''

Page 4, line 20, strike ''(v)'' and insert ''(vi)''.

The CHAIR. Pursuant to House Resolution 501, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Madam Chair, I yield myself such time as I might consume.

Madam Chair, this bill allows OPM, that is the Office of Personnel Management, to increase the amount of paid parental leave up to 8 weeks. It allows this after considering a variety of factors: benefits to the Federal Government, cost to the Federal Government, trends in the private sector, the government's role as a model employer, and such other factors as the director considers necessary.

This amendment, Madam Chair, will require the Office of Personnel Management to consider the needs of some of our lower-level employees. This amendment would not require any additional funding. It merely requires the office to consider the impact that increasing the number of weeks will have on some of our lower-level employees.

Now, I would like to introduce a term that I'm not exceedingly pleased with. It is called a ''poverty spell.'' A poverty spell is defined as entering poverty for at least 2 months. Twenty-five percent of all poverty spells begin with the birth of a child, 25 percent. I would also note that 78 percent of the persons who are eligible for FMA, this leave that we have been discussing today, do not take it because they cannot afford to lose a paycheck.

No one should go into poverty because of the birth of a child if we can prevent it. This bill will help many of our lower-level employees avoid a poverty spell.

I will reserve the balance of my time.

Mr. ISSA. Madam Chair, because there is no objection to this commonsense evaluation as to the low-income and economically disadvantaged, we claim in opposition and then yield back immediately.

Mr. AL GREEN of Texas. Madam Chair, I will yield to the manager such time as he may consume.

Mr. LYNCH. I want to thank the gentleman for his thoughtful and prudent amendment, and we are prepared to accept it at this time.

Mr. AL GREEN of Texas. At this time, Madam Chair, I'm grateful to Mr. LYNCH. I'm also grateful to Mrs. MALONEY for her outstanding work on this. It has been a tireless effort over many years, and I'm honored that they are accepting this amendment. And I am going to ask all of my colleagues to please vote for it if a recorded vote is called for. I shall not be calling for one.

I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. BRIGHT

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–133.

Mr. BRIGHT. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BRIGHT:

At the end of the bill insert the following:

SEC. 5. CLARIFICATION FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES.

(a) EXECUTIVE BRANCH EMPLOYEES.—For purposes of determining the eligibility of an employee who is a member of the National Guard or Reserves to take leave under paragraph (1)(A) or (B) of section 6382(a) of title 5, United States Code, or to substitute such leave pursuant to paragraph (2) of such section (as added by section 2), any service by such employee on active duty (as defined in section 6381(7) of such title) shall be counted as service as an employee for purposes of section 6381(1)(B) of such title.

(b) CONGRESSIONAL EMPLOYEES.—For purposes of determining the eligibility of a covered employee (as such term is defined in section 101(3) of the Congressional Accountability Act) who is a member of the National Guard or Reserves to take leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (pursuant to section 202(a)(1) of the Congressional Accountability Act), or to substitute such leave pursuant to subsection (d) of section 202 of such Act (as added by section 3), any service by such employee on active duty (as defined in section 101(14) of the Family and Medical Leave Act of 1993) shall be counted as time during which such employee has been employed in an employing office for purposes of section 202(a)(2)(B) of the Congressional Accountability Act.

(c) GAO AND LIBRARY OF CONGRESS EMPLOYEES.—For purposes of determining the eligibility of an employee of the Government Accountability Office or Library of Congress who is a member of the National Guard or Reserves to take leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993, or to substitute such leave pursuant to paragraph (3) of section 102(d) of such Act (as added by section 4), any service by such employee on active duty (as defined in section 101(14) of such Act) shall be counted as time during which such employee has been employed for purposes of section 101(2)(A) of such Act.

The CHAIR. Pursuant to House Resolution 501, the gentleman from Alabama (Mr. BRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BRIGHT. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise today in support of my amendment to the Federal Employees Paid Parental Leave Act. Put simply, this amendment would ensure that Federal employees called to active duty in the National Guard or Reserves are not penalized for their service. It would clarify the intent of the bill so that these individuals can count the time they serve in active duty towards the time they are employed so they may remain eligible for the benefits under this bill.

Too often we have seen our servicemen and women across all branches denied the benefits they rightly deserve due to governmental red tape. There is absolutely no reason that National Guard or reservists should be denied any of the benefits they deserve after honorably serving their country.

Again, this amendment will allow members of the Guard and Reserve to be able to count the time they were deployed towards their total time of employment. If passed, this amendment will give the men and women who have served our country needed time with their newborns and tend to their family responsibilities after a birth. This time is even more important when you consider that these warriors have already spent months on end away from their families.

Madam Chair, this amendment is simple and straightforward. It clarifies the intent of the bill for our guardsmen and our guardswomen and our reservists and ensures that they won't be penalized for their service to our great country.

I urge its passage.

I reserve the balance of my time.

Mr. ISSA. Madam Chair, although we do not object to this, we claim the time in opposition.

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

There was no objection.

Mr. ISSA. Madam Chair, briefly, this amendment seems to be a good one that would try to clarify some of the many, many, many, many elements of this bill that were not worked through thoroughly in committee, so I applaud the gentleman. I believe that, in fact, if we would have done more of this in committee, if more people would have looked and said, We want, as the committee that is charged by the Congress to fight waste, fraud, and abuse, that, in fact, if we had tightened up this bill much better earlier, we would have been more accountable to the taxpayers.

So I applaud the gentleman and recommend that this be voted positively.

I yield back all time.

Mr. BRIGHT. Madam Chair, I would yield 1 minute of my time to Mr. LYNCH.

Mr. LYNCH. I thank the gentleman for yielding.

I also thank the gentleman from Alabama for his thoughtful amendment. This amendment makes certain that Federal employees who are members of the National Guard or Reserve will remain eligible for this benefit and be able to care for their newborn children in the same manner as all other employees. I thank the gentleman for his astute observations and his clarification.

I urge the Members to support this amendment.

Mr. BRIGHT. Madam Chair, in closing, I would like to thank Congresswoman MALONEY from New York. Thank you very much for your hard work on this, and also Chairman TOWNS and his staff on the Oversight

and Government Reform Committee for their attention to this issue and for working with my staff to draft this amendment. I would also like to thank Chairwoman SLAUGHTER on the Rules Committee for ruling in favor of the amendment and allowing me to offer it on the floor today. Finally, I want to thank my colleagues for their continuing support and commitment on this issue. And, again, I urge all my colleagues to support this amendment.

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BRIGHT).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. ISSA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ISSA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 258, not voting 24, as follows:

[Roll No. 308]

AYES—157

Aderholt
Akin
Alexander
Austria
Bachus
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
Capito
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Dreier
Duncan
Ehlers
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
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kosmas
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

NOES—258

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

NOT VOTING—24

Baca
Bachmann
Barrett (SC)
Blumenauer
Bordallo
Boswell
Boyd
Capuano
Carter
Courtney
Davis (IL)
Giffords
Hinojosa
Jackson-Lee (TX)
Johnson (GA)
Marchant
Rogers (MI)
Ruppersberger
Sablan
Sánchez, Linda T.
Skelton
Stearns
Sullivan
Wilson (OH)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1934

Messrs. ROTHMAN of New Jersey, RODRIGUEZ, PALLONE, BERMAN, HILL, SCOTT of Georgia, Ms. WASSERMAN SCHULTZ and Mrs. MALONEY changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. BACHMANN. Madam Chair, on rollcall No. 308, had I been present, I would have voted ''aye.''

Mr. STEARNS. Madam Chair, on rollcall No. 308, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Ms. GIFFORDS. Madam Chair, on rollcall No. 308, I arrived on the floor and the vote had closed. Had I been present, I would have voted ''nay.''

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Ms. DEGETTE, 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. 626) to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes, pursuant to House Resolution 501, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ISSA. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ISSA. In its present form, yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Issa moves to recommit the bill H.R. 626 to the Committee on Oversight and Government Reform with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. 5. LIMITATION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, if the deficit for fiscal year 2009 or any subsequent fiscal year exceeds $500,000,000,000, the amendments made by this Act shall terminate as of the 30th day of the next fiscal year thereafter.

(b) DEFICIT DEFINED.—For purposes of this section, the ''deficit'' for a fiscal year is the amount by which total outlays of the Government for such fiscal year exceed total receipts of the Government for such fiscal year, if at all.

Mr. ISSA (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

GENERAL LEAVE

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

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

There was no objection.

Mr. ISSA. Madam Speaker, the motion to recommit would ensure that nearly 14 million Americans who have lost their jobs will not see an additional 1, 2 or $4 billion of the new benefits paid to Federal workers unless this Congress is able to get its house in order.

Under the motion to recommit, we recognize that according to the Office of Management and Budget the deficit is currently approximately $1.841 trillion. The motion will very simply tie the enactment of this new and expensive and overly generous benefit to the national debt.

The motion dictates that if the deficit for any fiscal year exceeds $500 billion, the act will then terminate on the 30th day of the next fiscal year.

Madam Speaker, in a commonsense way, it means we can have this expensive—we object to it—but this expensive new benefit go into effect this year, but if this House and this Congress cannot get its house in order in the following years, then this act would not continue.

We believe that this is the last and best effort to try to reach a compromise to allow the majority to have its way on this expensive, new benefit but not allow it to continue on the backs of 14 million unemployed Americans, until or unless we're able to bring the deficit at least in line with where it was just two short years ago.

Madam Speaker, in closing I believe that the majority in this case has ignored one after another commonsense opportunities to amend this bill. In committee, we were shut out; here on the floor, each of our amendments, including one that would have simply allowed for every Federal worker to have 12 weeks of paid medical leave in the case of the birth, adoption or taking on of a foster child, but to do so with existing benefits, including sick leave, even allowing them to borrow sick leave.

Since that's been rejected, our motion to recommit seeks only to recognize that this new benefit on the backs of 14 million unemployed Americans and countless millions who are making much less this year than last year cannot be sustained if we cannot bring our fiscal house in order.

And with that, I would urge passage of the motion to recommit.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. Madam Speaker, I oppose the motion to recommit for the basic reason that it guts the entire bill. If this amendment were to pass, we would leave Federal employees exactly where we find them today.

I also want to comment on the mechanics of the motion to recommit. It basically prohibits paying parental leave to Federal employees until the deficit is below $500 billion. I view it, I guess, that somehow that is the justification for not extending these benefits.

However, history and the evidence before us does not support this position. It's disingenuous.

I just want to point out a couple of things. Briefly, I just want to lay out what the record is here. My friends from the other side of the aisle have been consistent, and I give them credit for that. Whether we have been projecting a surplus or a deficit, the Members from the Republican Party have been opposed to this parental leave under every circumstance that we could possibly face here.

When during the Clinton administration we had projected surpluses, the Republican Members opposed parental leave. In June of 2008 when the majority of the Republicans opposed this important benefit, the unemployment rate was only 5.6 percent, and we had a very strong economy.

During the 109th Congress when Republicans again refused to bring this legislation to the floor, the unemployment rate was never higher than 5.4 percent.

During the 108th Congress when the Republicans again refused to bring parental leave to the floor, the unemployment rate was averaging about 5.8 percent.

During the 107th Congress when the Republicans refused to bring this legislation to the floor, the unemployment rate never rose above 6 percent and was below 4.5 percent for most of 2001.

And again, during the 106th Congress when Republicans refused to bring legislation to the floor for parental leave, the unemployment rate hovered around 4 percent, which most economists believe is near full employment.

So, regardless of the circumstances, my friends—and again, I commend you for your consistency—you have opposed parental leave, which is a basic and decent benefit for folks in three circumstances: When they have the birth of a child, Federal employees have a birth of a child; the adoption of a child; or taking a child in for foster care.

Those are the narrow set of circumstances that this benefit is applied to. Madam Speaker, this is the 15th year—15 years ago this bill was brought to this floor, and it's been opposed by my friends on the other side of the aisle for that 15 years, and we all know our positions, and with that, I ask the Members to support this measure.

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

□ 1945

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. ISSA. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 171, noes 241, not voting 21, as follows:

[Roll No. 309]

AYES—171

Aderholt	Cantor	Gingrey (GA)
Adler (NJ)	Capito	Gohmert
Akin	Cassidy	Goodlatte
Alexander	Castle	Granger
Austria	Chaffetz	Graves
Bachmann	Childers	Guthrie
Bachus	Coble	Hall (TX)
Barrett (SC)	Coffman (CO)	Harper
Bartlett	Cole	Hastings (WA)
Barton (TX)	Conaway	Heller
Biggert	Crenshaw	Hensarling
Bilbray	Cuellar	Herger
Bilirakis	Culberson	Hoekstra
Bishop (UT)	Davis (KY)	Hunter
Blackburn	Deal (GA)	Inglis
Blunt	Dent	Issa
Boehner	Diaz-Balart, L.	Jenkins
Bonner	Diaz-Balart, M.	Johnson (IL)
Bono Mack	Dreier	Johnson, Sam
Boozman	Duncan	Jones
Boustany	Ehlers	Jordan (OH)
Brady (TX)	Emerson	King (IA)
Bright	Fallin	King (NY)
Broun (GA)	Flake	Kingston
Brown (SC)	Fleming	Kirk
Brown-Waite, Ginny	Forbes	Kline (MN)
	Fortenberry	Kosmas
Buchanan	Foxx	Lamborn
Burgess	Franks (AZ)	Latham
Burton (IN)	Frelinghuysen	Latta
Buyer	Gallegly	Lee (NY)
Calvert	Garrett (NJ)	Lewis (CA)
Campbell	Gerlach	Linder

Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

NOES—241

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
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
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—21

Baca
Blumenauer
Boswell
Boyd
Camp
Capuano
Carter
Conyers
Courtney
Davis (IL)
Hinojosa
Jackson-Lee (TX)
Johnson (GA)
Kennedy
Marchant
Rogers (MI)
Ruppersberger
Sánchez, Linda T.
Skelton
Sullivan
Wilson (OH)

□ 2003

Mr. HALL of New York changed his vote from ''aye'' to ''no.''

Messrs. ADLER of New Jersey and CUELLAR changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. MALONEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 154, answered ''present'' 1, not voting 20, as follows:

[Roll No. 310]

AYES—258

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

NOES—154

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)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kline (MN)
Kosmas
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Souder
Stearns
Stupak
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Kaptur

NOT VOTING—20

Baca	Davis (IL)	Sánchez, Linda T.
Blumenauer	Hinojosa	Skelton
Boswell	Jackson-Lee (TX)	Sullivan
Boyd	Johnson (GA)	Waters
Camp	Marchant	Wilson (OH)
Capuano	Rogers (MI)	
Carter	Ruppersberger	
Courtney		

□ 2011

So 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

Mr. CAPUANO. Madam Speaker, due to the fact that I had to return to my district for family reasons, I was unable to take rollcall votes 308, 309, and 310. Had I been present, I would have voted ''no'' on rollcall vote 308; ''no'' on rollcall vote 309; and ''aye'' on rollcall vote 310, in favor of final passage of H.R. 626, The Federal Employees Paid Parental Leave Act of 2009.

RECOGNIZING TOYS FOR TOTS LITERACY PROGRAM

The SPEAKER pro tempore (Mr. MAFFEI). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 232.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 232.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

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

Mr. HOYER. I thank the gentleman from Virginia for yielding.

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

This transparency issue has apparently come up again.

On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and at noon for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, as is usual, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of the suspension bills will be announced by the close of business tomorrow.

In addition, we will consider Representative BETTY SUTTON'S bill, the Consumer Assistance to Recycle and Save Act of 2009; H.R. 2410, the Foreign Relations Authorization Act for fiscal years 2010 and 2011; and H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009.

We will also expect to consider a conference report on H.R. 2346, the supplemental appropriation bill. I was hoping to consider that tomorrow, but discussions between the Senate and the House have not been concluded.

I yield back.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would say to the gentleman that he just referred to and announced that we would be considering the war funding supplemental conference report next week. I would ask the gentleman: Does he expect the very controversial Senate-passed provision providing for the IMF money to be included in the conference report?

I yield.

Mr. HOYER. I thank the gentleman for yielding.

As you know, the Senate added the IMF funding to the bill. It is a loan guaranty. We expect the probability that there will be no out-of-pocket money for the United States, but there is a loan guaranty to the IMF.

As you know, the G–20 met. Our President, obviously, participated in that meeting of the G–20 with 19 other leaders of major nations in the world, talking about how we can bring not only each individual country out of the recession but, in some cases, depression that some countries are in; that there was a need to invest sums in assisting particularly smaller, poorer countries to try to recover from the devastation that has occurred by, in some cases, the very sharp economic downturn of the larger, more prosperous countries.

□ 2015

The G–20 agreed that they would come up with $500 billion. The United States, the wealthiest of the G–20 by far, has a 20 percent share of that. The President agreed that the United States would, with the G–20, meet its part of the obligation that had been agreed upon. The Senate included that. And the answer to the gentleman's question is, I fully expect that to be in the supplemental that we'll consider on the floor.

Mr. CANTOR. I thank the gentleman.

And, Mr. Speaker, I say to the gentleman that the belief on our side is the purpose of the war funding bills should be to provide our troops with the support they need, not this controversial global bailout money. Mr. Speaker, I would say more than that, what we believe is—currently from the reports is that the bill would eliminate $5 billion from the defense spending directly for our troops and provide that $5 billion credit towards the guarantee that the United States would have to provide to the IMF.

Mr. Speaker, even further, we understand that in this provision in the bill, in essence we would be providing for more money for foreign countries in terms of a global bailout than we would be for our own troops.

And the even more troubling part to many of us, Mr. Speaker, is the fact that the IMF program allows eligibility for countries like Iran, Venezuela, Zimbabwe, Burma and others. And that these countries, Mr. Speaker, are not necessarily in pursuit of policies that help the national security of this country. And given the fact that our President has said we don't have the money, how is it, Mr. Speaker—and I would ask the gentleman—does he think that we ought to be delaying the funding of our troops by including the provisions that we've just spoken of? And I yield.

Mr. HOYER. I thank the gentleman for yielding.

The gentleman's premise is incorrect. None of us on this side think we ought to delay this bill. None of us. We believe that the troops need the funds, our President has asked for the funds, we're for passing those funds. Very frankly, in the Senate, as you know, they added a lot of extraneous matters. Some Republicans added extraneous matters that, very frankly, we're not happy about on this side of the aisle. Large sums of money which have nothing to do with the troops. They were added because those Members of the Senate, who happen to be very high-ranking Republicans, believe those matters are very important.

Furthermore, let me say to the gentleman we just honored a President that you believe was a great President of the United States. We honored him yesterday with a statue. I know you'll be interested in some quotes from that President:

''I have an unbreakable commitment to increased funding for IMF.'' Ronald Reagan, September 7, 1983.

He went on to say in that same speech, ''The IMF is the linchpin of the international financial system.''

He went on to say on July 14, ''The IMF has been a cornerstone of U.S. foreign economic policy under Republican and Democratic administrations for nearly 40 years.'' That was, of course, in 1983.

I suggest to the gentleman it has continued for the 26 years after that.

And it remains, he said, a cornerstone of the foreign economic policy of this administration.

Another President on September 25, 1990, said this: George Bush, President of the United States, ''The IMF and World Bank, given their central role in the world economy, are key to helping all of us through this situation by providing a combination of policy advice and financial assistance.'' September 25, 1990,

He went on to say, ''As we seek to extend and expand growth in the world

economy, the debt problems faced by developing countries are central to the agenda of the IMF. The international community's strengthened approach to these problems has truly provided new hope for debtor nations.''

I would suggest to you, also, that 11 of the Members—which is to say approximately a little over 25 percent of the votes, Republican votes in the United States Senate—supported this legislation in this bill. So it came to us in a bipartisan fashion from the United States Senate.

Our President has indicated that the United States of America will in fact participate with the other 19 leading industrial nations of this world in trying to lift out of the mire of economic distress some countries whose distress will impact our recovery as well.

That is why I say to my friend no one, no one, no one wants to delay this bill. I would hope that we have the 368 votes that voted for this bill the first time it passed intact when it comes and be consistent with the principles enunciated by Ronald Reagan and George Bush in the 1990s.

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

And first of all, there is obviously a delay in this bill. We were expecting to see the bill and the war supplemental for our troops to come through tomorrow, and I would ask the gentleman, number one, does he know the amount of support given to the IMF back when Ronald Reagan made those quotes? That's number one.

And is it appropriate in a war-spending bill for the taxpayers of this country to be guaranteeing $108 billion dollars to the IMF when we're only providing our troops $80-some billion? So that's more than we're providing our troops for a global bailout. And that is the first line of questioning, Mr. Speaker.

Secondly, does he expect to produce more than the 200 votes that the gentleman's side produced on the first go-round on this supplemental bill? Because if not, then he would need to have some support from this side of the aisle. And Mr. Speaker, I would say to the gentleman, the New York Times has pointed out May 27, Hezbollah, the Shiite militant group, has talked with the IMF and the European Union about continued financial support.

So is he aware that this money that we are affording the IMF to extend to countries who are in need would include countries where Hezbollah would have some impact on the disbursal of those funds?

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

The last time Iran got money from the United States of America was 1984. You recall who was President of the United States in 1984, I'm sure. That was the last time Iran got money from the United States—excuse me, from the IMF.

With respect to your second observation, the gentleman knows how the IMF works. The gentleman knows the United States is involved, as are the other countries, in overseeing the distribution of IMF funds. There is no intention—and there will be no action, certainly, that the United States would support—to give any assistance.

I don't know whether they've talked to the IMF or not. The gentleman may have more information than I do.

Mr. CANTOR. Mr. Speaker, reclaiming my time.

I will tell the gentleman, New York Times, May 27, 2009, pointed out Hezbollah, the Shiite militant group involved in Lebanon and its government, had talks with the IMF to discuss the possibility of the extension of credit. And are we not, I would ask the gentleman, affording the IMF the ability to extend credit to groups such as that, in countries such as that, as well as the potential for countries to access the credit, including Iran, Venezuela, Zimbabwe, Burma, et cetera?

We are very, very concerned. There is a real possibility that some of the world's worst regimes will have access to additional resources that will be provided to the IMF, and is he not concerned about that?

And I yield.

Mr. HOYER. Of course. We're all concerned about the fact that any money would go to those regimes. The fact of the matter is the IMF could have given to very bad regimes during the Reagan administration or the Bush administration. The reason the Reagan administration and the first Bush administration—and I might say, although I don't have a quote from the second Bush administration, the second Bush administration, as well, was a supporter of the IMF as the gentleman, perhaps, knows.

The fact of the matter is the United States will play a very significant role in the decisionmaking of the IMF because we're a very significant contributor. It is a red herring, from my perspective, to raise the fact that money could go somewhere. Of course money could go somewhere.

Mr. CANTOR. Reclaiming.

Mr. HOYER. If the gentleman is going to reclaim his time—the gentleman asked me a question.

Any money that we appropriate could go any place. It could go to a bad place. We don't want it to go to a bad place. And I don't think any of the 19 other nations want it to go to Hezbollah or other organizations that might be negative in the use of those funds as far as we're concerned.

What we do want, however—and that's what Ronald Reagan was talking about, that's what George Bush was talking about, and that's what President Obama is talking about—we do want to see the international economy rebound as well because it impacts on us as we impact very severely on it. That is why the G–20 made this determination.

I yield back.

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

I just say to Mr. Speaker, he points out the difficulty that the U.S. taxpayers will have in holding accountable this Congress and the IMF for the direction of that spending. And given the unprecedented economic situation this country and its taxpayers are facing, it is a belief on our side of the aisle that we ought not be extending the ability to the IMF to extend $108 billion when the primary purpose of this particular piece of legislation is to provide support for our troops. And let's get on with it, Mr. Speaker, I would say to the gentleman.

Now, Mr. Speaker, I would also say to the gentleman that today, the Speaker of the House acknowledged that she is continuing to receive national intelligence briefings from the CIA. Now, Mr. Speaker, as the gentleman knows, the Speaker has made serious allegations about the CIA's truthfulness to Congress in the briefings. As the gentleman also knows, the Speaker of the House is one of only four Members of this body who receives the highest level of briefings from the CIA in accordance with the practices of this body in our oversight capacities. These briefings, Mr. Speaker, are an essential part of the House's oversight responsibility of the Nation's intelligence, and in fact, our national security.

So I ask the gentleman that, in accordance with the custom of this House, shouldn't the House temporarily designate a replacement for the Speaker in these briefings to maintain the integrity of our oversight? And I yield.

Mr. HOYER. Absolutely not. Nobody has questioned the Speaker's integrity.

Mr. CANTOR. Mr. Speaker, I would respond to the gentleman. If the Speaker has alleged that there is untruthfulness, if there is a lack of candor on the part of those giving the briefings, isn't it somehow compromising in those briefings the national security of our country? And I yield.

Mr. HOYER. Absolutely not. There is no belief, I think, of anybody in this House, I hope—and I certainly do not believe that in any way the Speaker has ever, nor would she ever compromise in any way the security of our country, the security of our troops, and the security of our people, period.

Mr. CANTOR. Mr. Speaker, I would respond to the gentleman and say, what has changed? Because the Speaker has made very serious allegations about the veracity of the briefings that are given by the CIA, and if we are to believe that she is correct, shouldn't we be either having an investigation of those allegations, or is it that she has now changed her mind and believes that the briefings are worthwhile because we can count on the veracity of the information given in those briefings? And I yield.

□ 2030

Mr. HOYER. I thank the gentleman for yielding.

I must say, I really have difficulty following the gentleman's reasoning, with all due respect. The fact of the matter is that we have oversight. I see Mr. HOEKSTRA on the floor. I don't know that Mr. REYES is on the floor. But we have a mechanism for oversight of the CIA and of our intelligence units. My presumption is that intelligence oversight is, in fact, working. I certainly hope it's working. My expectation and belief is that it is working. The fact of the matter is that a number of people on both sides of the aisle have raised questions from time to time with respect to the information they have received. Vice President Cheney on television just the other day made some allegations with respect to information that he had received. The fact of the matter is that it seems to me that the gentleman somehow interprets the fact that somebody in an intelligence agency may have given wrong information—may have—that somehow the receiver of the information is the guilty party. I cannot follow that reasoning, I tell my friend from Virginia.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I ask the gentleman again, hasn't the Speaker of this House—not just any Member, but the Speaker of the House, second in line to the President, the constitutional officer presiding in this House—hasn't she indicated her belief and her position that there has been a pattern of misleading information given to this body by the CIA? And if that is the case, I would ask the gentleman, what value is it for the Speaker then to engage in these briefings if she cannot trust the veracity of the information?

Mr. HOYER. The gentleman's reasoning continues to somewhat confound me. The fact of the matter is, I am hopeful that the intelligence agencies are, in fact, giving accurate assessments of what they believe to be the situation as it relates to America's national security interests to the Speaker and to any others that they might brief, including myself from time to time. I expect that to be the case. I think the Speaker expects it to be the case. I'm sure that every other person being briefed expects it to be the case. I certainly hope that it is the case. But whether it is the case or not, the gentleman's logic, therefore, that the Speaker shouldn't listen I don't follow.

Mr. CANTOR. I reclaim my time to try and clarify my logic, Mr. Speaker.

I think the gentleman and I both agree that we have heard the Speaker indicate her position that she is not being told the truth. And if she continues to have the briefings, has something changed? Has something been restored to the process that there is integrity in these briefings? And if so, does that mean that the Speaker of the House has retracted her position that somehow we've been misled by the CIA?

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

The gentleman continues to state his position. I continue to tell him that his reasoning confounds me; and, therefore, I find it not worthwhile to repeat it for a fourth time.

Mr. CANTOR. I thank the gentleman for his patience and would say, again, that we have still not given the American people the transparency on this issue that they deserve. The Speaker of this House has made allegations in a very serious way about our intelligence community. This House is given the oversight responsibility for our Nation's intelligence structure and operation. We all are here sworn to uphold our duty in that respect and the paramount duty of this body, to ensure this Nation's security. It is our belief that we should get to the bottom of this. We should have some sense of an investigation that can ensue to understand why the Speaker made such allegations. That is our position, Mr. Speaker. And if the gentleman doesn't agree that there needs to be something to shed some light on this on behalf of the people, then I guess we agree to disagree.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. I will repeat, we have a mechanism to do exactly what the gentleman suggests, finding out whether the truth has been told with respect to the briefings. Obviously there are differences of opinion. The gentleman knows that Senator Graham, a former chairman of the Senate Intelligence Committee, says that he was not briefed on the issues in question. He is a former governor of Florida, a respected Member of the United States Senate, mentioned for the presidency of the United States, a gentleman for whom I have great respect, as I have great respect for the Speaker. There is a mechanism that is in place, that is available; and I would certainly hope, very frankly, that the committee is, in fact, pursuing the facts as they perceive them to be necessary to be disclosed.

So there is a mechanism in place. I hope that mechanism is being pursued. But it does not relate to the Speaker. The gentleman wants to focus on the Speaker, in my opinion, for partisan reasons.

Mr. CANTOR. I reclaim my time, Mr. Speaker.

Again, the gentleman and I can have a discussion here without such allegations being made on the floor. The position that we have taken is in response to direct statements made by the Speaker. There is no partisan accusation here. This is in response to direct statements made by the Speaker. We have a situation that we need some type of independent third party to intervene here. If there is ever an analogous situation in a court of law when one party accuses another of not being truthful, there must be some way, some independent mechanism to determine whether and what was the truth. This is my question again, and the gentleman may continue to be confounded.

My question again is, what has changed? If the Speaker doubts the veracity of the information she receives from the CIA but continues to receive that information, how is it that that process doesn't harm the national security of this country?

I yield to the gentleman.

Mr. HOYER. I continue to be confounded. I presume and hope, and the Speaker hopes, I'm sure, and everybody who receives information from the intelligence community believes and hopes that it is accurate and is as good an assessment and as honest an assessment as can be given. Everyone hopes that. Mr. HOEKSTRA, who is on the floor, hopes that. Mr. REYES, who is the chairman of the committee, hopes that. I hope it when I am briefed. I am sure you do as well when you are briefed. But if it's not, I don't hold myself culpable, you culpable, Mr. HOEKSTRA culpable or Mr. REYES culpable.

So I continue to be confused that your focus is on the Speaker, not on the quality of the information.

Mr. CANTOR. Reclaiming my time.

Mr. HOYER. Every time you don't like my answer, frankly, Mr. CANTOR, you reclaim your time. I regret that.

Mr. CANTOR. Mr. Speaker, I would just respond to the gentleman. I am focusing on the Speaker because that's where the statements came from.

Mr. HOYER. No. The statements came from the CIA, apparently.

Mr. CANTOR. The statements came from the Speaker that she believes she has been misled, and this Congress has been misled. And she said again today that she is continuing the process of being briefed. What has changed? I would ask the gentleman, what has changed in the Speaker's mind that she continues to receive briefings when she alleges mistruths?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. Let me pose to the gentleman a question:

The CIA briefs you. You believe the information that you have received is inaccurate. But on your premise if you say I believe it is inaccurate, the solution you suggest is that you no longer get briefed. That is what confounds me. That is what I think is perverse reasoning and with which I do not agree. That is my answer. I think this discussion is not bearing fruit.

Mr. CANTOR. Again, Mr. Speaker, I would respond by saying that the American people deserve some transparency. We deserve to get to the bottom of the very serious allegations that have been made about the CIA and their conduct in front of this body.

So with that, Mr. Speaker, I thank the gentleman.

I yield back my time.

ADJOURNMENT TO MONDAY, JUNE 8, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, June 9, 2009, for morning-hour debate.

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

There was no objection.

PERMISSION TO FILE REPORT ON H.R. 2454, AMERICAN CLEAN ENERGY AND SECURITY ACT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce may have until 11:59 p.m. on Friday, June 5, to file its report to accompany H.R. 2454.

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

There was no objection.

GENERAL MOTORS AND HEALTH CARE REFORM

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

Mr. DINGELL. We all know the terrible situation in the auto industry and in the Nation in general. On Monday, General Motors filed for Chapter 11 bankruptcy. I know that GM will emerge from the court poised to again lead the world in the automotive sector, but the process will be painful. The company will cut 21,000 employees, 34 percent of its workforce; and this does not include elimination of 2,600 more dealers. Furthermore, it comes on the heels of Chrysler's layoffs and downsizing.

Unfortunately, this problem is not at an end. A recent study for the Center for Automotive Research shows that when you include jobs losses from suppliers and other companies tied to GM and Chrysler, we could see 250,000 jobs, or more, lost over the next 19 months.

This week GM announced they are closing the Willow Run transmission plant in Ypsilanti Township, Michigan, in my district, along with 13 other plants, six of them in Michigan. By 2010, 1,110 more GM workers will lose their jobs in my district. This is associated with not just loss of jobs and retirement, but loss of comprehensive health care for our people. This becomes now a major reason for us to pass major health care reform and a greater reason to see to it that we address this problem of health care reform and legacy costs so that our industry will not be destroyed.

THE IMPORTANCE OF NUCLEAR ENERGY TO AMERICA

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I listened with interest to the President as he spoke in Egypt today. There are a lot of things to talk about, but in 1 minute you can't talk about most of them.

Let me just make one comment. It was interesting that the President made a very pointed statement that the country of Iran deserves to have the opportunity to use nuclear power in a peaceful way. I find it very interesting that the President thought that that was a part of energy that he ought to emphasize overseas.

My question is this: When will the President, when will his administration, when will this House understand that energy produced from nuclear power is appropriate not only for Iran and other countries around the world, but for the 50 States in the Union? When will the President understand that nuclear energy is a source that we ought to look at? And as the President gives us his various plans under the climate change rhetoric, why does he not realize the importance of nuclear energy for his own people?

STOP E-VERIFY DELAYS AND PROTECT AMERICAN WORKERS

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

Mr. SMITH of Texas. Mr. Speaker, 13 million Americans are out of work, but 8 million illegal immigrants hold jobs in the United States. Yet the Obama administration has just delayed for the third time a requirement that Federal contractors use E-Verify to make sure that they hire legal workers. U.S. citizens and legal immigrant workers should not have to compete with illegal immigrants for employment, especially taxpayer-funded Federal contract jobs. The Federal Government has several hundred billion dollars worth of contracts, each with good jobs that rightfully belong to American workers. E-Verify is the best tool to ensure job security for them. E-Verify works. It immediately confirms 99.6 percent of work-eligible employees. More than 127,000 companies now use E-Verify, and Federal contractors should be required to use it. The Obama administration should put American workers first. They must stop delaying the requirement that Federal contractors hire legal workers.

□ 2045

HEALTH CARE REFORM

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

Mr. KINGSTON. Mr. Speaker, Republicans stand for health care reform, and there are a number of things that we think should be a part of it.

Number 1, we want good intelligence. We want high technology so that Americans can figure out what are the best procedures, who are the best doctors, who are the best providers, and what are the best prices. We think we should take advantage of all the IT that is out there.

Number 2, we want medical savings accounts. We believe that the market should be put into action so that people can save money and be incentivized to put some of that money in their pocket if they don't spend it by the end of the day.

Number 3, we don't believe that health care decisions should be made by insurance companies, HMOs or Washington bureaucrats.

Number 4, we believe there should be less frivolous lawsuits. We certainly want to protect the tort laws in America, but we don't want frivolous lawsuits.

Number 5, we believe the patient-doctor relationship should be preserved and that we should not have a British-, Canadian- or German-style centralized government planning where the doctor-patient relationship is destroyed.

WHY ARE AUTOMOBILE DEALERSHIPS BEING CLOSED?

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

Mr. MORAN of Kansas. Mr. Speaker, I rise tonight to express confusion and concern. For much of the week, I have tried to find an answer to the question about why automobile dealerships across the country are being closed. I thought maybe this week I would return to Washington, D.C., and find the solution, that someone would know and provide an explanation. I cannot understand how closing automobile dealerships, those who sell automobiles, is advantageous to the bottom line, the profit of General Motors or Chrysler. This can't be a market-based decision. There must be some political consideration that is ongoing to encourage these dealerships to be closed.

The closing of those dealerships is devastating to communities as well as the businesses that we are closing, and at the same time provide no economic improvement in the bottom line of our automobile manufacturers.

So, Mr. Speaker, I again ask those of my colleagues and those at the White House, the automobile task force, is it a political consideration that is occurring to encourage General Motors and Chrysler to disenfranchise their franchisees or is there some market-based decision on which this is based? And yet no one can provide that answer.

THE INTELLIGENCE COMMITTEE LACKS INFORMATION FROM THE SPEAKER OF THE HOUSE

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

Mr. HOEKSTRA. Mr. Speaker, I was listening to the colloquy this evening as we were talking about what next week might bring in terms of the business. And as the majority leader and the minority whip were going through the process, the question that was asked was: Is the intelligence committee or was the intelligence committee assumed to be moving forward on investigating the allegations that the Speaker has made that the CIA, over a long period of time, consistently lied to Congress?

I can inform the Members that now that process and that investigation is not going on because one of the things that has not happened is that the Speaker of the House has not outlined or directed the committee as to where she believes she was lied to over this period of time. And she has presented no evidence that backs up the claims that she has made.

If that information is provided to the committee as to the direction and to the evidence that this action actually took place by the CIA, I think the committee hopefully would be ready to move forward. But at this point in time, we wouldn't know what to take a look at, and we wouldn't know what direction to move in.

HONORING CARTERSVILLE HIGH SCHOOL FOR WINNING THE 2009 GHSA STATE BASEBALL CHAMPIONSHIP

(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, I rise to recognize a very talented group of young men from Cartersville, Georgia, in District 11. This past weekend, the Cartersville High School Purple Hurricanes claimed the Class AAA Georgia High School Association State Baseball Championship. Success on the baseball diamond is nothing new for Cartersville High School, which has won back-to-back State titles and claimed five championships since 2001. However, this year's title was extra sweet, as the Canes rallied back from a 7–5 deficit in the third game of the championship series, defeating the Columbus Blue Devils, who were the third ranked high school team in the Nation. The final score was Cartersville 10, Columbus 7.

I ask that all my colleagues join me in recognizing Coach Stuart Chester and the Cartersville High School baseball team for their successful season as well as the hard work that got them there. And with a team that has made winning a tradition and brought home two straight State championships, the next question is: Can Cartersville make it a three-peat?

I feel sure that they can, Mr. Speaker.

NATIONAL CPR/AED AWARENESS WEEK

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as an emergency medical technician to express my support for the National CPR and AED Awareness Week.

Only 8 percent of sudden cardiac arrest victims survive. But with simple training, anyone can attempt to save the life of a sudden cardiac arrest victim with cardiopulmonary resuscitation and with automated external defibrillators. Prompt delivery of CPR more than doubles the chance of survival, and using AEDs helps save lives because they can restore normal heart rhythm.

The American Heart Association, the American Red Cross, and the National Safety Council are all promoting training and awareness this week. But this lifesaving training must extend throughout the year.

A bill we passed this week, the Josh Miller HEARTS Act, authorizes funding for schools to purchase AEDs and to train staff in CPR.

For 30 years, I have responded to such emergencies in rural Pennsylvania, and with H.R. 1380, our rural schools will be prepared to handle cardiac emergencies.

Please join me to celebrate National CPR and AED Awareness Week and learn to save a life.

FAREWELL TO PAGES

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

Mr. KILDEE. Mr. Speaker, as chairman of the House Page Board, I would like to take this opportunity to express my personal gratitude to all the pages, some of whom we have here tonight, for all they have done to serve so diligently in the House of Representatives during the 110th and 111th Congresses.

I have attached a list of the fine young men who have served this House as pages, along with the young ladies, who when I first came here were not pages. You have seen the progress of this country also.

I have attached a list of the fine young people who have served this House as pages, and their names will be made part of the CONGRESSIONAL RECORD.

We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate. These groups of young people, who come from all across our Nation, represent what is good about our country.

To become a page, Mr. Speaker, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and their energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face a challenging academic schedule of classes in the House Page School.

You pages who are here tonight, and those who may be listening, have witnessed the House debate issues of war and peace, hunger and poverty, justice and civil rights. And between the 110th and the 111th Congress, you have seen the occupant of the White House change.

You have lived through history.

You have seen Congress at moments of greatness and you have seen Congress with its frailties. You have witnessed the workings of an institution that has endured well over 200 years.

No one has seen Congress and Members of Congress as close up as have you. I am sure that you will consider your time spent in Washington, D.C., to be one of the most valuable and exciting experiences of your lives, and that with this experience, you will all move ahead to lead successful and productive lives.

Mr. Speaker, as chairman of the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

As I walk by the desk on both sides, I like to say hello to you. And I'm proud of you, and you have given the Page Board much to be proud of this year. You certainly will be missed.

And before yielding, Mr. Speaker, I would like to thank the members of the House Page Board who provide us such fantastic service to this institution:

Congressman ROB BISHOP, the vice Chair of the Page Board; Congresswoman DIANA DEGETTE; Congresswoman VIRGINIA FOXX; Clerk of the House, Lorraine Miller; Sergeant at Arms, Bill Livingood; Ms. Lynn Silversmith Klein and Mr. Adam Jones. I want to thank them for their service on the House Page Board.

I thank you all, our departing pages.

And, Mr. Speaker, at this time, I yield my time to the vice Chair of the Page Board and my friend, Mr. BISHOP of Utah.

Mr. BISHOP of Utah. I thank my good friend from Michigan for yielding time.

It has been an enjoyable time being a part of the Page Board as part of the page process. To the pages who are here and the ones who are not here because you still have to do work in the

morning, we are very grateful for your having joined us here, some for a semester, some of you for a year, but for your time and your dedication in helping to serve the House of Representatives.

I think, if nothing else, you have written many eloquent words about what you have seen and what you have not seen and what you have experienced here. But, if nothing else, I hope that it instilled within you this idea the United States had of self-government still does work, that you put together people who are not experts, not trained to be parliamentarians, put us all together and give us the information and still, in a very cumbersome process, we can come up with the right answers and with solutions.

Man can govern himself.

Through all the years that I have stayed involved in politics, first in the State legislative system and then here in Congress, I still come back to that one belief: The system of self-government does work. People can govern themselves.

And that is the positive element that I hope you take with you back home as you return from this experience here in Washington, D.C.

So the pages who are here, the pages who are still part of the program and not here this evening, we are thankful for you. We are grateful for you. We hope you have had a wonderful experience, and we hope you take back some kind of thrill of the idea of participating in government with you as you go back to your homes and continue on with your education.

Mr. KILDEE. If I might add, that among all of your accomplishments here, one thing the pages have done, you and your predecessors have really seen at least one unit of the House that is totally nonpartisan. We work together so closely because of our concern for you that we always arrive by consensus at the decisions we make in the Page Board. Our concern for you is that great.

I consider ROB BISHOP one of my very special friends. We don't always vote alike on other things, but we always reach agreement when it comes to the pages to help us realize that we should come together on those things that are extremely important, and there are probably some other things we can probably do that on, too.

Thank you very much. God bless all of you.

FALL 2008 SESSION PAGES

REPUBLICAN PAGES (24)

Corinne Austin–R
John Brinkerhoff–R
Sara Bromley–R
Riley Brosnan–R
Paige Burke–R
Eaghan Davis–R
Ella Davis–R
Evan Elsmo–R
Adidoreydi Gutierrez–R
Caroline Hill–R
Rebecca Jacobson–R
Audrey Knickel–R
Elizabeth Matenkoski–R
Denee McKoy–R
Caroline Miller–R
Parker Mortensen–R
Andy Nguyen–R
Nathan Pike–R
Emily Raines–R
Trace Robbins–R
Rory Roccio–R
Jessica Starr–R
Nebyat Teklu–R
Sean West–R

DEMOCRAT PAGES (36)

Jonathan Bigelow–D
Priscilla Brock–D
Rachel Chavez–D
Campbell Curry-Ledbetter-D
Joseph Dellasanta–D
Julie Ebling–D
Michelle Flores-Carranza-D
Trevor Foley–D
Rachel Fybel–D
Daniel Grages–D
Haley Hannon–D
Erin Hawkins–D
Jasmine Jennings–D
Leah Jones–D
Sara Katz–D
Evan Kolb–D
Monica Laskos–D
Alexander Leiro–D
Alexander Lichtenstein–D
Anjelica Magee–D
Sophia Mai–D
Nicole Mammoser–D
Edson Martinez–D
Margaret Mikus–D
Mary Miller–D
Eric Polanco–D
Tre'Shawndra Postell–D
Anna Pritchard–D
Manasa Reddy–D
Sacha Samotin–D
Samantha Schiber–D
Joseph Tanner, Jr.–D
Raven Tarrance–D
Nicholas Wisti–D
Cameron Younger–D
Anam Zahra–D

SPRING 09 PAGE CLASS (68 PAGES)

DEMOCRATIC PAGES

1. Kate M. Lonergan
2. Rena L. Wang
3. Jose Echevarria-Acosta
4. Ashley M. Sharpe
5. Ashleé E. Dubra
6. David G. Greenblatt
7. Benjamin D. Talkington
8. Joseph T. Oslund
9. Marissa E. Williams
10. Stephen E. Seely
11. Allison Ko
12. Sally Phang
13. Margaret A. McDermut
14. Caleb C. Overgaard
15. Tucker A. Travis
16. Olivia H. Rutter
17. Megan E. Jeffries
18. Hayden M. Hislop
19. Bernadette V. Silva
20. Sarah C. Kovar
21. Cameron W. Smalls
22. Logan C. Davis
23. Crystal Williams
24. Matthew J. Furlow
25. Haley P. Whiteside
26. Haian H. Nguyen
27. Sabrina E. Anderson
28. Blagica Madzarova
29. Campbell Curry-Ledbetter
30. Samantha Schiber
31. Sacha Samotin
32. Michelle Flores-Carranza
33. Manasa Reddy
34. Jasmine Jennings
35. Raven Tarrance
36. Anam Zahra
37. Alex Leiro
38. Sophia Mai
39. Erin Hawkins
40. Alex Litchenstein
41. Nicole Mammoser
42. Anjelica Magee
43. Monica Laskos
44. Priscilla Brock

REPUBLICAN PAGES

45. Alexander C. Gaillard
46. Melissa M. Young
47. Samantha L. Heaslip
48. Audrey C. Scagnelli
49. Levi S. Craghead
50. Dillon L. Shoemaker
51. Taylor A. Imperiale
52. Hannah M. Dudley
53. Courtney A. Doolittle
54. Anna E. Wherry
55. Nicholas R. Humann
56. Anthony R. Siviglia
57. Cody D. Willming
58. Alex R. Bruner
59. Jessica L. Schneider
60. Ella Davis
61. John Brinkerhoff
62. Sean West
63. Emily Raines
64. Rory Roccio
65. Andy Nguyen
66. Audrey Knickel
67. Trace Robbins
68. Nebyat Teklu

Italics indicate returning Pages

□ 2100

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

(Mr. DINGELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DROUGHT IN THE SAN JOAQUIN VALLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COSTA) is recognized for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise this evening to discuss what continues to be pernicious drought conditions that affect the people of the San Joaquin Valley, those in my district and my colleague's district.

I hope that most of the Members, if not all of you, recognize that we are now in three continuous dry year conditions in the San Joaquin Valley that is not only affecting the richest agricultural region in the United States, in California, but the entire State as well. A drought caused by Mother Nature, expanded and impacted by numerous judicial decisions and legislative changes, has very, very much devastated the economy of the valley I represent.

Water is the lifeblood of the agricultural communities in my district, supplying over a $20 billion industry in the

San Joaquin Valley that provides half the Nation's fruits and vegetables, Number two in citrus production, Number one in production of wines, the list goes on and on, 300 commodities that are grown and produced; Number one dairy-producing State in the Nation.

Sadly, if this drought continues, we will find not only the San Joaquin Valley but the entire State of California, that is already economically depressed, further set back.

Today, unfortunately, the National Marine Fisheries Service finalized a biological opinion asking for modifications in the Central Valley Project and the State Water Projects that would divert even more water away from the agricultural communities and the San Joaquin Valley. This biological opinion, I think, on top of the additional reallocations of water, could relocate a very, very significant amount of water and make a very fragile system even more difficult to operate.

We have a sad situation where communities have 41 percent, 38 percent, 34 percent unemployment. While we have a deep recession facing all parts of our country, when you have those kinds of unemployment numbers, they are depression-like circumstances that we're facing.

We have food lines. I have been with my constituents in those food lines, some of the hardest working people you'll ever meet that, sadly, today, are asking for food. These people would normally be working if the water was there. If you had water, you'd have jobs, you'd have food. They would be working to put food on America's dinner table, but they're not today because of this man-made and Mother Nature-combined drought.

There are numerous factors that come together to issue this biological opinion, but I don't believe that the biological assessment supports the biological opinion because it only deals with one of the contributing factors that are cause for the decline in fisheries in the Sacramento San Joaquin Delta. What the biological opinion ignores is the presence of invasive species, striped bass that were actually planted there, non-native in the 1920s, tertiary treatment from sewage facilities in Sacramento and Stockton which caused ammonia to leak into the Sacramento San Joaquin River systems. It would cost $2 billion for Sacramento City to fix this ammonia problem, but they don't want to deal with that.

We have over 1,600 pumps in the delta that divert water that are unscreened. And we have non-point source pollution from the surrounding urban areas because they've quadrupled in population.

In sum, this administration must understand that, while we've lost over 30,000 jobs this year, if this drought, God forbid, extends a fourth or a fifth year, there will even be greater impact. Without water there is no work and there is no food, and that impacts not just California but the entire Nation.

We must work together to address the drought crisis in California in the short term and in the mid term. These fixes include factors that could lead to improving and moving water around, to get water supplies to those who need them, to deal with pump schedules and conflicts that arise, to increase the water bank, to ensure that in the next 6 months and the next year and beyond, that we do everything possible on the State, with the Federal Government's collaboration, to ensure that we deal with not just the fisheries of California, but people who have lost their jobs and whose lives have been impacted. That's what we need to do.

We have a water system in California that was designed for 20 million people. Today we have 38 million people. By the Year 2030 it's estimated that there may be 50 million people in California. It's now time to fix the problems in the delta in a comprehensive fashion, not simply by impacting those who grow the food in our Nation.

Mr. Speaker, I will submit the rest of the information for the RECORD.

I rise to discuss the drought that continues in our San Joaquin Valley.

As you all should know by now, we have faced three years of drought conditions in the San Joaquin Valley, further exacerbated by numerous judicial decisions and legislative changes to benefit fisheries and water quality in other areas of California.

Unfortunately, we are still a long ways from bringing solutions to our Valley.

While we have found some short-term fixes such as water transfers and temporary projects that will bring drought relief to our distressed communities, we must not forget the fact that this drought could continue for a fourth, fifth, or sixth year.

Water is the lifeblood of communities in my District, supplying a robust $20 billion industry in the Valley that provides over 50 percent of the nation's fresh fruits and vegetables.

If this drought continues into the years ahead, we must be prepared to ensure that those hard-working people in the San Joaquin Valley who work to put food on America's dinner table will not stand in food lines and go hungry.

This is unacceptable, and we cannot sit by and watch it happen.

Today, the National Marine Fisheries Service finalized a biological opinion asking for modifications to the Central Valley and State Water Projects that would divert even more water away from agricultural communities in the San Joaquin Valley to protect salmon, steelhead, and green sturgeon populations in the Delta.

Over the past several years, more than three million acre-feet of the Central Valley's federal water supply has been reallocated as a result of similar decisions.

All the while, fisheries such as the Delta smelt are still on the decline!

If this system were working, we would not see this happening.

Today's biological opinion adds yet another 330,000 acre-feet to that total.

This decision is unwise, and will have very serious implications for Valley farmers and communities.

Agricultural communities south of the Delta, especially in my District, will bear the entire brunt of today's biological opinion facing further reductions in water supply allocations when they already face Depression-level unemployment numbers and food insecurity.

People are standing in food lines and being turned away; unemployment has risen above 35 percent in many Valley towns.

There are numerous factors that can lead to the decline of fisheries in the Delta, but federal agencies continue to only focus on the state and federal pumps that supply agricultural communities in the Valley.

Federal policy should take all factors into account, such as: the presence of invasive species such as striped bass. tertiary treatment from sewage facilities in the Sacramento and Stockton area which cause ammonia to drain into the Delta, over 1,600 private pumps in the Delta diverting water without screens, and non-point source pollution from the surrounding urban areas, among other factors.

In sum, the administration must understand that over 30,000 farm-workers have lost their jobs due to limited water supply allocations.

How much more can we stand?

Without water, there is no work; there is no food on the table. There is no San Joaquin Valley.

We must work together not only to address the drought crisis in the short-term, but also to find long-term solutions to California's water supply needs.

In the short-term, the Administration must get more creative in finding ways to fix the Delta.

This includes looking at all factors that could lead to the decline of fisheries, not just federal and state pumps.

It also includes expediting transfer activities that will get water supplies to those who need them.

Resolving pumping schedules and conflicts before they arise.

And identifying any present or near future yields for south of the Delta water users.

Beyond this, we have a system that was designed for 20 million people, and we have 38 million now. We might have 50 million by 2030.

We must work to address California's long-range infrastructure needs.

D-DAY JUNE 6, 1944

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, Saturday, June 6, 2009, will mark the 65th anniversary of the invasion of Normandy. Operation Overlord was the code name, but most folks know the massive invasion by its military term. We call it D-day.

We honor the amazing men who stormed the beaches at Normandy on that historic day. Utah, Sword, Gold, Juno and Omaha beaches were the names of the invasion sites.

June 6, 1944, was a wicked day of weather. The seas were high and the rain came in hard. The sky only broke occasionally for the Allied air cover to protect the landings.

Our boys laid claim to the beachheads inch by bloody inch. The Rangers climbed the cliffs at Pointe du Hoc

under heavy, brutal German fire. The sand was stained red with the blood of young American warriors and that of our friends, our allies.

Felix Branham went ashore at the second wave of Omaha Beach as a demolition man. Felix had joined the National Guard in 1938. Branham said of his landing: ''The water was so rough. The guys were getting seasick. I saw water spilling up over the sides of our landing crafts.

''The seawater was splashing in on us from shells bursting and rifles hitting our boat. But I never raised up and looked over to the side of that boat. None of us did.

''When we got off the landing craft, the water was up to my knees. Of course, the tide was rising a foot every 10 minutes and we had to get in quick, because high tide would cover up the obstacles in the water that we used for cover and we would be blown out of the water. They were firing at us from everywhere.

''When we got to the beach, there were Rangers who were separated from their units piling in with us at the same time.

''My team was the first one to go over the sea wall; and I saw some of my friends die.

''In my team of 30 men, we had lost only about five or six of those men. We were lucky. God knows how lucky we were. We went up the hill and then we crossed over Omaha Beach and eventually made it to a little French town.

''The day after D-day, I walked up to the beach, went up and down the beach and saw guys lying on the beach who were dead. They were there with their eyes open, their rifles ready. They were solid in their death.''

Mr. Speaker, these brave men who cracked the Nazi grip on Europe began with the liberation of France 65 years ago. And then from there they went on to Germany. Nothing like it had ever been done before in history. Over 150,000 Allied soldiers hit the beaches during the assault landings on the 6th of June. By the 4th of July, over 1 million joined the invasion force through Normandy. It was a miraculous feat for 1944.

These young men were from every State and territory of the United States. They were young and hailed from places in the rural farmlands to the big cities. Many had never been but a few miles from home until they went ashore and overseas. They have been called the Greatest Generation.

Growing up, I learned that my dad, a farm boy, served in the great World War II as a soldier in Europe. He was only 18. That's all I knew. Neither he nor my mom, a war bride, ever said anything about my dad's service until they went to a certain place. Here is that place, Mr. Speaker, a place called Normandy.

They went on the 50th anniversary of the D-day landing. When he came back to Texas after this grave-site visit here in this photograph, he started talking about his buddies, those that had lived, and those that had died. He talked about the concentration camps he saw like at Dachau, and how he nearly froze in the Battle of the Bulge, and much, much more.

But he claims to be no hero, even though he is my hero. He says the real heroes are buried right here in this cemetery at Normandy, his fellow warriors who gave up their youth so our country could have our future.

Mr. Speaker, some today forget the feats of these warriors of World War II. Those World War II troops went to liberate but not to conquer. They fought for a people they didn't even know in a land they had never seen. They freed an entire continent of Europeans from tyranny and wanted absolutely nothing in return.

Mr. Speaker, here are some of those Americans that never came home: 9,387, to be exact, still buried in graves in Normandy. Buried on the cliffs, their white crosses and their Stars of David shine and glisten in the morning sunshine over Omaha and Utah beaches.

Mr. Speaker, others are buried in unmarked graves all over Europe, known only to God. They were great Americans and we should always remember them. We will always be proud, and we will always be free because of them.

And that's just the way it is.

REMEMBERING L. WILLIAM SEIDMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to remember L. William Seidman, known to many as Bill. Among his many life accomplishments, he served as chairman of the Federal Deposit Insurance Corporation through the recovery of the savings and loan industry following the massive scandals and excesses of the 1980s. He was a patriot, a wry intellect, and a very sharp financial system regulator.

Sadly, America lost Bill in mid-May, but his legacies will remain with us for years to come. Beyond his financial expertise, he led the effort for the creation of a State college in his home State, in the Grand Rapids, Michigan, area known as Grand Valley State University.

Education is a key indicator of individual success, and through the leadership of Bill Seidman, young and old alike can further their learning and obtain new skills to achieve their dreams. I can see why this achievement was said to have been one of Bill's proudest.

I've had the great privilege in my life of working with Bill Seidman during my own career, and most recently I invited him here to Congress to meet Members to engage his experience, along with that of Bill Isaac, another former effective Chair of the Federal Deposit Insurance Corporation, on the current financial crisis and the paths these two experts could suggest to resolve it and accelerate its resolution.

Of his major concerns, based on a life dedicated to finance and prudent banking system regulation and performance, Bill Seidman felt that the lack of regulation in the derivatives market, including credit default swaps, was a severe and continuing problem. He discussed how former Federal Reserve Chair Alan Greenspan opposed regulating these instruments because they were agreements between sophisticated parties and need not be regulated.

□ 2115

Seidman strongly disagreed, stating that he felt that the credit default swaps market was a dishonest one. His words were prophetic.

Seidman also felt that securitization lay at the heart of the housing crisis because of the way the practice is carried out. He said they take a bunch of mortgages, they bundle them up, and then they sell them off without any connection to the value of what they are selling. He said, ''If you can make money off garbage, go ahead and sell garbage, as long as you don't have to deal with it later.''

Both Bill Seidman and Bill Isaac really advised America that we needed to fix securitization, including making sure that bankers have real ''skin in the game,'' that is, hold on to some of the risk rather than passing it all forward. I couldn't agree more strongly. It's time for transformation in these instruments and in the overall financial system.

Our Members were honored to be discussing such matters with Mr. Seidman, as he had served as financial adviser to four Presidents, served as Chair of the Federal Deposit Insurance Corporation during a most difficult time as he helped steady our economic ship of State. And during his tenure, one of the Nation's largest banking scandals, the savings and loan crisis, unfolded, arising again out of a housing crisis.

Under his watch, the FDIC, through the Resolution Trust Corporation, was created to take over the troubled thrifts and resolve them. Bill oversaw that as Chair of the FDIC and closed or reorganized 747 institutions during the banking excesses of the 1980s. Their assets totaled over $400 billion.

The assets were seized and sold at bargain prices through the Resolution Trust Corporation, and the goal of getting the maximum for those toxic assets and reducing taxpayer exposure was primary. Still, that mess cost over $124 billion to the U.S. taxpayer. Stability was established at a great price, but after his tenure, rather than Congress tightening down on bad behavior and improving financial system regulation, it just opened the doors and rewarded bad behavior, and it carried us to our current sad state of affairs.

America will miss Bill Seidman's wisdom, his insight, his experience. He

continued his knowledge and advice right up until the day we lost him. May we remember Bill. We thank his family for his hard work and dedication to his callings and the lessons he learned and taught us. We need to reread his words and to act thoughtfully and swiftly to solve the current crisis facing our Nation. I know he would want that for sure.

I extend the sympathies of this Congress and our hope for strength to his family in the coming days to endure his loss, to Bill's wife, his children, his grandchildren, and great-grandchildren. He truly was a great American.

Our country was strengthened by his service and it is with a sad and grateful heart and mind that I yield back the balance of my time this evening.

LET'S QUIT RUNNING UP THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I very much appreciate my friend Ms. KAPTUR's comments and appreciate her insights. It's always very valuable.

And she believes, as I do, that we're making a big mistake by running up the deficit like crazy. Well, some say, well, it was going on back under the Bush administration. Yes, it was, and it wasn't right then, and it's even worse now that it's being multiplied many times. Every week, we're running up more of a deficit. It's got to stop.

China continues to buy our debt. We just sent the Secretary of the Treasury over to China to encourage them to keep buying America. Buy our debt because we cannot control ourselves. Can you imagine a parent going into a bank and saying, I need a loan because I can't control my spending, but you see my little children over there, I've even got some grandchildren, I am going to pledge to you that some day—I can't pay it back, but some day they will? Well, there would be a move to take the children away from somebody that irresponsible.

And yet we sent our Secretary of State over to beg China to keep buying our debt because we couldn't control our spending. We send our Secretary of the Treasury over there to tell them to keep buying our debt because we can't control our spending.

We've done things in the last weeks, like $25 million we voted for in this Chamber to buy land in foreign countries for rare dogs and cats. China has some. We'll borrow that money from China to buy land from China, so that they can have rare dogs and cats, if they're not eaten by people that are starving. And we are paying for that with interest while we run up our debt even higher. It makes no sense at all.

You know, I went back and did some looking. I remember pretty good—having been a history major, I've loved to follow things as they occur because we're told those who fail to learn from history are destined to repeat it, which as a corollary to that, those who do learn from history will find new ways to screw up, but that's another story. Right now, we're not learning from history.

But you can look back at the Soviet Union, and we were reminded by that by bipartisan speeches just yesterday as Ronald Reagan's statue was unveiled. It's a great statue, a great tribute to a great President. But as he pushed the SDI, the missile defense system, and the Soviets tried to keep up, they were spending too much money. They were running up too much debt, and people were nervous about loaning the Soviet Union more debt.

Do you remember as Eastern Europe, the Baltic States started rebelling, what happened? Russia had seen that happen before. The Soviet Union would roll in with tanks. They could put it down. But for some reason, they didn't roll in with tanks and suppress it like they had in years past.

Well, it appears there's information indicating that they were needing us to loan them $100 billion, which 20 or so years ago was real money, $100 billion to keep them afloat. And we gave them word, We got your country, but if you roll in with tanks, we're not going to be able to loan you that money. We owned their future, so we could dictate what they could or couldn't do. Does it ring any bells?

If we keep selling our debt as we can't control it, we can't control the spending—we vote in here tonight to spend millions and millions of dollars to pay people for not working, while they're called employees, when they are millions and millions of Americans who are champing at the bit to go back to work and to get paid to actually work. And this is what we're passing?

You know, some believe here in this body that running up the debt is what's going to save the country, and I've been told, look, we don't think we're wrong, but if we were wrong, we can always come back and fix it. The Soviets couldn't because at some point when you no longer own your future, you don't have a future.

We owe the people we represent. We owe our own children better than that. Let's quit destroying this Nation's future. Let's quit running up the deficit. I yield back.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana 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 Arizona (Ms. GIFFORDS) is recognized for 5 minutes.

(Ms. GIFFORDS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL 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 Maine (Ms. PINGREE) is recognized for 5 minutes.

(Ms. PINGREE of Maine addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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 PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Good evening, Mr. Speaker. I'm about to grab some boards but I will claim the hour, and we'll get started.

Well, Mr. Speaker, welcome to the progressive message. This is the hour that the Progressive Caucus comes forward to offer a progressive vision for America where we put down markers, and we signal to the American people that there is a progressive vision, there is a way forward, and that way forward does include principles like generosity, like inclusion, like vision, like openness, like fairness, like sharing, not a vision of fear, not a vision as, Oh, my goodness, what's going to happen, we have to throw someone off the bus, but a vision of saying, You know what, we can include people, we can have peace, we can have a society where people are treated equally and fairly.

In fact, a few weeks ago we had a Special Order where the premise was, why the progressives? And we detailed how important it was to take note of the great contributions that progressives have made to America.

So, with that, I just want to introduce the wonderful array of leaders we

have with us tonight, and I have to start with the co-chair of the Progressive Caucus, the person who's given more 5-minute speeches than anybody ever on the issue of peace, including Iraq but not limited to Iraq, also Afghanistan, demilitarization, the whole nine, none other than our own co-Chair LYNN WOOLSEY, and I yield to the gentlelady from California.

Ms. WOOLSEY. Thank you very much, and I thank you again for your progressive hour. Every week, the progressive hour is a gift to every person that watches us and wants to know what we stand for.

And we have two new women with us tonight. So we've all heard from me a lot, and I'm going to stand here and be part of the dialogue, but I think MAZIE HIRONO and Congresswoman JAN SCHAKOWSKY bring something that is new and fresh tonight.

Mr. ELLISON. Who do you want to yield to?

Ms. WOOLSEY. For me to yield? I will yield to Congresswoman HIRONO from Hawaii.

Ms. HIRONO. Thank you very much. We are going to be focusing on health care tonight for this hour, and I just wanted to share with all of you a little bit of my background because I know what it's like not to have health care.

I came to this country as an immigrant. My mother brought me and my brothers to Hawaii, lucky me, and raised us as a single parent. We didn't have much, and she worked for many years in a job that did not have any benefit, no vacation, no health care, and I remember growing up that my greatest fear was that my mother would get sick, and if she did, she wouldn't be able to go to work, and if she didn't go to work, there literally would not be money for food or rent.

So, today, in our country over 45 million people have no health insurance. I know what that's like. Our current system does not serve these millions of people, nor does our current system serve those who have health insurance because of rising costs which have not kept up with wages.

Our current system also does not serve our businesses well, where employer-based health insurance premiums have nearly doubled since 2000 and continue to rise.

We're spending in this country over $2 trillion annually on health care with no one happy, certainly not 45-plus million people without any insurance, certainly not the business community, certainly not those people who literally, many of them, in fact, many individuals who file for bankruptcy in our country do so because of catastrophic health problems and costs.

And our current system is spending almost 16 percent to 18 percent of the gross domestic product on health insurance, and yet with this kind of expenditure are we getting the kind of results that you would expect for each of us, spending something like $67,000 a year on health care? No.

American children are two times as likely to die by the age of five as children in Portugal, Spain, or Slovenia. Pretty amazing, isn't it?

Ms. WOOLSEY. It is an embarrassment.

□ 2130

Ms. HIRONO. It is. Did I mention the costs go up and up and up? There's no end in sight, frankly, to rely upon the private health insurance carriers to resolve this problem which has been with us. Remember, when I came here and my mother didn't have health insurance, it was a number of decades ago. I won't tell you how many, but the problems remain.

And this is why the Progressive Caucus is very much focused as we focus on reducing costs and maintaining access and choice for doctors and health care plans and really focusing on affordable quality health care, that we want to have a public option, a public option to give the people of our country a choice as to whether or not, if they have their current private carrier insurance and they're happy with it, they can stay with that. But for those who want to have another option, who want to see competition in the health insurance market through a public option, that's what the Progressive Caucus wants to see.

This is why so many people from all across the country are supporting health care reform. It's not just top down. We have all been having reforms all across the country, in my own State, and I can talk about that a little bit more. I think I have been sort of hogging the time, so why don't I send it over, if you don't mind.

Mr. ELLISON. Will the gentlelady yield back? Let me just say the gentlelady is right. Thank you for kicking off our subject tonight of health care. You did a fabulous job. None of us are surprised, because you always do.

But let's get one of our great champions from the great State of Illinois, a fighter for justice from Chicago. Let's say that JAN SCHAKOWSKY has been a dedicated advocate for people for many years in her work, not just in Congress, but before that when she was a social worker.

Ms. SCHAKOWSKY. Actually, I was a community organizer from Chicago.

Mr. ELLISON. This public option, Congresswoman SCHAKOWSKY, do you have any views on it you would like to share before you launch into some prepared remarks you might have?

Ms. SCHAKOWSKY. No. I have had people come into my offices—I'm sure you have too—day in and day out and talk about how they're so scared. They can't get the health care they need. They have a child with a disability or a spouse who's lost his job and lost his health care. And also people come in and say, you know, I'm 63 years old. I hope I can live another 2 years so I can get Medicare, a government-provided health care for our seniors and for persons with disabilities.

We know that Medicare is one of the most successful programs that we have had. It's something that passed in 1965 and lifted the burden of health care costs off of the most vulnerable people, our elderly and persons with disabilities. This is something that I think many young people are jealous of, wish they had this government-provided health care program that is really a universal program for people over 65 and persons with disabilities.

Well, now we have an opportunity, something I have been working and waiting for all of my adult life, that we're going to have a health care program for all Americans. And what is it going to look like?

It's going to give Americans a choice. If they like what they have, they can keep it. Nobody has to worry about anything being taken away from them that they like. But if they don't want to go back to a private insurance company and want something that we know is reliable because we have done it with Medicare and the Veterans' Administration, they can choose a public health insurance option.

The good news about that is not only will it be there to provide the package of benefits that they want, but it's also going to be something that's really going to save money and make the private insurance industry have to compete with that and make them even better.

Let me just read from a letter that the President of the United States, Barack Obama, from my home State, a former community organizer, sent yesterday to the chairman of the Senate Finance Committee, MAX BAUCUS, and the chairman of the Senate Health, Education, Labor and Pensions Committee, Senator EDWARD KENNEDY.

He wrote, ''I strongly believe that Americans should have the choice of a public health insurance option operating alongside private plans. This will give them a better range of choices, make the health care market more competitive, and keep insurance companies honest.''

The other thing he could have said is that it's also going to save us money by helping to reduce the costs all around for health care. In fact, there's been estimates that over 10 years about $3 trillion can be saved because there will be this choice of this health care option. And it is about time that the United States joined the rest of the industrial world and said, Yes, our people are going to get the health care they need, that it's going to be a right and not just a privilege for those who can afford it.

Let me just tell a couple of stories before I yield back, quick ones. The other day, a friend of mine proudly showed me a picture of her daughter that just had a baby in the hospital, a darling picture of mother and baby and mom holding the baby in one arm and a cell phone in the other.

I said, Isn't that adorable? She must be calling friends and family and telling about the birth of this beautiful

baby. And my friend said, Oh, no. She was on the phone with her insurance company right after the birth of the baby to make sure that things are covered.

You know, there are lots of insurance policies, private insurance policies, that don't cover maternity care. People sometimes aren't aware of that until they have a baby.

The other is I met a farmer about a month ago who told me he and his family had a $10,000 dollar deductible policy. Now, this man is included when we count who is insured in the United States of America, but the truth of the matter is this family isn't insured for most things. Unless something horrible happens, a terrible, catastrophic accident on the farm, for everyday health care they are absolutely uninsured, paying out-of-pocket costs.

So, Congresswoman HIRONO, you talked about the 47 million uninsured. Over half of all Americans last year reported that they had to forego or postpone some health procedure or prescription drug that they needed. And so we know it goes way beyond those who are uninsured into most Americans.

And now I got a new report today; 60 percent of all personal bankruptcies are due to health costs, and 75 percent of those people have insurance, so-called. That is, until they get sick.

Mr. ELLISON. Will the gentlelady yield back?

Ms. SCHAKOWSKY. Absolutely.

Mr. ELLISON. By the way, ask anybody to yield whenever you want them to. We will just toss the ball around kind of quick.

But you made a point that made me, like, leap to my feet. I just want to draw attention to this chart. Medical bills underlie 60 percent—I think, Congresswoman, that's the point you were making—of the U.S. bankruptcies. This is according to a recent study, Washington Reuters. Medical bills are involved in more than 60 percent of U.S. personal bankruptcies, an increase of 50 percent in just 6 years.

Now, we've had certain kind of folks running this place over the last 6 years, right?

Anyway, the U.S. researchers reported on Thursday that more than 75 percent of these bankrupt families had health insurance—another point that Congresswoman SCHAKOWSKY just made—but were still overwhelmed by their medical debts, the team at Harvard Law School, Harvard Medical School, and Ohio University reported in the American Journal of Medicine, a very, very reputable institution.

This is a quote from the study. ''Using a conservative definition, 62.1 percent of all bankruptcies in 2007 were medical. Ninety-two percent of these medical debtors had medical debts over $5,000 or 10 percent of their pretax family income,'' the researchers wrote.

Another startling quote, ''Most medical debtors were well educated, owned homes, and had middle class occupations.''

Now, that's pretty serious. I just want to just ask one of the three of you, do any of you have any reactions to this startling study?

I yield to the gentlelady from California, Cochairwoman WOOLSEY.

Ms. WOOLSEY. Well, you're actually telling my story. I think we all remember that. I've said it so many times to all of you.

Mr. ELLISON. We never get tired of it.

Ms. WOOLSEY. It was 40 years ago and my children were 1, 3, and 5 years old, and their father was emotionally ill and just abandoned us. I went to work. And I was like the 45 million people that are uninsured in this country right now; 85 percent of them are working. I mean, imagine that. So we can't depend on employers to provide all of the health care.

Well, I was working, too, and it was going to be months before I was eligible for health care. And certainly my husband's health care didn't cover us anymore.

And I want to tell you, I would wake up in the middle of the night and sit straight up and think what if one of my children got sick, what would I do. I mean, it would just overwhelm me.

Now, they were too young to worry about what would happen if I got sick, but I never thought I would, so I didn't even worry about that. But I had two boys and a little girl, and the boys were always breaking something, their arms. They played ball and they were rough and tough. They didn't dare do any of that while we were uninsured because I had no way to pay for it.

I was working. I was on welfare. But because of getting public assistance, then we were eligible for Medicaid, Medi-Cal in California. Then I stopped waking up in the middle of the night, frightened, so that I would have no breath because what if one of my children got sick, what was I going to do.

So if you wonder why—first of all, I would really support a single-payer system, and I will support nothing less than a good, robust public plan and a choice for every single American, even if they're covered by their employer. I want them to have that choice of no, I'd really rather go on this public plan because it's going to be good.

When we say ''robust''—I mean, we have talked about what does ''robust'' mean. Of course, it's quality care and it's accessible and it has benefits, comprehensive benefits, from prevention all the way through long-term care, so there's a way of meeting the needs of every single American.

Now, somebody who chooses their private plan, that's perfectly all right, but they get to have that choice. If they don't want their private plan, they have the choice of the public plan, and we're working on that.

We are really appreciative of this letter from the President today. And Senator KENNEDY is putting a lot of spirit behind a good, robust public plan.

But the Progressives are defining what that means. We're not going to leave it up to somebody else to decide for us that this is robust enough because we think—there's 80 of us in the Progressive Caucus and we have a big voice and this is very important to every single American.

Mr. ELLISON. If the gentlelady yields back, I would just encourage Congresswomen SCHAKOWSKY or HIRONO, would you care to respond to the recent study? I think Congresswoman SCHAKOWSKY already made a few comments on it.

Ms. HIRONO. Will the gentleman yield?

Mr. ELLISON. I will certainly yield.

Ms. HIRONO. I also mentioned the fact that so many of our working families who file for bankruptcy do so because of catastrophic medical expenses. And in a country that is spending $2 trillion a year on medical care and 45 million-plus people not insured, it's astounding that we continue this system, which obviously is not working for people who are working, middle class families, for businesses.

We have to do something. And the great thing is that we have an opportunity now, looking at all of this data, to come together to make some changes. For the first time, we have this wonderful opportunity, in over 15 years, to make some changes to the system that is not working for anybody, really.

Mr. ELLISON. Would the gentlelady yield for just a quick moment?

Ms. HIRONO. Yes, I'll yield.

Mr. ELLISON. Now, according to this study, it shocked me a little bit, Congresswoman, because I was under the impression that only people that were struggling in poverty—and the Progressive Caucus is all about fighting for people who are dealing with poverty, but I was under the impression this is just poor folks' problem. But this study seems to say something else.

□ 2145

I mean, what about this fact here? The medical debtors were well-educated, owned homes and had middle class occupations.

I would yield back to the gentlelady. Is this not a middle class problem?

Ms. HIRONO. It just points out how broken this health care system is when people who are working, when people who are educated and when people who have good jobs cannot afford their health care. So, again, it points out that there are things we need to do.

In fact, I had mentioned earlier in my remarks that many of us have been having health care forums in our communities. I had one in my community last week on the big island of Hawaii, and we had representatives from the hospitals, from the medical profession and from the dean of our medical school. While this whole health care issue is very complicated, certain common themes came out.

First of all, of course, is the recognition that the cost is astronomical and that there is no end in sight. In terms

of what we can do, I was really interested to know that there was this focus on prevention, on primary care. These are two areas that our current system does not reward, that it does not pay attention to, so we've got this topsy-turvy kind of a system where we're actually paying a lot of money for quantity, not quality, because if you really cared about saving cost—just focusing on the cost of health care for a moment—we would be spending a lot more on prevention so that people wouldn't have to go for long periods of time until their illnesses would be exacerbated and then they would have to go to the emergency rooms or wherever they would have to go to get much more expensive care. So prevention is really important, but our current system does not really pay attention to prevention.

Also, if we had more emphasis and support for primary care providers, it would be the same thing. We would probably save billions and billions of dollars every year by enabling people to see their primary care providers. Of course, we know that we don't have as many primary care physicians and nurse practitioners and others as we need; but if we spent more time on the primary care side, then we would avoid some of these really expensive kinds of treatments later on. So this system is very topsy-turvy.

I yield back.

Mr. ELLISON. I thank the gentlelady for yielding back.

Let me open the floor back up to Congresswoman SCHAKOWSKY. If you don't mind, I just want to pose to you a question. We have a Web site called www.progressivecongress.org. These are folks who want to talk to us, right? They posed a question. The question was: Doesn't employer-funded health care help to make American business less competitive globally?

Would you like to respond to this question?

Ms. SCHAKOWSKY. Absolutely.

If you think about the cost of an automobile, which a lot of people do think about—and we certainly want to encourage people to buy American cars, but there is now more cost for health care than there is for the steel in that car. That's how much it is.

Now, when you want to sell your cars around the world and be competitive and when you're competing against countries in which they have a national health care system and where they control their costs of health care, then it's pretty hard to do when employers are facing these double-digit rising costs in health insurance every year for their employees, those employers who are good enough to provide it or who have negotiated with their workers to provide health care benefits.

So, clearly, we have to find a way to get these health care costs under control. One of the best ways to do that is to have an efficient and quality public plan, and that's one of the reasons it's so important. Not only is the quality going to be great, but there will be cost-effectiveness.

I see you've got a chart about the administrative costs of health care. What we know is that, of all of these public plans that we have—Medicare, Medicaid, Veterans Administration—the administrative costs are very low compared to the private insurance companies.

As a progressive and as a community organizer—and still having that mindset—one of the things that we do as progressives is to engage grass-roots support.

Mr. ELLISON. Yes.

Ms. SCHAKOWSKY. That is one of the great things about our Web site, too, is that they can talk directly to us.

Let's face it: as we push for comprehensive health care for all Americans, the people who are profiting from the system as it is are going to be out there pushing against us. Mainly, we're going to find that the insurance industry is fighting tooth and nail in having to compete against a public plan. They're out there now and are saying that it's unfair and that it's not right that they should have to compete. Come on. They have had the market to themselves for all of these years, and here we are right now with a crisis in our country in health care.

When people think about the economy, lots of times what they're thinking about is health care. If they lose their jobs, what are they thinking about? Health care. If they had employer plans, they don't have them now. So what we have to do is organize. We have to mobilize. We have to have people out there demanding the kind of plan that's going to help their families, that makes sure that they can get the preventative care that they need and that they can take their kids to the doctor. They don't have to go to an emergency room and wait until the last minute until there is a really serious illness before they get any kind of help.

So I think one of the things that the Progressive Caucus can do is to go out and help mobilize people around the country to get behind a plan that does have a robust public health insurance option in it, too, because without that, you'd better believe that we're going to see the lobbyists from the insurance companies and probably from the pharmaceutical companies, like on the Medicare part D fiasco. So we want to create a partnership in the Progressive Caucus with Americans who want real change in health care.

Ms. WOOLSEY. If the gentlelady will yield.

Ms. SCHAKOWSKY. Absolutely.

Ms. WOOLSEY. Well, do you remember Harry and Louise in 1994 when the Clintons were proposing a national health care plan? The insurance companies got behind this ad about a couple, an ad that cost millions of dollars. It was talking about how bad this health care plan would be for America. Well, the insurance companies had enough industry and had enough funds to play that ad over and over and over. Also, the Clinton plan was much too complicated. Nobody could explain it to anybody. It never got all the way to being finished in the first place. Do you know what? People would not be bullied by that kind of ad now.

Mr. ELLISON. Right.

Ms. WOOLSEY. They absolutely have gone through enough fear of losing their own insurance, if they have it and if they're employed. They pay more and get less every year for what is offered, and they never know if it's going to be there the next year.

Those are the people who were saying: No, don't fool around with my insurance coverage. It's good. I've got mine.

Then there were the seniors, retired folks: Well, I have my retirement. It's good. I'm really worried.

Then Harry and Louise scared them to death that we were going to take it away from them.

Ms. SCHAKOWSKY. You know, we're still hearing those same arguments against the public health insurance option. They're saying: Do you want the government standing between you and your doctor? Do you want the government telling you when you can go to the doctor?

That's just baloney.

Ms. WOOLSEY. Well, they're lies.

Ms. SCHAKOWSKY. It's absolutely baloney.

Ms. WOOLSEY. I truly believe that they are not going to pull the wool over the eyes of the majority of Americans. Doctors come to me or call me or stop me, and they say: Look, I was really against the Clinton plan because I was afraid of what I might lose.

One of my favorite doctor friends tells me that he would much rather deal with Medicare than with the insurance companies, point blank.

Mr. ELLISON. Right.

Ms. WOOLSEY. He said that they're not perfect, but that they're way better to deal with.

So I think that there is going to be a whole different set of supporters for this when we get it down and out and when we let people know exactly what it is.

Ms. SCHAKOWSKY. Let me just say one thing.

Senator WHITEHOUSE said that this is not a Harry and Louise moment; this is a Thelma and Louise moment. You'll remember in the movie that they were driving toward a cliff. Actually, as the President pointed out when he said it, they fell off the cliff . We don't want to drive off a cliff, but that's where we're heading right now in this country with health care. The kind of plan that gives the choice to Americans and that allows all Americans to be covered will keep us from falling off the cliff and more. It will make our society much more healthy.

Mr. ELLISON. That's a very important point.

Let me yield to the gentlelady from Hawaii.

Congresswoman HIRONO, you had talked about the forums that you've had and that others have had, and that makes me kind of think about what Congresswomen SCHAKOWSKY and WOOLSEY are talking about in terms of organizing people.

What kind of coalitions do you see gathering at these forums? Are these folks who you didn't expect to see working together in the past but now maybe are?

I yield to the gentlelady.

Ms. HIRONO. Thank you for yielding.

That's the thing. This system is so broken that you've got people from all segments. You have Republicans and Democrats. You have doctors, nurses, hospitals, and providers.

Mr. ELLISON. Businesses. Small businesses.

Ms. HIRONO. Small businesses. You have them all coming in, saying: Let's really fix this. Let's identify the problem and let's fix it.

In our country, we like competition, but I don't think anybody could really say that there is competition going on among the private health insurance carriers. It's all very complicated. JAN talked about how, if you don't read the fine print, you don't even know if you're not covered for something that you think you're covered for. So it's all very nontransparent.

That's why the Progressive Caucus is supporting a public insurance option that is accountable and that is transparent. Believe me, those two adjectives do not apply to the private insurance carriers, because insurance is traditionally regulated, or in a manner of speaking, very little regulation actually occurs at the State level. I'll use Hawaii as an example.

The State of Hawaii regulates the rates for automobile insurance because Hawaii is a ''no fault'' State. The State regulates the rates for workers' compensation. I would say most States regulate workers' compensation insurance rates, but there is no rate regulation, and there is no review of the rates that private insurance health care carriers charge. In fact, most States, I would venture to say, don't even require any kind of information from their private insurance carriers. That is why there is no competition.

As Americans, we like competition. We want to see competition between a transparent, accountable public insurance option and a private option. Believe me, if people like their private options, or their private carriers, then that's what it is. It's a choice, and they can keep it. If they are satisfied, they ought to be able to keep it.

Mr. ELLISON. If the gentlelady would yield back, I want to ask a question of you, if I may. The question is: What do you think Americans say on this poll question: Do you think it is the responsibility of the Federal Government to make sure that all Americans have health care coverage or is it not the responsibility of the Federal Government?

Does anybody want to venture a guess on what most Americans say?

Ms. WOOLSEY. I think the Federal Government is responsible.

Mr. ELLISON. What do you think most Americans say?

Ms. WOOLSEY. I think they say the Federal Government is responsible.

Mr. ELLISON. You're right. Sixty-four percent of Americans said it is. Thirty-three said it's not. I think most people running for office would like to have those kinds of numbers.

Could I ask another question for anybody?

Ms. WOOLSEY. Sure.

Mr. ELLISON. Here is another poll question:

Which comes closest to your view, that the United States should continue the current health care insurance program in which most people get their health insurance from their private employers but some people have no insurance? That's one option. Two: The United States should adopt a universal health insurance program in which everyone is covered under the program, like Medicare, that is run by the government and financed by taxpayers?

Which one do you think Americans chose and what percentage?

Congresswoman SCHAKOWSKY.

□ 2200

Ms. SCHAKOWSKY. I don't know the exact number. I am not going to make a guess. But I think it's overwhelming that people feel that the government needs to be a player here in providing health care.

Ms. WOOLSEY. Well, KEITH, when one in every three Americans under the age of 65 was uninsured at some point in 2007 and 2008—imagine, every one of those people knows that they weren't being taken care of, that they needed something that was not available to them.

Ms. SCHAKOWSKY. So what's the answer? How many?

Mr. ELLISON. Well, the answer is, when it says, which comes closest to your view, 65 percent said the United States should have a universal health insurance program under which everyone is covered, and only 33 percent said no. And as I said, there's not one person in this body who wouldn't feel pretty good about those numbers. I know some people win by a higher percentage than that, but 65 percent is pretty good for anything. Overwhelming, as you said. So that leads me to a question that I want to offer to all three of you. Do Americans want the change that we're talking about? Or is a public option some kind of a lefty, far-out-there viewpoint that doesn't have any support?

Congresswoman HIRONO, do you have any points of view on this?

Ms. HIRONO. I think that when the American public finds out what we're talking about with a public option that they will support it because it's choice. Nobody is forcing anything down anyone's throat. So when the American public receives accurate information, as opposed to being scared to death, I think they know what the appropriate answers are. That's part of what we need to do here. That's what we're doing tonight, to talk about these options that we have to talk about, what kind of focus we should have in terms of how we're going to use our health care dollars: Are we going to use it for prevention? Are we going to use it for primary care? Are we going to make those kinds of decisions with regard to how we spend $2 trillion every year? We hope we can reduce that. But with accurate information, I think the American public is perfectly able to make the correct decisions or appropriate decisions.

Ms. SCHAKOWSKY. I was on FOX News not too long ago, and they said, Well, how do you know that the government is going to be able to really provide health care and it's not going to just be another big expensive bureaucracy? I said, Well, you know, we don't have to guess about it. We can just take a look at the record of the provision of health care. It's not just the low overhead cost. You go into a room of older Americans, 65 and older—and I am proud now to have my Medicare card. I just got it last week—and you say, Republicans or Democrats, do you think that we should just get rid of Medicare and send you out into the private market—actually, that's what we did with the prescription drug program—and there isn't going to be a person in that room who would support that kind of idea. I mean, people are longing to get old enough, hoping to make it until they get on Medicare because it really is a very effective program. Could it be better? It could be even better. We could have a Medicare prescription drug plan, and that would be a whole lot better than a private plan.

Ms. HIRONO. When you talk about the people who are already being covered by Medicare or are about to get there, the fact of the matter is that our country is a rapidly aging country; and, in fact, Hawaii has one of the fastest aging populations in the entire country. So the issue of health care coverage and how we're going to do it is very much on people's minds. When you talk about, how are people supposed to take care of their long-term care needs, that is a huge, huge concern in our country.

So what we should be also talking about is, how are we going to help our elders age in place as opposed to having to be institutionalized where the costs are so much greater? There are just so many choices that we can be making that truly enables the people of our country to sleep soundly at night, knowing their needs are being met.

Ms. WOOLSEY. One of the things we are going to hear, and we're already

hearing is, Well, we can't make the insurance companies compete with a public plan. It won't be fair to the insurance companies. Well, excuse me. The insurance companies have a huge marketing budget. They have an overhead that's so much more than the public Medicare program.

Ms. SCHAKOWSKY. I've heard their CEOs get paid pretty well, too.

Ms. WOOLSEY. Oh, and their CEOs get paid so much. If they can't compete with a public plan, oh, too bad. They'll either, you know, plus up and get better and only pay their CEOs so much or more people will go on the public plan. And if we have a good public plan, over the years—and I don't know how long it will be—it can lead to a single universal coverage.

Ms. SCHAKOWSKY. What we're going to have is an exchange that will allow for all these different choices for Americans. But let's face it, even the private companies now are going to have to play by different rules. For example, pre-existing conditions are not going to be a reason to exclude anyone on public or private plans any longer. There will be some defined benefits that have to be covered so you don't find out when you get sick that, Uh-oh, this wasn't covered, and we thought it was.

Congresswoman HIRONO, you talked about transparency and all of this whole industry of health care, which it really is in this country now, is going to be much more family-friendly, people-friendly, where you can understand actually what you're getting, and then you can decide what you want.

Mr. ELLISON. Can I just ask the question here, what is wrong—and I think as progressives we do have to address this question—with just having single payer? Let me just say, 2,275 people wanted to know that. That was from www.progressivecongress.org.

Ms. WOOLSEY. If the gentleman will yield to me, in 1993 I was actually a freshman, my first month, just sworn in to this House of Representatives. I was the first freshman to sign on to the single payer bill. JIM MCDERMOTT was then the author. I have been a single payer supporter. I would be so happy if we could move into single payer. The arguments I hear make some sense that by disrupting everything right now at once would be more harmful than putting together a plan that can get to the single payer. But I can tell you in my district—and I represent Marin and Sonoma Counties, probably as progressive a district as anyplace in this country—when I say what I just said, that we're not pushing for single payer, although the great majority, 90 percent of the Progressive Caucus would vote for a single payer right now today; but that's not 90 percent of the Congress, House and Senate. But when I tell my constituents that, I will tell you, they look like they could cry. They are so disappointed in me. I mean, it's like, What, you?

Ms. SCHAKOWSKY. Actually, when you ask the American people if you want either all private or all public or a choice of the two, the overwhelming response is that people want to have the choice of a private or a public. And so what we're doing now is building on what people feel comfortable with, and we certainly don't want to have people worrying that they're going to lose something that they feel pretty good about right now. So I think that the notion of having this competition between the two is the kind of plan that can move us forward to get everyone covered right now in the United States of America. We'll see how this multiplicity of choices actually evolves or turns out, or maybe it will be the thing that can last and be successful in providing all Americans with health insurance. But we're not in the business of scaring people that they're going to lose something that they find really works for them. Instead, we're in the business of giving people rational, good, quality choices.

Mr. ELLISON. For the record, I will not vote for any health care that does not include a public option. I will not do it. That's a guaranteed ''no'' vote.

□ 2210

And I cannot be dissuaded from that. And I also want to say I am a dedicated single-payer advocate. I am going to continue to raise this issue. I have before. But the fact is politics is the art of the possible, and we do have the limitation, as the gentlelady from California mentioned, of not having 100 percent of all the Congress yet being Progressives. And so we have to do what we have to do. And I have absolute faith that with the public option along the lines of Medicaid, Medicare, or the VA, that it will outcompete what these other guys are doing. And if they can't outcompete them, that is fine, but the fact is I believe that they will.

Let me yield to the gentlelady. Do you want to respond to this question that 2,275 people asked from www.progressivecongress.org? Do you want to answer that question, what is wrong with just having the single-payer? Or do you want to pass it?

Ms. HIRONO. I don't think there is anything wrong with the single-payer. But as you say, we are dealing with a lot of interests and ideas, and as President Obama said, this is a time when all of the perspectives ought to be given consideration and due respect. And I think that moving this discussion to a consideration of a public insurance option is a pretty large step, in my view. And if you add that in addition to the promoting of the use of information technology for medical records, and there are a number of other things we can do to move the ball so that we can get quality medical care for more people and have it affordable, I think that what we are talking about right now with the public option moves that ball in that direction.

Mr. ELLISON. We have a progressive America out there, and there are certain things they want answered. Another question they had was why do insurance companies have so much input into the health care reform debate; 1,704 people asked that question. Again, why do insurance companies have so much input into the health care reform debate?

Do any of one of you want to grab that one?

Ms. WOOLSEY. I will make a stab at it. They are organized. They have associations. They have a lot of money, and they will spend that money on advertising. They will spend that money on helping Members of Congress get elected. And I am not saying that every Member of Congress that takes donations from anybody or any industry votes with them, but I'm saying—

Mr. ELLISON. It sure helps.

Ms. WOOLSEY. This particular industry has wielded a lot of money and a lot of power around this Congress, but it is mostly that they have been able to choke off the information that the grassroots was not able to receive the first time around. That is not going to happen again. We are not going to let that happen.

All the money in the world is not going to be able to close down our voices, the thousands of people that are e-mailing us on our congress.org, and they know where we are with them and we are going to keep this. And the Democrats are with them for the most part. We are going to make it happen. The President is with them.

Mr. ELLISON. If the gentlelady would yield back, I just want to remind everybody by saying that, you know, President Obama did say that if we were starting a health care system from scratch he would be pushing single-payer, but we are not. You have people who have vested interests, who have settled expectations, and so if people are committed to the plan they have, they can keep that. But there will be a public option for people who want to do that, and under no circumstances can these insurance companies deny people for preexisting conditions and things like that.

Do you want to take another question?

Ms. SCHAKOWSKY. Sure.

Mr. ELLISON. Here is an important question people have. Why can't the public have the same insurance that Members of Congress have? And 953 people wanted to know that.

Ms. SCHAKOWSKY. Actually, that is exactly what we are talking about, making sure that everybody has a plan at least as good as the Members of Congress. It can be even better. Our Federal employee benefit plan, we have a choice of only private insurance companies that we can pick from. I think maybe people think that we have—and I'm certainly not complaining. We can pick a good plan, but it is not like Cadillac insurance. We pick among a number of different insurance policies, some better, some that provide less coverage, depending on how much you want to spend.

But what we will give people is something as good as Congress gets, and I think better, if there is this choice of a public option.

Ms. WOOLSEY. I echo Congresswoman SCHAKOWSKY, so I don't have to take up your time. So you can ask another question.

Ms. HIRONO. Ditto for me.

Mr. ELLISON. I would like to put this one out to you. What is it going to take for you—I think they mean us—to wake up and smell the catastrophe that profit health care is?

Ms. SCHAKOWSKY. Let me just say, first of all, I don't know what a catastrophe smells like. But I think a lot of people out there are getting that whiff of what a wreckage the current so-called—we don't really have a health care system. It is kind of a hodgepodge.

I did want to say, talking about even our Federal plan, between 2007 and 2008, 14 different insurance plans dropped out of the Federal employees plan. And so thousands of Federal employees who have a plan like we do had to look for new coverage. And so when you have got a public option, it is going to be there. It is not going to go out of business and you have to search around for something to replace it.

Ms. WOOLSEY. Because for senior care, when HMOs took on senior care, Medicare Advantage, et cetera, I went to one of my providers in my district, and they were telling me about this wonderful plan that was very good. And I said, Well, what are you going to do when people start using it? And they looked at me like I was just a nut on Earth. And guess what? In 2½ years, when seniors started using the plan that they had purchased, this group went out of business, and those seniors had to find someplace else in the district because people were using the plan.

Mr. ELLISON. Well, if the gentlelady yields back, it is a lot easier to make money when you're just collecting the money as opposed to when you actually have to pay it out.

Ms. SCHAKOWSKY. There are a lot of people who, quite correctly, feel as if health insurance is for the healthy, that if you get sick, forget it. It is not always there for you. We all know that.

Mr. ELLISON. The fact is that many insurance companies, I think the whole industry identifies when a person goes to a doctor and needs to actually use that coverage, they call that a medical loss. They see that as a loss to them. That is messing with their money when somebody says, Hey, I actually need to use the coverage that I'm paying you an arm and a leg for. That is why some of these companies go out of business. It is not designed to do that.

The fact is we talked about how medical expense costs families tremendously and also ends up people having to declare bankruptcy so often. The fact is that is one side of the coin.

The other side of the coin is the overwhelming amount of profit that the industry makes. And I just want to point out that in an industry where you have CEOs making $1.6 billion like Bill McGuire of United Health Group made, how can you get that kind of money unless a whole lot of people are not getting the health care that they should get? How can you have these exorbitant profits that people are turning over and still cover everybody? Well, you can't do it. You either have to cut people out of coverage, you have to deny claims, and then you can pay exorbitant profits. Or you have to actually run a decent system that extends coverage, but in that case you don't have people making googobs of money, and so you really do have to make a basic and essential choice.

Ms. HIRONO. As I had mentioned earlier, it is generally the States regulate, so-called regulate, insurance companies. So most States do not have the kind of resources or even the laws that allow them to look at what the health care insurance companies are doing, how they are basing their cost increases or their premium increases. So there really is a lack of transparency and accountability. And when you don't have the ability to look at the relationship between the rates they are charging and what the claims are, how can you even begin to say that people's needs are actually being met or that cost containment is actually occurring? You can't.

□ 2220

You can't.

Mr. ELLISON. Well, if the gentlelady yields back, let me tell you. Cost containment, remember, any time I charge you and you paid me, I now made some money, right? I'm not against making money. This is America, and we have a free enterprise system. But there is such a thing as abuse.

Let me point out, profits at 10 of the country's largest publicly traded health insurance companies rose 428 percent—I'd say that's pretty good—from 2000 to 2007. In 2007, alone, the chief executive officers at these companies collected a combined total compensation of $118.6 million, an average of $11.9 million each. And if it's an average, you know some made more and some made less. And the fact is that that is 468 times more than the $25,000 a year that an average American worker makes. So the fact is, these folks are making 468 times more than the average wage of an average worker in the United States. And we're wondering why we've got problems. There's no wonder why we have problems. That's why we need a universal, single-payer system. But if we can't get it now, let's get a system where you keep your insurance, and we have a public option.

Ms. SCHAKOWSKY. You know, we've heard horror stories for years about how insurance companies hire people who are essentially told, at least on the first ask, just to deny the procedure, to just say no. And there was, I remember a very brave doctor who ended up working for an insurance company and denying a procedure for somebody who actually died. And she came to cleanse her soul, to essentially apologize; left that company with enormous amounts of guilt, and said that that's how the business operated.

And what we're trying to create is a health system, a health care system, not one that is designed to make anybody a profit. It's to keep people healthy. And that's what I've said to an insurance company that said, well, you know, how are we going to compete?

I said, look, the object of this policy discussion is to figure out how are we going to provide health care to Americans. The goal, you know, if companies can make money doing that and working within the system that we prescribe, God bless them. That's what we're heading toward right now. But the goal is not to figure out how to maintain their high profits when it's done at the expense of the health care of millions and millions of Americans. That's the bottom line.

Ms. WOOLSEY. And if the gentlewoman will yield. Insurers have increased premiums 87 percent over the last 6 years. And the premiums have doubled in the last 9 years, increasing four times faster than wages. So, what for? To pay the high salaries of the CEOs and to hire more bean counters.

Mr. ELLISON. I do have to say, let's get the last one, because we've got about 30 seconds to go, and I think Congresswoman HIRONO is going to get the last word. And this has been the Congressional Progressive Caucus, and you're going to take us out.

Ms. HIRONO. Health care is a right, not a privilege, and everyone in our country deserves quality, affordable health care with choice.

Mr. ELLISON. And I think that pretty much does it. This has been the Progressive Caucus with the progressive message, and we'll see you next week.

REPUBLICAN FRESHMAN PERSPECTIVE

The SPEAKER pro tempore (Mr. CONNOLLY of Virginia). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 60 minutes as the designee of the minority leader.

Mrs. LUMMIS. Mr. Speaker, my name is Cynthia Lummis. I am the Member of Congress from Wyoming. I am a freshman and a Republican.

This is the first time that the freshman Republicans have engaged in a Special Order, and it's my privilege to be joined by members of the Republican freshmen. This is our opportunity to share with you our perspective on these first 5 months in Congress that we have shared together as freshmen, to tell you a little bit about ourselves and about our views about this process, about where we have been in the last 5 months and where we think, as fiscal conservatives, the Nation should be going instead.

And I'm so pleased to be joined, first of all, by one of my freshmen colleagues, who has a very interesting background. GLENN THOMPSON, from Pennsylvania, is in addition to his professional career a volunteer firefighter and has volunteered for the Boy Scouts for 30 years. I yield to him to talk to you about why he chose to run for Congress and what he is accomplishing here, and how he feels that if this Congress could work together more closely on fiscal conservatism, how this Nation would currently be better off and on the road to recovery.

I yield to Mr. THOMPSON.

Mr. THOMPSON of Pennsylvania. Well, I thank the gentlewoman from Wyoming, and it's a pleasure to be with you tonight here and sharing our reflections on these first 5 months as Members of the 111th Congress. It's an honor to serve in Congress. It's an honor today.

In health care, my background was health care. I always had one boss. And today I consider that I have 660,000 very smart people that I work for in the constituents of the Pennsylvania Fifth Congressional District, and frankly, it's an honor to serve those individuals and this great Nation.

And I'm proud to be a part of this freshman Republican class. We come with diverse backgrounds, as you began to talk about, but we have a common characteristic of bringing real change to Congress. And it's change that the American citizens deserve and need to have. It's a vision of fiscal accountability, of preserving individual freedom and liberty and returning America to the values that this country was built upon.

And you touched off, the gentlelady has really touched off with the first one for this evening for our discussion, fiscal responsibility. And I would put in with that, fiscal accountability and transparency in terms of how the taxpayer dollars are being spent. We are guardians of, we are trusted. We have a responsibility to make sure that those dollars that the American citizens work hard for, that they are spent wisely here in Washington, and only on those things that they should be spent on and not wasted and spent in a way that's transparent and that's accountable.

You know, Washington, DC, really doesn't have a revenue problem. We have a spending problem. We hear time and time again with the legislation being proposed, well, you know, under the last administration we had a spending problem. Well, as the freshman class we recognize that. I think we agree with it. That's one of the reasons we came to Washington, because we knew that there was out of control spending here and that the American people deserved better. They deserve the same fiscal responsibility from their Federal Government that they exercise in their own household budgets every day.

American families make tough decisions when things get tough fiscally. You know, they don't go out. They don't put more money—they know enough not to go out and do deficit spending and fill up all the credit cards and take out loans where they have no idea who's going to be able to afford to lend them the money, if somebody will. But the Federal Government has been doing that.

You know, the freshmen, the Republican freshmen, all came here to restore fiscal accountability and responsibility. And that's why we're united in opposing the massive waste-filled stimulus, or as I prefer to call it, ''stimuless'' bill that we had.

And I don't think it's a reflection on my public education, but I have to say before I came to Congress I had no idea how many zeros were in a trillion.

□ 2230

The fact is I really didn't think it was physically possible to be able to spend almost $2 trillion in 3 months, but frankly, my friends and colleagues, Democratic colleagues, proved me wrong with that. In the President's first 100 days, it's estimated he spent $11.9 billion for each day he was in office. That's a number that's very difficult to wrap our brains around in terms of that amount of money. That means more new debt will be created under this one budget than all the combined debt created by the previous 43 Presidents, going all the way back to George Washington.

That's a lot of debt, and that's debt that the American people do not deserve to have. It's debt that I don't consider I will be in a position to pay back, my children, my grandchildren I don't have yet, great-grandchildren—I don't know how many greats we're going to have to go out in order to get enough generations to be able to satisfy that debt that we've wracked up just in 5 months here in Congress.

Mrs. LUMMIS. I have the privilege of serving on the House Budget Committee, and yesterday Dr. Bernanke testified at our hearing and expressed his concern over the need for Congress to develop a plan to come up with a way to deal with these debts and our deficit issues. They are part of a risk that is presented to our country long term if we don't begin to address them now, and after passing a $700-plus billion stimulus package, over $1.1 trillion when you consider the interest on top of that; also, the $410 billion budget for the current fiscal year; and then approving in the Budget Committee, over the objection of all of the Republicans a nearly $3.6 trillion budget for the next fiscal year, I firmly agree with the gentleman from Pennsylvania about the concerns that we all have as freshmen, Republicans, for the tremendous debt and the tremendous deficit that is being undertaken.

I would like to ask a couple of other colleagues to join in this conversation. Next, calling on BLAINE LUETKEMEYER of Missouri, who is another member of our freshman Republican class who is the rarest of rare commodities in Congress in that he has operated and continues to operate a small business. He currently operates a 160-acre farm after serving as a leader in a number of other small businesses. And if any entity within this Congress does not get the attention it deserves, I would suggest that it is small business.

And I yield to my colleague, Mr. LUETKEMEYER from Missouri.

Mr. LUETKEMEYER. I thank the gentlelady from Wyoming (Mrs. LUMMIS). It's a great evening that you've put together for us here.

You know, we've been here a little over a 100 days, about 120 days now, and we've all got some first impressions of what this body is all about, what our work is all about, and it's been kind of an eye-opening experience for me coming from the Midwest.

My little community in my district I think is a true slice of Americana, in that it's full of small towns and it's where you know your neighbors and where you wave at them as they go by. You know, we still have gun racks in the back of pickups where I come up. But we also have some great people, and that's the reason that I was excited to be able to represent those folks.

You know, where I come from people still believe in limited government, lower taxes, self-reliance on the individual, common sense, and balanced budgets, whether they're their own or the local political entity.

It's kind of ironic, though. When you get here, things seem to change. In my mind, what a difference 2,000 miles make in the way governance takes place. Coming from the statehouse in Missouri, I know it's completely different, but yet it's the same type of process; although that kind of seems to be completely different.

You know, here, instead of limited government, we seem to be content and intent on expanding government by leaps and bounds into every aspect of people's lives, into the businesses.

Instead of lower taxes, we're about to consider the largest tax increase in the history of this country, which I think will push us off an economic cliff. I have some grave concerns about it. As I go home and talk to my constituents about the carbon tax, the cap-and-trade bill that's coming up shortly, they're alarmed and they're very concerned.

Another one that I mentioned was self-reliance. It's interesting that today we passed another bill which adds to the government payroll, the government bailout, the government, people on our payroll, instead of allowing people to be able to take care of themselves.

And if you'd mind, I've got a little story to tell about some good folks at home that are just like everybody else's, but it's interesting to see and to note we had a terrible tragedy that ran through my district a few weeks ago. We had a tornado that went through and actually killed three folks, very

tragic, did thousands of dollars worth of damage. It happened during the week when I was here in DC. So I called up my folks at home and asked a couple of my guys to be sure and go out and talk to those folks and give them some help, whatever help they needed, and assure them we'd be there to help them in whatever way we could.

I went there the next day when I did get home and met with the local leaders and it was amazing. All the emergency folks, the community leaders had everything under control, and it was amazing how ordered and how orderly they were. There was no Federal Government running in there to tell them what to do. They were all doing it themselves with their own plans.

Then I went out and talked to the local folks who had sustained the damage, who had endured this tragedy. And while they were upset and distraught and certainly you know, not in the best frame of mind, they still were very thankful because they had a community of folks that was around them, that was giving them the support that they needed to be able to withstand this ordeal and get through it.

And the strength of the community is a thing that really was impactful to me, from the standpoint that that community came together, and there was such an outpouring that there was probably more help than they actually needed to help with the cleanup and to give them the support they needed to get back on their feet.

And that's the kind of people that we have in this country, all over this country. Given the chance, they can be that self-reliant people that can bring this country back to what it is.

With regards to the common sense I mentioned a minute ago, it's one of the most often heard comments I hear when I go back home, What in the world are you guys doing in DC? And of course, my response is, well, common sense is something a little in short supply here in DC sometimes. Just, it's kind of a foreign concept.

Mrs. LUMMIS. That is exactly what I hear when I go home. Wyoming people want Wyoming common sense. It is the same kind of common sense that you discussed was evident among people that were experiencing a tragedy in your district and who got together and solved the problem, and that is something that we as a class of freshman Republicans hope to do as well.

We represent 20 States. We span in age from 28 years old, our youngest Member, to 64 years old. Five are physicians or work in health care, and as Mr. THOMPSON mentioned, he works in health care. One of our physicians is with us this evening, Dr. PHIL ROE, and we will be visiting with him shortly. We have two college athletes, six with military backgrounds among our 22 freshmen Republicans, four former State treasurers and 16 State legislators or statewide officers.

And I know Mr. LUETKEMEYER was a State legislator, as was I, as is our next freshman who's going to visit with us, a gentleman from Minnesota, ERIK PAULSEN, and I yield to the gentleman from Minnesota who first I might mention still finds time to teach Sunday school at his Lutheran church, Missouri Synod, of which I am also a member, and who as State legislator helped eliminate Minnesota's $4.5 billion State budget deficit without raising taxes. So this is someone that we desperately need working to pull off a similar success story here in Washington.

I yield to the gentleman from Minnesota.

Mr. PAULSEN. Well, I thank the gentlelady for yielding and organizing our little get-together tonight, and I have to tell you it's been a wonderful opportunity to serve as a freshman Member of Congress, not only with our good Republican Members who are here taking some time on the House floor tonight, but even with some of the Democrat counterparts who have been trying to work on a bipartisan basis. I think a lot of us, to be honest, are frustrated with the leadership around here that doesn't necessarily give us the opportunity to offer amendments, to offer change that Washington in particular I think really does need, the American people more than anything really need right now.

You mentioned small business earlier. I have to tell you, one of my observations here after being a freshman Member, not only being away from family, spending time away from family, but the frustration of trillions of dollars of new spending, driving up the Federal budget deficit at an alarming rate and the Federal debt at an alarming rate.

□ 2240

But it's really a lack of focus on small business. Think of it. Seven to eight of every ten new jobs comes from small business. That is really the engine of economic growth in this country.

Rightfully so, the new administration and this Congress wanted to focus on a stimulus package to help the economy. Unfortunately, I think we really missed an opportunity to help small businesses.

I held some small business roundtables in my district and, boy, some of the stories I heard from those folks were a little bit alarming. One gentleman in particular said he basically felt that high taxes were the hindrance. High taxes were the hindrance to his continued economic growth. He's been forced indefinitely now to delay a multimillion-dollar project.

Another gentleman that came to that small business roundtable, he told me specifically that small businesses should be able to save more of their money for a rainy day. And they're all going through a rainy day right now, like a lot of the American public is going through, unfortunately. But the tax code penalizes them for doing that, so we're not helping small business.

There's one other gentleman who owns a company. He basically was frustrated that the credit markets are hurting his ability to get additional capital. If he could just get a couple more hundred thousand dollars of credit from a community bank, from a bank of some sort, he could hire some more people. He's been hiring brand new employees that have never been employed in the workforce before. So he has got some good success stories to tell. We want to keep that going, however.

So, as a member of the Financial Services Committee, I have been frustrated because it seems all of our discussion here in Washington is about too big to fail; how are we going to help all these big companies. But how are we going to help small business? That's where we really, I think, have to focus our time and attention, because if we're going to pull ourselves out of this economic recession, we have to help the small business owner down the road because that's the person who has put in all the risk, all their individual capital, the entrepreneurship, that spirit of America that founded this country. That's where I think we really need to have our effort going forward.

And you think of the problems we have seen lately with the government now buying the large auto companies and having a stake—60 percent ownership that the taxpayers who are watching us tonight now own General Motors. That's very troubling. Very troubling.

In particular, I have met—and I think all of you, Congresswoman LUMMIS and others, have met with small business people who come and seek our help as they walk the Halls of Congress saying, Here's what you can do to help us get some business tax relief.

This week I met with small business people who are frustrated. They receive a letter of notice in the mail saying they had to close their operation because that was the will of the auto task force from the administration. And I think these auto dealers who have put in so much time and effort—many of these are family businesses and they have, unfortunately, invested their time, their capital. They own the land. They own the company. They're selling cars. They employ people, and they're forced to lay off folks.

And so I'm frustrated. I'd like to see the government not picking the winners and losers here.

So I'm just really encouraged. We have got a good class of freshmen that want to help small business. I know Congressman SCHOCK has an initiative to go forward that will temporarily provide some payroll tax relief for the employers and the employees, which I think is so critical from a real economic stimulus plan.

And I'm working on an economic plan for small business right now to separate business income from personal

income because, as we all know, many of these small businesses unfortunately pay their taxes at that individual rate. And when they're paying at that individual rate, it's a higher rate, especially under the new tax plan that was passed by Congress.

So now they're going to be paying higher taxes, so they can't hire somebody. They can't buy more equipment. So, if we can separate those streams of income, I think we have tremendous opportunity to help small business.

So I want to keep working with you on that effort

Mrs. LUMMIS. Will the gentleman yield?

Mr. PAULSEN. I'd be happy to yield.

Mrs. LUMMIS. You know, that is very much a bipartisan frustration right now. I read of Senators and other House Members who are tremendously concerned about their local dealers, GM, Chrysler, having to give up a profitable business because of this takeover. Both sides of the aisle on both sides of the Capitol building share in their tremendous frustration over the manner in which the bankruptcy of GM and Chrysler are playing out.

I want to give a moment to another member of our freshman class who has joined us, Dr. ROE. The gentleman from Tennessee served as a doctor for 2 years in the U.S. Army Medical Corps and has delivered close to 5,000 babies. He also has been the mayor of his small town and was very successful in using their landfill as a source of energy for that community. And being a mayor of a town of people of very modest means requires an amount of creativity that is unique in this country.

Welcome, Dr. ROE. Please join our discussion.

Mr. ROE of Tennessee. Thank you. It's great to be here tonight. I, too, echo Congressman PAULSEN. We do have a very, very fine, diverse freshman class. I think we add a lot to the debate.

I guess many of the speakers tonight sort of mentioned why they ran for Congress. I do have one distinct advantage. I delivered a lot of my own voters. So that's a huge advantage when you're out on the trail and you deliver babies.

I ran, really, to serve my country. I have had a very successful medical career in Johnson City, Tennessee, which is where I'm from. And for those of you who don't know, so you can remember, it's the only congressional district in America that's had two Presidents, Andrew Jackson, Andrew Johnson, and Davy Crockett served in this body as a Congressman. Andrew Jackson was the first person to sit in this seat, so it's a very historic seat in northeast Tennessee.

Mrs. LUMMIS. Will the gentleman yield? I understand that in the old Senate Chamber that still exists in this building that you can go see Congressman Crockett's desk. Is that the case?

Mr. ROE of Tennessee. Yes, that is correct. That is correct. The reason that I—it was about 10 years ago. I have never had service in the State government or Federal Government before. I really wanted to take this time just to serve my country as I did my patients over the years. So I was asked to be on the city commission and ran and was fortunate enough to win, and then became mayor of Johnson City after my second win.

I brought a very simple philosophy to government, and that is: Spend less than you take in. It's not complicated.

Well, how do we do with that philosophy? Well, we had 6 years ago in our city of 60,000 people, we had $2 million, approximately $2 million in reserve. When I last came to Congress, we had $24 million in reserve. We have not raised taxes, and our bond rating went up during 2008 when everybody else's had gone off a cliff.

The city has a great management, has a great commission. They're going to balance this budget. And every single budget we passed had a surplus.

Now, the philosophy in Washington, D.C., I found, is you borrow more than you take in. You spend that and what you take in also. That's what we've done here this year. As you probably have mentioned, we start our fiscal year on 1 October. And by the 26th of April of this year, we had spent all the money that the taxpayers had sent us for the year. So everything we're running on now is borrowed money.

The folks back home, as they have you all, ask you what is your biggest frustration or surprise or whatever. A lot of them think it's the workload. It's not that. To me, it's the partisanship and, second, it's the spending. I just can't get over the staggering amount of money that we spend up here.

And to give you an example, in our local city, we've put $120-plus million in water and sewer improvements. Didn't raise taxes. We were able to do that. We paid for it. We didn't have the Federal Government pay for it. We paid for it locally.

Mrs. LUMMIS. Will the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mrs. LUMMIS. How did you pay for it?

Mr. ROE of Tennessee. Well, we just spent less than what we took in. It wasn't complicated. In the city where we were, we have one of the lowest tax rates in the State of Tennessee. So smaller government, less people working. We had fewer employees than we had 8 years ago. And lean government. They reward you. The taxpayers like that and they reward you for that kind of work.

The other thing we did was we could see—and all of you all dealt with this in State governments—the new ozone levels that the EPA came down with when they lowered that from 80 to 75 parts per billion, a lot of people around don't understand what that means. Well, if you go into nonattainment, meaning you don't attain those standards, the EPA has a right to freeze all building permits, so you cannot grow your community.

And we understood where we were. If you had the infrastructure, the roads, water, sewer, and schools, you could grow and business would want to come there. As ERIK pointed out, you want an environment where business can flourish.

And we looked at the challenge we had with energy and said, Okay, how do we manage this energy problem we're having? Did we look at raising taxes on power? No. What we did was this. We had a landfill, as you've mentioned, and we looked at this as an opportunity. And we went into a private-public partnership with a private company, zero tax dollars, and formed this partnership where we went to our landfill, we capped the landfill, drilled wells into it, sent a pipe 4 miles over to our VA, which is a hundred-acre VA, the Quillen College of Medicine, named after Congressman Quillen who served here for 34 years. Huge campus. They heat and cool that campus with the gas, the methane gas, which is the second largest greenhouse gas outside of carbon dioxide.

You, the Federal taxpayer, get a 15 percent discount on your bill. We, the local taxpayer, make money off royalties—about half a million-plus per year—and the private company created jobs and made money. That's the way you do it.

We cut our consumption from a million gallons of fuel a year to 850,000 gallons. And when gas was $4 a gallon, that's very, very significant.

□ 2250

To give you another example about what you could do: around the country, we did some simple things like just change the lights in a stoplight from the 150-watt bulb to an LED bulb. In every intersection over the period of that lighting, you can save almost $800 per intersection. Multiply that across the country. It's the carrot versus the stick that we're seeing now.

You all may have talked about this before I got here, but within days of getting here, we were faced with the stimulus package, which arrived as a 450-page document that went to the Senate and came back as 750 pages. It then came back at conference at 1,071. I carry it around in the trunk of my car and show people how big it is. We had 4 hours or 5 hours to read it here on the House floor. We got it, I think, at 9 o'clock on Friday morning and put it on at 2 o'clock that afternoon.

Then we were faced with the omnibus spending bill. The 110th Congress had 12 appropriations in the bill, and we have them every year. Only three had been passed. Every local government, every business, every State in the Union tightens their belts when their revenue is down. So what did we do? We went up 8 percent. We passed an 8 percent increase. I felt like I was in the twilight zone. Then we got the next

budget after we got a $1.8 trillion deficit. Guess what? We raised that 8 percent. Then there is this year's budget that's coming along, and that's $3.9 trillion. People back home—I'm talking about Democrats, Republicans, Independents, and apolitical people—do not understand that, and I don't understand that kind of spending. It is not sustainable.

Now we've got two big issues that we're going to be facing that are coming up ahead of us: our health care—and I'm really glad to be in the middle of that discussion—and the carbon tax.

I yield back.

Mrs. LUMMIS. Thank you.

Let me tell you about a few of our other classmates who could not be here this evening. We anticipated that we would have votes tomorrow and that we would have more members of our freshman class able to join us, but because of votes not being taken tomorrow, some people tried to get home tonight so they could visit with both their families and their constituents.

Among them is CHRIS LEE from New York, who has spent two decades as a business entrepreneur in New York; TOM MCCLINTOCK of California, another of our freshman colleagues, who was first elected to the California State Legislature at the age of 26; PETE OLSON of Texas, a naval aviator for 9 years, who had missions in the Persian Gulf, also a naval liaison officer in the U.S. Senate; another, BILL POSEY of Florida, an accomplished stock car racer. We have all become, of course, Pittsburgh Steeler fans due to our good friend and fellow freshman, TOM ROONEY of Florida, who also played college football and was a special assistant U.S. Attorney at Fort Hood and taught military law.

With that kind of diversity in our freshman class, it has been really helpful to me. For example, between votes, I can sit down on the floor next to Representative ROONEY and ask him about things like enhanced interrogation techniques.

Well, look. He just walked in the room.

I didn't know you were still here. I'm so pleased to see you. It's that kind of expertise that makes our class such a close group and very helpful to each other as we are dealing with the many issues at hand.

So, with the magical appearance of Representative ROONEY, I'm delighted that you have chosen to join us this evening.

I yield to the gentleman from Florida.

Mr. ROONEY. Well, thank you very much.

I thank the gentlelady from Wyoming for giving us the opportunity to reflect on our first 100 days and on, really, where we're going as a country and on the direction that we, as freshmen, when we all ran for Congress, thought we were going to go when we got here and on how we were going to try to make a difference, not only in our individual communities but in the country as a whole.

I was watching earlier on C–SPAN the former speakers talk about the spending and the size of government. I think that that's really the lighthouse that I use as a direction as to who we want to be as Americans and as to who we want to be as Congressmen. We really have a decision to make here as we move forward with all of the things that we have to consider.

I've got to be honest with you. It's very disheartening to see, as the father of three very young children, what we're leaving them as a legacy so far. Although, I am very encouraged by my fellow freshmen and by the people whom I meet on the treasure coast of Florida, in central Florida, in western Florida, and in the district that I represent, the 16th District of Florida. They remind me of why they sent me to Washington and of why they sent all of us to Washington.

It's never going to fall on deaf ears for me that the American people whom I represent and the American people whom I talk to believe in a strong United States of America, one with a strong military but one that lets the free market dictate who they're going to be without inhibiting where they're going to go.

It just breaks my heart to hear this week that auto dealers that employ hundreds of people and that contribute so much to my community are being closed. For what reason? They're not really sure. It's just because they were the ones picked even though, for decades, they've been profitable companies. People that own certain automobiles—I won't go into what they are—may have to travel over an hour now to get their cars serviced. Really, again, it's who we want to be as Americans.

I just want to thank the freshmen personally. The reason I really wanted to be here tonight was to thank you, personally, for signing up to a letter that I sent to the Speaker of the House today, asking her to not include a global bailout, really, of foreign countries on the backs of our American servicemen and women who are fighting.

As a former Army captain with my fellow colleague, who is a former marine—or a current marine—DUNCAN HUNTER, we asked the freshmen Republicans to ask the Speaker not to include something that has nothing to do with funding our troops in the service that they're providing, which is putting themselves in harm's way for our liberty and for our freedoms, and really holding a military funding bill hostage with this IMF funding bill that has nothing to do with military spending.

To do that, for me, honestly, has been the biggest disappointment in my short tenure here in Congress. I have to explain to those men and women—and a lot of them are still active duty who my wife and I served with—that there is a problem with putting ammunition in their weapons or in giving them the body armor that they deserve or in up-armoring vehicles that they have to drive in because the majority has put into this bill something that has nothing to do with military spending. To try to explain that and to try to even justify to myself that what we're doing is the right thing is very difficult.

As we move forward as freshmen, whatever we decide to do on a lot of these issues, we can never forget why we're here and who sent us here.

Again, I just really thank you very much for giving us the opportunity to reflect and also for giving us the hope to move forward on a lot of the things that we're about to do here in Congress.

Mrs. LUMMIS. Will the gentleman yield?

Mr. ROONEY. Absolutely.

Mrs. LUMMIS. Thank you for your statement.

Now, we have six freshmen here of the Republican class and, indeed, a seventh member in the Chair. Our Speaker this evening is a member of the majority party, a Democrat. It would be really fascinating at some point to have a Special Order some evening with our Democrat colleagues who are freshmen as well, because I think many of us came to Congress with a different perspective, with a new perspective, regardless of party, about how we think America can move forward.

As freshmen Republicans, we did support legislation that would stimulate economic growth. It would have cost $315 billion less than the bill that Congress adopted, the Democratic bill; and it would have created twice as many jobs.

□ 2300

In my district in Wyoming, it would have created 50 percent more jobs; but in many districts that are suffering mightily, it created twice as many jobs. That because we really targeted and took to heart what President Obama asked us to do, and that was to be targeted and temporary. Unfortunately the bill that was adopted was neither targeted—it was a shotgun approach to economic stimulus—and it is not temporary. Many provisions in that bill are built into the ongoing spending of government and inflate the costs of government, as Dr. ROE pointed out earlier, by adding to the baseline of expenditures that will go up and up and up in the future.

One of the things that Representative ROONEY just mentioned that is so frustrating to all of us, I think on both sides of the aisle, is seeing legislation that is not germane to the subject of the bill being attached to the bill. In the case that Representative ROONEY was just discussing with us, it was the funding for our military men and women in Iraq and Afghanistan and in Pakistan, and the addition to that bill would lend money or guarantee money to the International Monetary Fund. No connection whatsoever. And the IMF funding has created a situation

where we're not voting tomorrow on that bill because there are not sufficient votes to pass it by virtue of an amendment that was not germane being added to a bill. In the Wyoming legislature you cannot do that. You cannot amend a nongermane topic to a piece of legislation or it is ruled out of order. If that rule were in effect here, we would see much better legislation. We would see people having a better opportunity to vet that legislation, discuss that legislation and then vote with their heart rather than having to grit their teeth and vote for a couple things that are just not a good pairing.

I can give an example of where it pained some people on the other side of the aisle. I am a big supporter of Second Amendment rights, but there was an amendment put on a credit card bill to allow concealed weapon permits in national parks. I firmly support allowing concealed weapons in national parks because they are so part and parcel to the State of Wyoming and to our right to bear arms, but attaching it to a credit card bill is wrong. It's just wrong.

Mr. ROE of Tennessee. The gentlelady will remember our first weekend or two here when we, both the freshman Democrats and Republicans—and I might add that I think there are 33 new Democrats and 22 Republicans, I believe, is that correct? We have them outnumbered finally. I will point that out.

You remember, we went there, and the economists told us, if we don't spend this money rapidly, the earth's going to end? I remember saying, Well, that sounds counterintuitive to me to spend your way to wealth. Well, guess what, the economy is beginning to turn around, thank goodness, I think, for a lot of people. The signs are feeble, but it looks like the economy may have bottomed out; and the same people are telling us in the third and fourth quarter that the economy probably will show some growth. We've spent less than 10 percent of the stimulus package. The economy did that on its own without the stimulus package. I think the target is what we were talking about earlier; and if we truly had done this, if we truly had looked at infrastructure. For example, the State of Tennessee is going to get $55 million in water and sewer projects, and the small city of 60,000 people I am from is already putting $100 million in the ground. So it was a spending bill that had some little bit of stimulus in it.

Look at energy, for instance. If we had invested $100 billion, $200 billion in nuclear power how much further along would we be to energy independence. We chose not to do that. In 2 years the money will be spent, and I don't think we will have much to show for it.

Mrs. LUMMIS. Mr. LUETKEMEYER, this gets into an area that you're involved in deeply now. Any comments on either your service in the State legislature in Missouri and how you would compare it to process here in Washington and how process here in Washington impedes that or the energy issues specifically? Either one.

Mr. LUETKEMEYER. Yes. The process in my home State where I served in the House both in the minority and in the majority, and in the leadership and as a committee chairman—so I have a pretty wide background there in the house. It's not unlike Missouri, but yet it's different. Here we don't necessarily run everything through committee. Another thing, it has to be germane. Not always are you allowed to offer amendments. It's an amazing process where I thought that it would be more open, more transparent. That was the promise from the administration, yet we see little of that. During the discussion here, it's been interesting to listen to all my colleagues and yourselves. They've got some great stories to tell and great perspectives on how we should be governing ourselves, how we, as a people, should be governing ourselves. And it's interesting to me that if you look at our Constitution, it says, ''We, the people.'' It doesn't say ''We, the government;'' and to me, I think that is very important. We stop and think about our framers. When they put this very special document together, this American experiment that they were trying, they said, ''We, the people.'' They wanted the people to be where the power was, to be where the ability to control their lives was, not the government. It seems as though very quickly when you get here, the perspectives are clearly different. Here the government is where the power always emanates from, and they want everybody to be subservient to. It's that sort of mindset. It's that sort of situation that we find ourselves in here that I think is very frustrating to our constituents. They see this as well; and over the last several weeks as I've gone home, this concern continues to well up with regards to where we're going as a country, where we're going as a government. They don't see themselves as being a part of it anymore, and they want us to be their voice.

It's an honor to serve them, and it's an honor to be here. But I think the perspective of this body needs to be that of serving people, rather than to be served. I sometimes think we get that switched around.

Mrs. LUMMIS. The gentleman from Minnesota also was a leader in his State legislature. Observations comparing the two?

Mr. PAULSEN. I thank the gentlelady for yielding. One of the biggest surprises and frustrations that I have noticed is that it's been a little bit more partisan than I ever thought it would be; and I can say that, having served in both the majority and the minority in the Minnesota State legislature; and I was majority leader for awhile. I think a lot of being a successful legislator and making yourself a successful State, and now a successful country, is being able to build relationships to get things done and be results-oriented. In the Minnesota Legislature we were always allowed to offer an amendment to a bill as long as it was germane, just as you were mentioning a little while ago. But here in Congress we have to get permission to offer an amendment from the Chair of the Rules Committee or from the Speaker of the House. So it's a very closed process, and it's not an open flowing process where I think it's easier to breed partisanship. I think if the rank-and-file Members, both Republican and Democrat, can get together to kind of break the grips of that leadership power, I think we could really do great things for the American people.

Mrs. LUMMIS. We have other Members who are not here tonight who I'd like to mention. One was mentioned earlier by Mr. ROONEY. DUNCAN HUNTER, a member of our freshman class from California, quit his job after 9/11 to serve in the Marine Corps. He has served three combat tours, including two in Iraq and one in Afghanistan. And along with Mr. ROONEY and Mr. COFFMAN of Colorado, who took unpaid leave from the Colorado State House to serve in the first Gulf War and gave up being Colorado State treasurer for a tour of duty in Iraq—and I was Wyoming State treasurer at the same time Mr. COFFMAN was State treasurer and at the same time when another of our fellow freshmen, LYNN JENKINS, was the State treasurer in Kansas. We were proud of our colleague, Mr. COFFMAN, for leaving his job as Colorado State treasurer to do a tour of duty in Iraq. The experience of our servicemen and -women in this Congress is invaluable, and I applaud them and appreciate their efforts.

I want to call on Mr. ROONEY one more time to discuss our specific concerns about the issue that prevents all of us from being here tonight, that being the fact that an amendment has been placed on a military funding bill that is not germane.

Would you care to elaborate further? And then I would like to yield to Mr. THOMPSON.

□ 2310

Well, the bill that we had originally sent to the Senate was just a clean war funding bill that the President asked us for and that we delivered as a House of Representatives to the Senate.

I did not serve in politics before running for Congress, so all this is new. But unfortunately, by the time it came back from the Senate to us, it had an additional amendment on it which included funding for the IMF, which is basically our borrowing money from somewhere else or printing money to loan it to another country. And that might seem ridiculous to a lot of people that may be listening, since everybody knows that America is going through tough times right now. People in my district are really hurting. The middle class needs help. They need tax cuts. They need to feel that their job is secure. They need to feel that the Federal Government is helping them, not

impeding them. And to think that we are going to borrow or print money to send abroad, some of it to people that we might not necessarily want to lend money to, and have to put that on the backs of our servicemen and -women, because they know that it will be difficult for us as Republicans to vote against it, is really, in my opinion, shameful in a lot of ways.

I understand there are differences in ideology. There are differences in principles about what governing should be. But if we have a clean military funding bill, then it should stand on its own. If you have a clean IMF bill to loan money to foreign countries, then it should stand on its own. The majority is the majority. If it is a good idea, it will pass. They have the Congress. They have the White House. Why should it be attached to something that has nothing to do with funding our soldiers abroad?

I recently got back from Iraq and Afghanistan. Recently I visited Guantanamo Bay, Cuba. And the one thing that impressed me more than anything else is the men and women that wear our uniform. They never talk about politics. They never talk about policy or how they stand on certain issues. They are there to do a job. They are putting themselves in harm's way so we can stand here tonight and discuss these issues and talk about what we think is best for the future.

To think that politics is being played with the ammunition that goes in their guns or the body armor or the vehicles that they drive or anything that they have to rely on from us as a Congress to pay for what we are sending them there to do is just unconscionable to me. And it is something that I hope, as you said earlier, has been delayed, and hopefully that delay is felt, continues on to next week, and maybe we can reconsider what we are doing and what we talk about. Politics should have no place when it comes to funding what we send our men and women in uniform to do abroad.

Whether you agree with these wars, whether you agree with the war on terror, whether you agree with anything that we are doing, we are sending them there. We should give them a clean bill. And as of right now, we are not. But maybe, just maybe, cooler heads will prevail and we will give them a clean bill for what they are doing and what they are serving us for.

Mrs. LUMMIS. I would like to acknowledge two other Members of our Republican freshman class who have also served in the military: JOHN FLEMING, who is a family physician from Louisiana, was also a medical officer in the U.S. Navy; and BRETT GUTHRIE, one of our colleagues from Kentucky, served as a field artillery officer in the 101st Airborne Division (Air Assault) at Fort Campbell. And we have other veterans as well.

I want to turn now to a subject that is on the front burner in Congress, House and Senate, both energy and health care. And we have a wonderful array of talent in our class on both subjects. We have two medical care providers with us to discuss that issue. I know I was listening briefly to the Progressive Caucus before we had this little opportunity to visit this evening, and they were espousing the benefits that they see in providing health care by way of a government-funded option.

I might point out before I turn it over to Mr. THOMPSON that government payers, and this was an independent study, found out that Medicaid and Medicare have shifted a total of $89 billion per year in costs on to other payers. As a result, families with private health, and I'm quoting from the study, families with private health insurance spend nearly $1,800 more per year, $1,512 in higher premiums and $276 in increased beneficiary cost sharing to cover the below-market reimbursement levels paid by Medicare and Medicaid.

My concern is, if we go to a government option that is side by side with private sector insurance, that it will be less expensive and it will recruit people to gravitate from private insurance to this government system. But the reason that it may be cheaper for the government to provide insurance is that they are continuing to shift costs and to fail to reimburse providers accurately and adequately.

I know in my State of Wyoming, where health care is the number one issue right now, that there are physicians who are no longer accepting Medicare and Medicaid patients. They cannot afford to accept them anymore because reimbursement levels in rural hospitals and to rural physicians are so low. And if that is the manner in which our country intends to get ahold of the cost of health care, we are in big trouble.

I yield to the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. First of all, I would be remiss if I didn't thank my good friend and colleague from Florida and also Mr. HUNTER from California for your leadership in making sure that we don't compromise the bill that funds our troops' needs. As a Member of Congress and, frankly, as a proud father of a United States soldier, I thank you. I know my son, Logan, and his comrades thank you as well.

Health care has been my life. For 28 years, I have worked in rehabilitation. That is how I got involved in public service actually, being frustrated with the Federal regulations that were being piled on the health care system that was decreasing access, increasing costs, and making the health care system more challenging. And that is the Federal system.

We are blessed in this Republican freshman class, as you said, in terms of the tremendous health care experience that we have, and I think we have a lot to offer to this debate. Hopefully we will have access and opportunity to engage in that debate a little more than what we have had in the past. Huge issues have come before this body.

Health care is a three-legged stool. It is about access, and that is what we hear a lot about today in terms of talking about the uninsured in today's debate. But it is access, affordability, and quality. I happen to believe, and I have seen evidence, that we have the best health care system in the world. I'm not saying that it is perfect and there is not opportunities that we can continue to improve upon it, but the Democratic proposals that are being bandied about and discussed would, in my opinion, in the long run, increase access issues and, frankly, lower the quality of care that we have all come to expect as Americans. This is a place where people come from around the world when they need life-saving, quality health care services.

The other side would argue that this is to provide access to those who are currently uninsured. If we identify those individuals that make a decision to not purchase health care insurance but could afford it, and we eliminate those folks from that number, we are talking about approximately 9 percent of individuals who do not have insurance. And the lack of insurance does not necessarily mean that they don't have access to health care services.

In my district, we have agencies such as federally qualified health centers. An agency that was just in to see me today near my home town is called the Tapestry of Health. We have another one called Centre Volunteers in Medicine that stand in the gap. Can we do better in health care? Absolutely. Absolutely. But do we need to ruin our health care system by reducing access and quality for all in doing this? Absolutely not. I think the Republican freshmen stand uniquely prepared to bring solutions based on real life medical experience and health care experience to this important debate.

□ 2320

My district is just like the rest of rural America. You know, our health care debate has to include things that aren't being talked about right now in this body, things like peeling away the regulations on health care that were instituted 40 years ago and have long since outlived their usefulness, and only serve to add cost and decrease access.

We need to reduce the practice of defensive medicine by eliminating the fears of liability that our physicians have where they order tests because they need them as a part of, not the medical record, but the evidence record, should they be sued. And that is so frequent today.

We need to level the reimbursement system, frankly, that I see as favoring urban big city health care over rural America, specifically on issues related to the wage index.

We need to address the health care workforce crisis. I have not heard that addressed at all in this body, and yet

we can redefine the payment system any way you want, but if you do not have qualified doctors and nurses and technicians and therapists to provide the services then there is no health care access. And today we are facing tremendous retirements with the baby boomer generation of those health care professionals.

There are some real health care reform issues that we need to be addressing that just have not been, and I think this class is well prepared to bring that to the health care debate.

Mrs. LUMMIS. I look forward to that discussion. Another of our colleagues, Dr. BILL CASSIDY from Louisiana, in his practice, co-founded a health clinic to match uninsured patients with doctors who provide services free of charge. So we have some very qualified, very caring medical care providers and physicians in our class, and I'm proud to serve with them.

Of course, Doctor PHIL, you are among them. Would you please comment on this subject.

Mr. ROE of Tennessee. Just a couple of things that Congressman THOMPSON talked about. One, is accessibility to care, and that is the crisis of personnel. If you look in the next 20 years, over half of our registered nurses can and will retire. We'll need a million new registered nurses in the next 8 years.

In the next 10 to 12 years there will be more physicians retiring and dying in this country than we're producing in this country. We are not investing in the medical infrastructure to increase the class size, and I don't know where that anybody thinks who's going to provide this care. So that is very correct. It is a huge issue.

The challenge here is affordable health care, and that's accessible to people. It's not going to be easy. I've dealt with this for over 30 years, and this is going to be very, very complicated to do.

We do not need to do this fast. We need to do it right. And I think that's one of the worries that I have is that we're going to go and have this arbitrary deadline of 60 days from now. Who says 60 days from now we should have this right, have it done? We need to get it right. If it takes 6 months we need to get it right because it affects every American.

Let me just give you a couple of little examples. In this country, we have 47 million people that are uninsured. That's about 15 percent of our population.

In the State of Tennessee several years ago, about 15, 16 years ago, we had a Medicaid waiver. And for those out there that understand what Medicaid is for the uninsured and poor in this country, and Medicare is for our citizens over 65, this was a Medicaid waiver to form a managed care plan called TennCare. And what it did was, it was a very rich blended plan that provided a lot of care for not much money. And what we found in the State was that 45 percent of the people who got on TennCare had private health insurance but dropped it.

Well, then I asked the providers, what percent of your costs does TennCare actually pay in our district, in our area? And I went to several different hospital systems. About 60 percent. And Medicare pays about 90 percent. And as you pointed out very clearly, and then the uninsured pay somewhere in between.

And what you pointed out very clearly was that what happens is that cost is shifted and more cost, so your private health insurance goes up each year, part of it not because of what you do, but because of what the government has done, which is not pay the freight. And my concern is, when we get a public plan that's ''competitive'', it also will offer a lot of benefits but won't pay the costs of the services, once again, causing a shift to the private health insurer, meaning they will be crowded out. And over time, I'm afraid you'll end up with a single-payer system. And a single-payer system is not what the American people, I think, want. And certainly that's something that's going to be discussed in great detail in the future.

Mrs. LUMMIS. I might mention the three officers of our freshman Republican class who couldn't join us this evening, and two of our more unique members who I hope will be able to join us if we have the opportunity to do this again. Our class president is STEVE AUSTRIA of Ohio. He was a force in getting Jessica's Law and the Adam Walsh Child Protection Safety Act passed into State law. Our representative on the Steering Committee, GREGG HARPER of, Mississippi, is an attorney with a child whom he has brought to share his unique health concerns with us. And we've all learned a lot from him.

And of course, our Policy Committee representative, JASON CHAFFETZ, who is a former Division I football player at Brigham Young University, my University of Wyoming's nemesis, but a dear colleague of ours, and two wonderful freshmen who are plowing new ground. The very first Vietnamese American to serve in the United States Congress, JOSEPH CAO, born in Saigon, Vietnam, escaped at the age of 8 to the United States, lost his home during Katrina, and fought to return electricity and telecommunications to Louisiana residents after Katrina.

We also boast the youngest Member of this U.S. House of Representatives, Aaron Schock, the youngest school board president, Illinois State Rep, and a Member of Congress with whom we are privileged to serve.

I thank the gentlemen for joining me this evening. I thank our Speaker, the gentleman from Virginia, who was very patient with his fellow freshmen colleagues from the other party, and look forward to the opportunity to have a bipartisan freshman discussion at an early opportunity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COURTNEY (at the request of Mr. HOYER) for today after 3 p.m., June 5 and 8.

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. COSTA) to revise and extend their remarks and include extraneous material:)

Mr. COSTA, for 5 minutes, today.

Ms. GIFFORDS, for 5 minutes, today.

Ms. PINGREE of Maine, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, June 11.

Mr. POE of Texas, for 5 minutes, June 11.

Mr. JONES, for 5 minutes, June 11.

Mr. PAUL, for 5 minutes, June 9, 10 and 11.

Mr. GOHMERT, for 5 minutes, today.

ADJOURNMENT

Mrs. LUMMIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, June 8, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2014. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Promoting Diversification of Ownership In the Broadcasting Services [MB Docket No.: 07-294] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2015. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to License Requirements and License Exception Eligibility for Certain Thermal Imaging Cameras and Foreign Made Military Commodities Incorporating Such Cameras [Docket No.: 0612242573-7104-01] (RIN: 0694-AD71) received May 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2016. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Removal of T 37 Jet Trainer Aircraft and Parts from the Commerce Control List. [Docket No.: 090406632-9631-01] (RIN: 0694-AC74) received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2017. A letter from the Associate Director, PP&I, OFAC, Department of the Treasury, transmitting the Department's final rule — Darfur Sanctions Regulations — received May 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2018. A letter from the Associate Director, PP&I, OFAC, Department of the Treasury, transmitting the Department's final rule — Democratic Republic of the Congo Sanctions Regulations — received May 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2019. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAC 2005-32, Technical Amendments [FAC 2005-32; Docket 2009-0003; Sequence 3] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2020. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 0809121213-9221-02] (RIN: 0648-AX84) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2021. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [DocketNo.: 0810141351-9087-02] (RIN: 0648-XO13) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2022. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan; Correction [Docket No.: 0812311655-9645-03] (RIN: 0648-AX44) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2023. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XO85) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2024. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Establishing U.S. Ports of Entry in the Commonwealth of the Northern Mariana Islands (CNMI) and Implementing the Guam-CNMI Visa Waiver Program; Change of Implementation Date [Docket No.: USCBP-2009-0001] [CBP Dec. No. 09-14]] (RIN: 1651-AA77) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30658 Amdt. No 3314] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel 2B and 2B1 Turboshaft Engines [Docket No.: FAA-2007-28077; Directorate Identifier 2007-NE-20-AD; Amendment 39-15889; AD 2009-09-03] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS-PZL ''Warszawa-Okecie'' S.A. Model PZL-104 WILGA 80 Airplanes [Docket No.: FAA-2009-0371; Directorate Identifier 2009-CE-021-AD; Amendment 39-15890; AD 2009-09-04] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100 and A319-100 Series Airplanes; A320-111 Airplanes; A320-200 Series Airplanes; and A321-100 and A321-200 Series Airplanes [Docket No.: FAA-2007-0391; Directorate Identifier 2007-NM-271-AD; Amendment 39-15891; AD 2009-09-05] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company (Type Certificate previously held by Columbia Aircraft Manufacturing (previously The Lancair Company)) Models LC40-550FG, LC41-550FG, and LC42-550FG Airplanes [Docket No.: FAA-2009-0395; Directorate Identifier 2009-CE-023-AD; Amendment 39-15895; AD 2009-09-09] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Areas R-6402 A&B, R-6404 A, B, C & D, R-6405, R-6406 A & B, and R-6407; Utah [Docket No.: FAA-2009-0353; Airspace Docket No. 09-ANM-5] (RIN: 2120-AA66) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2031. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Expansion of Enrollment in the VA Health Care System (RIN: 2900-AN23) received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2032. A letter from the Office of Regulation Policy & Mgt, VA, Department of Veterans Affairs, transmitting the Department's final rule — Presumptive Service Connection for Disease Associated With Exposure to Certain Herbicide Agents: AL Amyloidosis (RIN: 2900-AN01) received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2033. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Parent Locator Service; Safeguarding Child Support Information (RIN: 0970-AC01) received May 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2034. A letter from the Program Manager — ODRM — HHS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2009 (RY 2010) [CMS-1495-NC] (RIN: 0938-AP50) received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. House Resolution 404. Resolution directing the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of documents relating to the Department of Homeland Security Intelligence Assessment titled, ''Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment'', with an amendment (Rept. 111–134). Referred to the House Calendar.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1320. A bill to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes (Rept. 111–135). Referred to the Committee of the Whole House on the State of the Union.

Mr. BERMAN: Committee on Foreign Affairs. H.R. 2410. A bill to authorize appropriations for the Department of State and the Peace Corps for fiscal year 2010 and 2011, to modernize the Foreign Service, and for other purposes, with an amendment (Rept. 111–136). Referred to the Committee of the Whole House on the State of the Union.

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. CONYERS (for himself and Mr. SHUSTER):

H.R. 2695. A bill to amend the antitrust laws to ensure competitive market-based rates and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina (for himself and Mr. JONES):

H.R. 2696. A bill to amend the Servicemembers Civil Relief Act to provide for the enforcement of rights afforded under that Act; to the Committee on Veterans' Affairs.

By Ms. SCHAKOWSKY (for herself and Mr. HALL of Texas):

H.R. 2697. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of professional services of optometrists that are otherwise covered when furnished by a physician; to the Committee on Energy and Commerce.

By Ms. GIFFORDS:

H.R. 2698. A bill to improve and enhance the mental health care benefits available to veterans, to enhance counseling and other benefits available to survivors of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. GIFFORDS:

H.R. 2699. A bill to improve the mental health care benefits available to members of the Armed Forces, to enhance counseling available to family members of members of the Armed Forces, and for other purposes; to

the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. ALTMIRE, Mr. ARCURI, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOUCHER, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS of Texas, Mr. FATTAH, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. MCDERMOTT, Mrs. MALONEY, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. ORTIZ, Mr. PAYNE, Mr. PASCRELL, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Mr. SIRES, Mr. STARK, Ms. SUTTON, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WELCH, Mr. WEXLER, Ms. WOOLSEY, and Mr. YARMUTH):

H.R. 2700. A bill to amend part D of title XVIII of the Social Security Act to assist low-income individuals in obtaining subsidized prescription drug coverage under the Medicare prescription drug program by expediting the application and qualification process and by revising the resource standards used to determine eligibility for such subsidies, and for other purposes; 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. REYES:

H.R. 2701. A bill to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. SMITH of New Jersey:

H.R. 2702. A bill to suspend the application of Generalized System of Preferences for Brazil until such time as Brazil complies with its obligations toward the United States under the Convention on the Civil Aspects of International Child Abduction; to the Committee on Ways and Means.

By Ms. HARMAN (for herself and Mr. DICKS):

H.R. 2703. A bill to prohibit the Secretary of Homeland Security from obligating or expending funds for the National Applications Office of the Department of Homeland Security; to the Committee on Homeland Security.

By Ms. HARMAN:

H.R. 2704. A bill to direct the Secretary of Homeland Security to close the National Applications Office of the Department of Homeland Security; to the Committee on Homeland Security.

By Mr. MCDERMOTT:

H.R. 2705. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for advance directives; to the Committee on Ways and Means.

By Mr. MARCHANT:

H.R. 2706. A bill to amend title II of the Social Security Act to provide for the reissuance of social security account numbers to young children in cases in which the confidentiality of the number has been compromised by reason of theft; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself and Mr. REICHERT):

H.R. 2707. A bill to establish a program to improve freight mobility in the United States, to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, 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. PALLONE (for himself, Mr. RAHALL, Mr. KILDEE, Mr. YOUNG of Alaska, Mr. GRIJALVA, Ms. BORDALLO, Mr. BOREN, Mr. INSLEE, Mr. BACA, Mr. HEINRICH, Mr. TEAGUE, Ms. MCCOLLUM, Ms. LINDA T. SÁNCHEZ of California, Mr. KAGEN, Mr. LUJÁN, Mr. SALAZAR, Mr. SCHAUER, and Mrs. BONO MACK):

H.R. 2708. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and 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. HONDA (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CAPUANO, Ms. CLARKE, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DELAHUNT, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. HIRONO, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. PALLONE, Mr. PAYNE, Mr. POLIS of Colorado, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABLAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WELCH, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 2709. A bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes; to the Committee on the Judiciary.

By Mr. HONDA (for himself, Mr. CHANDLER, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. WU, Mrs. CAPPS, Mr. COURTNEY, Mr. FOSTER, Mr. GALLEGLY, Mr. HARE, Mr. HINOJOSA, Ms. LEE of California, Mr. LOEBSACK, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOLT, Mr. STARK, Mr. LYNCH, Mr. MCNERNEY, Mr. MILLER of North Carolina, Mr. BRADY of Pennsylvania, Mr. KENNEDY, Mr. BLUMENAUER, Ms. BORDALLO, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. SESTAK, Mr. WEXLER, Mr. CLEAVER, Ms. HIRONO, Ms. SUTTON, Ms. SPEIER, Mr. GRAYSON, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. POLIS of Colorado, Mr. SIRES, Mr. PAYNE, Mr. BUTTERFIELD, and Mr. JOHNSON of Georgia):

H.R. 2710. A bill to stimulate collaboration with respect to, and provide for coordination and coherence of, the Nation's science, technology, engineering, and mathematics education initiatives; to the Committee on Education and Labor, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mr. FOSTER, Mr. TOWNS, Mr. KRATOVIL, Mrs. KIRKPATRICK of Arizona, Mr. LYNCH, Mr. CUMMINGS, Mr. BILBRAY, and Mr. WOLF):

H.R. 2711. A bill to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties; to the Committee on Oversight and Government Reform.

By Mr. CONAWAY:

H.R. 2712. A bill to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, 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. DONNELLY of Indiana (for himself, Mr. HALL of New York, Mr. BOOZMAN, Ms. HERSETH SANDLIN, Mr. BILIRAKIS, Mr. SPACE, Mr. ELLSWORTH, Mr. HILL, Mr. SOUDER, Mr. UPTON, and Mr. ARCURI):

H.R. 2713. A bill to amend title 38, United States Code, to make certain improvements in the service disabled veterans' insurance program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ADLER of New Jersey (for himself, Mr. SMITH of New Jersey, Mr. ANDREWS, Mr. LOBIONDO, and Mr. HOLT):

H.R. 2714. A bill to ensure pay parity for Federal employees serving at Joint Base McGuire/Dix/Lakehurst; to the Committee on Oversight and Government Reform.

By Mrs. BACHMANN (for herself, Mr. BOEHNER, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. JORDAN of Ohio, Mr. BRADY of Texas, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. MCKEON, Mr. CARTER, Mr. WOLF, Mr. BOUSTANY, Mr. SCALISE, Mr. LUETKEMEYER, Mr. OLSON, Mr. GOHMERT, Mr. MARCHANT, Mr. NUNES, Mrs. LUMMIS, Mr. WAMP, Mr. FLEMING, Mr. KINGSTON, Mr. ISSA, Mr.

AKIN, Mr. WESTMORELAND, Mr. KING of Iowa, Mr. BURTON of Indiana, Ms. FALLIN, Mrs. BLACKBURN, Mr. SESSIONS, Mr. LAMBORN, Mr. HELLER, Mr. HARPER, Mr. LATTA, Ms. FOXX, Mr. BOOZMAN, Mr. GALLEGLY, Mr. PLATTS, Mr. CASSIDY, and Mr. GARRETT of New Jersey):

H.R. 2715. A bill to prohibit the Department of Housing and Urban Development from providing any assistance to any organization that has been indicted for a violation under Federal or State law relating to an election for Federal or State office; to the Committee on Financial Services.

By Mr. BECERRA (for himself and Mr. DOGGETT):

H.R. 2716. A bill to amend title XIX of the Social Security Act to provide financial stability for seniors and people with disabilities through improvements in the Medicare Savings Program; 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. BOREN (for himself, Mr. YOUNG of Alaska, and Mr. COLE):

H.R. 2717. A bill to exempt guides for hire and other operators of uninspected vessels on Lake Texoma from Coast Guard and other regulations, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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. COOPER:

H.R. 2718. A bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the Commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 2719. A bill to extend the temporary suspension of duty on certain ceiling fans; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself and Mr. DREIER):

H.R. 2720. A bill to amend the Internal Revenue Code of 1986 to make permanent the election to treat the cost of qualified film and television productions as an expense which is not chargeable to capital account; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. CUMMINGS, Ms. NORTON, Mr. GONZALEZ, Mr. JOHNSON of Georgia, and Mr. CLAY):

H.R. 2721. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Oversight and Government Reform.

By Mr. FILNER (for himself and Mr. BUYER):

H.R. 2722. A bill to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GERLACH:

H.R. 2723. A bill to amend the Social Security Act to provide for an exemption to allow an individual otherwise ineligible to travel outside the United States to do so for employment purposes to pay child support arrearages, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. INSLEE, and Mr. CARNAHAN):

H.R. 2724. A bill to amend title 49, United States Code, to establish national transportation objectives and performance targets for the purpose of assessing progress toward meeting national transportation objectives; to the Committee on Transportation and Infrastructure.

By Mr. HOLT (for himself, Mr. HIMES, Mr. RODRIGUEZ, Mr. ISRAEL, Mr. ADLER of New Jersey, and Mr. MASSA):

H.R. 2725. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension for the real property standard deduction and to adjust such deduction for inflation; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 2726. A bill to amend the Federal Food, Drug, and Cosmetic Act to increase criminal penalties for the sale or trade of prescription drugs knowingly caused to be adulterated or misbranded, to modify requirements for maintaining records of the chain-of-custody of prescription drugs, to establish recall authority regarding drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JONES:

H.R. 2727. A bill to provide for the implementation of a system under which each financial institution will report on the financial condition of the institution to the public, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 2728. A bill to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. LUJÁN:

H.R. 2729. A bill to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; to the Committee on Science and Technology.

By Mrs. MCCARTHY of New York (for herself, Mrs. CAPPS, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. GRIJALVA, Ms. BORDALLO, Mr. MOORE of Kansas, Mr. CRENSHAW, Ms. WASSERMAN SCHULTZ, Mr. MCMAHON, Mr. BISHOP of New York, and Mr. MCGOVERN):

H.R. 2730. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 2731. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, 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. MCCLINTOCK (for himself, Mr. MCKEON, Mr. KLINE of Minnesota, Mr. JORDAN of Ohio, Mr. CHAFFETZ, Ms. FALLIN, Mr. BARTLETT, Mr. MARCHANT, Mr. HENSARLING, Mr. HUNTER, Mr. SHADEGG, Mr. PITTS, Mrs. BLACKBURN, Mr. LEE of New York, Mr. CAMPBELL, Mr. BILBRAY, and Mr. ROONEY):

H.R. 2732. A bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees; to the Committee on Education and Labor.

By Mr. MEEKS of New York (for himself, Mr. PRICE of Georgia, Mr. CLEAVER, Mr. PAUL, Mr. BOSWELL, Mr. SENSENBRENNER, Mr. CLAY, Mr. KLINE of Minnesota, Mr. FATTAH, Mr. LATHAM, Mr. POMEROY, Mr. SESSIONS, Mr. LATOURETTE, Mr. DRIEHAUS, Mr. BRADY of Texas, Mr. MCCAUL, Mr. KIND, Mr. WILSON of Ohio, Ms. JENKINS, Mr. CULBERSON, Mr. WELCH, and Ms. FUDGE):

H.R. 2733. A bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933; to the Committee on Financial Services.

By Mr. PERRIELLO:

H.R. 2734. A bill to amend section 1781 of title 38, United States Code, to provide medical care to family members of disabled veterans who serve as caregivers to such veterans; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ (for himself and Mr. NYE):

H.R. 2735. A bill to amend title 38, United States Code, to make certain improvements to the comprehensive service programs for homeless veterans; to the Committee on Veterans' Affairs.

By Mr. SARBANES (for himself, Mr. CLAY, Mr. HASTINGS of Florida, Mr. CARNAHAN, Ms. LINDA T. SÁNCHEZ of California, Mr. FILNER, Mr. RUPPERSBERGER, Ms. NORTON, Ms. DELAURO, Mr. MICHAUD, Mrs. NAPOLITANO, Mr. ELLISON, Mr. HINCHEY, Ms. WOOLSEY, Ms. RICHARDSON, Mr. HALL of New York, Mr. COSTELLO, Mr. CUMMINGS, Mr. BACA, Mr. RUSH, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. MOLLOHAN, Mr. PALLONE, Mr. DELAHUNT, Mr. HOLT, Mr. SERRANO, Mr. SCHAUER, Mr. WALZ, Mr. KAGEN, Ms. CORRINE BROWN of Florida, Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mr. PETERS, Ms. SHEA-PORTER, Mr. CONYERS, Mr. VAN HOLLEN, Mr. PAYNE, Ms. GIFFORDS, Mr. AL GREEN of Texas, Mr. TIM MURPHY of Pennsylvania, Mr. MILLER of North Carolina, Mr. GRIJALVA, Mr. SPACE, Mrs. MALONEY, Ms. TSONGAS, Mr. TIERNEY, Ms. TITUS, Mr. LEVIN, Mrs. DAVIS of California, and Mr. NYE):

H.R. 2736. A bill to ensure efficient performance of agency functions; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself, Mrs. MALONEY, Mr. BURTON of Indiana, Mr. LATOURETTE, Mrs. MYRICK, Mr. PAULSEN, Mr. PERRIELLO, Mr. PLATTS, Mr. MCGOVERN, Mr. UPTON, Ms. ESHOO, Mr. MCDERMOTT, and Mr. KIRK):

H.R. 2737. A bill to provide United States assistance for the purpose of eradicating trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TEAGUE:

H.R. 2738. A bill to amend title 38, United States Code, to provide travel expenses for family caregivers accompanying veterans to medical treatment facilities; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California (for himself, Mr. RADANOVICH, Mr. MEEK of Florida, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2739. A bill to amend the Internal Revenue Code of 1986 to treat trees and vines producing fruit, nuts, or other crops as placed in service in the year in which it is planted for purposes of special allowance for depreciation; to the Committee on Ways and Means.

By Mr. VAN HOLLEN (for himself and Mr. SESSIONS):

H.R. 2740. A bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses; to the Committee on Education and Labor.

By Mr. WALDEN:

H.R. 2741. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes; to the Committee on Natural Resources.

By Mr. WEXLER (for himself and Mr. SHUSTER):

H.R. 2742. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Azerbaijan; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself and Mr. KING of New York):

H.J. Res. 56. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself and Ms. GRANGER):

H. Con. Res. 144. Concurrent resolution recognizing the value, benefits, and importance of community health centers as health care homes for millions of people in the United States; to the Committee on Energy and Commerce.

By Mr. ALTMIRE (for himself, Mr. KIND, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. BRADY of Pennsylvania):

H. Res. 503. A resolution recognizing National Physical Education and Sport Week, and for other purposes; to the Committee on Education and Labor.

By Mr. SMITH of New Jersey (for himself, Mr. LIPINSKI, Mr. WOLF, Mr. KANJORSKI, Mr. PITTS, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. KAPTUR, Mr. MCCOTTER, Mr. DINGELL, Mr. COHEN, Mr. KIND, Mr. GUTIERREZ, Mr. QUIGLEY, Mr. MCGOVERN, Mr. MCMAHON, and Mr. COURTNEY):

H. Res. 504. A resolution recognizing and congratulating the Republic of Poland on the 20th anniversary of the Polish parliamentary elections on June 4, 1989; to the Committee on Foreign Affairs.

By Ms. SLAUGHTER (for herself, Ms. DEGETTE, Ms. BALDWIN, Ms. WOOLSEY, Mrs. LOWEY, Mrs. CAPPS, Mr. HINCHEY, Ms. FUDGE, Mr. JOHNSON of Georgia, Mr. DOGGETT, Mr. WEXLER, Mr. COHEN, Ms. LEE of California, Mr. WAXMAN, Mr. TOWNS, Ms. NORTON, Mr. ARCURI, Mr. HIGGINS, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Ms. MCCOLLUM, Ms. SUTTON, Ms. EDWARDS of Maryland, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Ms. ESHOO, Ms. HARMAN, Mrs. MALONEY, Ms. ZOE LOFGREN of California, Mr. DEFAZIO, Mr. SCHIFF, Mr. THOMPSON of Mississippi, Mr. VAN HOLLEN, Ms. HIRONO, Mr. KUCINICH, Mr. GONZALEZ, Mr. DELAHUNT, Ms. DELAURO, Ms. CLARKE, Mrs. KIRKPATRICK of Arizona, Mr. SIRES, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. PRICE of North Carolina, Mr. FARR, Mr. LEVIN, Mr. EDWARDS of Texas, Mr. NEAL of Massachusetts, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. BAIRD, Mr. CROWLEY, Mr. THOMPSON of California, Mr. BOYD, Mr. MILLER of North Carolina, Mr. LARSON of Connecticut, Mr. BRALEY of Iowa, Mr. NADLER of New York, Mr. MAFFEI, Mr. SCOTT of Virginia, Ms. WATSON, Mr. CHANDLER, Mrs. DAVIS of California, Ms. TSONGAS, Mr. ISRAEL, Mr. ACKERMAN, Mr. PERLMUTTER, Ms. CASTOR of Florida, Ms. TITUS, Ms. PINGREE of Maine, Mr. WEINER, Mr. KAGEN, Mr. WELCH, Mr. HARE, Mr. MCGOVERN, Mr. KILDEE, Ms. SPEIER, Mrs. NAPOLITANO, Mr. HONDA, Mr. BRADY of Pennsylvania, Mr. ROTHMAN of New Jersey, and Mr. BRADY of Pennsylvania):

H. Res. 505. A resolution condemning the murder of Dr. George Tiller, who was shot to death at his church on May 31, 2009; to the Committee on the Judiciary.

By Mr. CARTER:

H. Res. 506. A resolution expressing support for designation of the first week of June as ''National Education Freedom Week'', and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COURTNEY (for himself, Mr. MURPHY of Connecticut, Mr. MAFFEI, Mr. CARNEY, Mr. MICHAUD, Mr. RODRIGUEZ, Mr. TEAGUE, Mr. KIND, Mr. THOMPSON of Pennsylvania, Mr. HOLDEN, Mr. KILDEE, Mr. ARCURI, Mr. HARE, Mr. WELCH, Mr. SHUSTER, Ms. MARKEY of Colorado, Ms. HERSETH SANDLIN, Mr. MCGOVERN, Mr. HINCHEY, Mr. MCHUGH, Mr. BARTLETT, Ms. DELAURO, Mr. KENNEDY, Ms. MCCOLLUM, Mr. TONKO, Mr. OLVER, Mr. CAMP, Mr. LANGEVIN, Mr. MASSA, Mr. HALL of New York, Mrs. DAHLKEMPER, Mr. SPACE, Mr. LEE of New York, Mr. GARY G. MILLER of California, Mr. SCHAUER, Mr. CUELLAR, Ms. BALDWIN, Ms. WOOLSEY, and Mr. GERLACH):

H. Res. 507. A resolution supporting the goals of National Dairy Month; to the Committee on Agriculture.

By Mr. FORTENBERRY:

H. Res. 508. A resolution expressing the sense of the House of Representatives that the general aviation industry should be recognized for its contributions to the United States; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself and Mr. HONDA):

H. Res. 509. A resolution encouraging the United States to fully participate in the Shanghai Expo in 2010; to the Committee on Foreign Affairs.

By Mrs. MCCARTHY of New York (for herself and Mr. SMITH of New Jersey):

H. Res. 510. A resolution recognizing the need for safe patient handling and movement; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mr. BAIRD, Ms. BALDWIN, Mr. COHEN, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. HINCHEY, Mr. HONDA, Mr. KUCINICH, Ms. LEE of California, Mr. MCGOVERN, Mr. OLVER, Mr. RAHALL, and Mr. STARK):

H. Res. 511. A resolution commending efforts to teach the history of both Israelis and Palestinians to students in Israel and the West Bank in order to foster mutual understanding, respect, and tolerance; to the Committee on Foreign Affairs.

By Mr. QUIGLEY:

H. Res. 512. A resolution expressing sympathy for the victims and victims' families of Air France Flight 447; to the Committee on Foreign Affairs.

By Mr. ROSKAM (for himself, Mr. HOLDEN, Mr. CARTER, Mr. ETHERIDGE, Mr. GOODLATTE, Mrs. BLACKBURN, Ms. KILPATRICK of Michigan, Mr. BOUSTANY, Mr. LOBIONDO, Ms. BERKLEY, Mr. BILIRAKIS, Mr. GINGREY of Georgia, Mr. MORAN of Kansas, Mr. WOLF, Mr. WILSON of South Carolina, Mr. SCHIFF, and Mr. SMITH of Washington):

H. Res. 513. A resolution supporting the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself, Mr. CAMPBELL, Ms. WOOLSEY, Mr. SHERMAN, Mrs. TAUSCHER, Mrs. HALVORSON, Mr. COHEN, Mr. THOMPSON of California, Mr. WAXMAN, Ms. KAPTUR, Ms. HARMAN, Mr. SCOTT of Virginia, Mrs. NAPOLITANO, Ms. LORETTA SANCHEZ of California, Ms. RICHARDSON, Mrs. CAPPS, Mr. ROHRABACHER, Mr. CARDOZA, Mr. DAVIS of Illinois, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. SALAZAR, Mr. GRIJALVA, Mr. REYES, Mr. PALLONE, Mr. MANZULLO, and Mr. GALLEGLY):

H. Res. 514. A resolution commending the University of Southern California Trojan men's tennis team for its victory in the 2009 National Collegiate Athletic Association (NCAA) Men's Tennis Championship; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. MCDERMOTT, Mr. HEINRICH, Mr. SMITH of New Jersey, and Ms. TSONGAS.

H.R. 22: Mr. CUELLAR.

H.R. 24: Mr. CUMMINGS, Mr. MURPHY of Connecticut, Mr. ROTHMAN of New Jersey, Mr. SHADEGG, Mr. MCHENRY, Mr. CONNOLLY of Virginia, Mr. SAM JOHNSON of Texas, and Mr. DEFAZIO.

H.R. 33: Mr. FARR and Ms. BORDALLO.

H.R. 108: Mr. MCCOTTER and Mr. WITTMAN.

H.R. 133: Mr. MCCOTTER.

H.R. 137: Mr. MARCHANT.

H.R. 197: Mr. PENCE and Mr. GARRETT of New Jersey.

H.R. 204: Ms. LEE of California, Ms. MATSUI, Mr. WU, Mr. SHERMAN, Mr. TIERNEY, Mr. MARKEY of Massachusetts, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. CARDOZA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Ms. HARMAN, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Ms. SPEIER, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Ms. HIRONO.

H.R. 205: Mr. MCCOTTER and Mr. BUYER.
H.R. 211: Mr. CALVERT, Mr. BACA, Mr. GERLACH, and Mr. WHITFIELD.
H.R. 235: Mr. BAIRD and Ms. FUDGE.
H.R. 268: Mr. FORBES and Mr. KLINE of Minnesota.
H.R. 391: Mr. PRICE of Georgia.
H.R. 433: Mr. GINGREY of Georgia.
H.R. 468: Mr. MORAN of Virginia.
H.R. 470: Ms. GRANGER.
H.R. 482: Mr. COHEN.
H.R. 510: Mr. BISHOP of Georgia and Mr. BOUCHER.
H.R. 528: Mr. KUCINICH.
H.R. 556: Ms. WOOLSEY and Mr. FRANK of Massachusetts.
H.R. 571: Mr. MCGOVERN.
H.R. 574: Mr. LYNCH.
H.R. 613: Mr. TONKO, Ms. FALLIN, Mr. RODRIGUEZ, and Mr. MCCOTTER.
H.R. 621: Mr. ROGERS of Kentucky, Mr. BERRY, and Mr. JACKSON of Illinois.
H.R. 673: Mr. LARSEN of Washington.
H.R. 678: Mr. HUNTER and Mr. MURPHY of Connecticut.
H.R. 690: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. SCALISE.
H.R. 708: Mr. DANIEL E. LUNGREN of California and Mr. CASSIDY.
H.R. 734: Mr. ROE of Tennessee, Mr. SARBANES, and Mr. CAO.
H.R. 745: Mr. RYAN of Ohio, Ms. EDWARDS of Maryland, and Mr. ALEXANDER.
H.R. 775: Mr. REHBERG, Mrs. LOWEY, Mr. BILIRAKIS, Mrs. NAPOLITANO, Mr. REICHERT, Mr. FRANK of Massachusetts, and Mr. MITCHELL.
H.R. 795: Mr. ROSS.
H.R. 808: Ms. EDWARDS of Maryland.
H.R. 836: Mr. BUYER, Mr. DENT, Mr. SCHAUER, Mr. CLEAVER, Mr. HASTINGS of Florida, Mr. HODES, Mr. MARIO DIAZ-BALART of Florida, and Ms. WOOLSEY.
H.R. 847: Mr. MCCAUL.
H.R. 873: Ms. MCCOLLUM and Mr. FOSTER.
H.R. 914: Mr. GUTHRIE.
H.R. 932: Mr. KUCINICH and Mr. HINCHEY.
H.R. 949: Ms. WOOLSEY.
H.R. 950: Mr. SABLAN.
H.R. 952: Ms. KILPATRICK of Michigan and Mr. MCINTYRE.
H.R. 959: Mr. KLEIN of Florida.
H.R. 1016: Mr. CARNEY, Mr. KLINE of Minnesota, Mr. PETERSON, Mr. GRIFFITH, Ms. TSONGAS, and Mr. KILDEE.
H.R. 1017: Ms. BERKLEY.
H.R. 1024: Mr. KENNEDY, Mr. PALLONE, and Mr. MEEKS of New York.
H.R. 1064: Mr. QUIGLEY, Ms. KAPTUR, Mr. BLUMENAUER, Mr. ROTHMAN of New Jersey, Ms. BERKLEY, and Mr. FORBES.
H.R. 1067: Mr. POE of Texas.
H.R. 1074: Mr. PENCE.
H.R. 1085: Ms. WOOLSEY.
H.R. 1103: Mr. JONES.
H.R. 1132: Mr. BROUN of Georgia, Mr. SCHAUER, Mr. BLUMENAUER, Mr. MOORE of Kansas, Mr. WOLF, Mr. GONZALEZ, and Mr. SCHOCK.
H.R. 1147: Mr. TOWNS, Mrs. MALONEY, and Ms. ROYBAL-ALLARD.
H.R. 1173: Mr. PAULSEN.
H.R. 1177: Mr. CONAWAY.
H.R. 1179: Ms. DELAURO.
H.R. 1182: Mr. JACKSON of Illinois, Mr. ROSS, Mr. ORTIZ, Mr. HINOJOSA, and Mr. FORTENBERRY.
H.R. 1188: Mr. CAMPBELL, Mr. MARKEY of Massachusetts, and Mr. CONNOLLY of Virginia.
H.R. 1189: Mr. MOORE of Kansas and Mr. LYNCH.
H.R. 1204: Mr. SCALISE.
H.R. 1207: Mr. KING of New York, Mr. HOLDEN, Mr. LIPINSKI, and Mr. KRATOVIL.
H.R. 1210: Mr. MCCOTTER and Mr. CHILDERS.
H.R. 1211: Ms. CORRINE BROWN of Florida and Mr. MEEK of Florida.
H.R. 1213: Mrs. BLACKBURN, Mr. PITTS, and Mr. WHITFIELD.
H.R. 1230: Mr. SESTAK.
H.R. 1240: Mr. POMEROY.
H.R. 1242: Mr. ROSKAM and Mr. LUETKEMEYER.
H.R. 1250: Ms. SCHAKOWSKY and Mr. LIPINSKI.
H.R. 1308: Mr. MCINTYRE and Mr. CARNAHAN.
H.R. 1327: Mr. MARKEY of Massachusetts.
H.R. 1329: Mr. CLEAVER and Mr. TONKO.
H.R. 1346: Ms. PINGREE of Maine and Mr. EDWARDS of Texas.
H.R. 1351: Mr. SARBANES, Mr. ETHERIDGE, and Mr. PITTS.
H.R. 1362: Mr. SESSIONS and Mr. HARPER.
H.R. 1382: Mr. RYAN of Ohio.
H.R. 1392: Mr. YARMUTH.
H.R. 1396: Mr. AL GREEN of Texas.
H.R. 1405: Mr. COURTNEY and Ms. SHEA-PORTER.
H.R. 1407: Ms. DEGETTE.
H.R. 1408: Ms. MCCOLLUM.
H.R. 1410: Mr. TONKO.
H.R. 1415: Mrs. NAPOLITANO.
H.R. 1428: Mr. SCOTT of Virginia, Mr. WEXLER, Mr. DONNELLY of Indiana, Mr. GONZALEZ, Mr. RANGEL, and Mr. CUMMINGS.
H.R. 1430: Mr. SPRATT.
H.R. 1441: Mr. BOOZMAN.
H.R. 1454: Mr CHANDLER, Mr. DOYLE, Ms. MCCOLLUM, Mrs. NAPOLITANO, Mr. CARTER, and Mr. MORAN of Virginia.
H.R. 1458: Ms. BERKLEY and Ms. ROYBAL-ALLARD.
H.R. 1466: Mr. CLEAVER.
H.R. 1479: Mr. CAPUANO.
H.R. 1505: Mr. WITTMAN, Mr. GUTHRIE, Mr. DUNCAN, Mr. SOUDER, Mr. SMITH of New Jersey, Mr. CAO, Ms. WATSON, and Mr. PETRI.
H.R. 1509: Ms. MARKEY of Colorado.
H.R. 1521: Mr. CUELLAR, Mr. HOLT, Mr. SMITH of New Jersey, Mr. SIRES, Mr. OLSON, and Mr. SIMPSON.
H.R. 1523: Mr. NADLER of New York, Ms. PINGREE of Maine, Mr. MCGOVERN, Ms. MCCOLLUM, and Mr. BRALEY of Iowa.
H.R. 1548: Mr. BUTTERFIELD, Mr. LATHAM, and Mr. MATHESON.
H.R. 1549: Ms. SCHAKOWSKY, Mr. DELAHUNT, Ms. MOORE of Wisconsin, and Mr. SCHIFF.
H.R. 1558: Mr. WU, Mr. MCGOVERN, and Ms. BERKLEY.
H.R. 1581: Ms. BALDWIN and Mr. PAYNE.
H.R. 1612: Mr. SABLAN.
H.R. 1615: Mr. COURTNEY and Mrs. BIGGERT.
H.R. 1616: Mr. ABERCROMBIE and Mr. ROTHMAN of New Jersey.
H.R. 1618: Mr. KLEIN of Florida, Mrs. DAVIS of California, and Mr. PASCRELL.
H.R. 1620: Mr. GARRETT of New Jersey.
H.R. 1624: Mr. BOOZMAN.
H.R. 1625: Mr. SCHRADER and Mr. ROE of Tennessee.
H.R. 1633: Mr. FRANK of Massachusetts.
H.R. 1640: Mr. ABERCROMBIE.
H.R. 1661: Mr. COHEN, Mr. TAYLOR, Mr. BISHOP of Georgia, Mr. BOREN, Mr. SCHIFF, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, Mr. BERRY, Mr. CARNEY, Mr. BOSWELL, Mr. BRIGHT, Mrs. DAVIS of California, Mr. CLEAVER, Ms. WATSON, Mr. ENGEL, Ms. HERSETH SANDLIN, Mr. SALAZAR, Mr. GRIJALVA, Mr. GONZALEZ, Mr. REYES, Ms. MCCOLLUM, Mr. STUPAK, Mrs. TAUSCHER, Mr. HOLT, Ms. SCHAKOWSKY, Mr. RODRIGUEZ, Mr. GENE GREEN of Texas, Mr. ACKERMAN, Mr. DAVIS of Tennessee, Mr. SHERMAN, and Mr. WEXLER.
H.R. 1671: Mr. BOSWELL, Mr. DEFAZIO, and Mr. HERGER.
H.R. 1683: Mr. FILNER.
H.R. 1684: Mr. BARRETT of South Carolina, Ms. FALLIN, and Mr. RADANOVICH.
H.R. 1691: Mr. QUIGLEY.
H.R. 1692: Mr. CHANDLER and Mr. COBLE.
H.R. 1693: Mr. BOUCHER.
H.R. 1708: Ms. WOOLSEY and Mrs. NAPOLITANO.
H.R. 1721: Mr. JACKSON of Illinois.
H.R. 1740: Mr. HASTINGS of Washington, Mr. RUPPERSBERGER, Mr. LIPINSKI, Mr. ADERHOLT, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. MCCARTHY of California, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Mr. WALDEN, Mr. YOUNG of Alaska, and Mr. FRELINGHUYSEN.
H.R. 1743: Mr. HERGER.
H.R. 1818: Mr. MCCOTTER.
H.R. 1826: Ms. MCCOLLUM, Ms. ZOE LOFGREN of California, and Mr. SESTAK.
H.R. 1829: Mr. MORAN of Virginia and Mr. LATOURETTE.
H.R. 1835: Mr. BROWN of South Carolina and Mr. CAPUANO.
H.R. 1868: Mr. WITTMAN and Mr. ISSA.
H.R. 1884: Mrs. MILLER of Michigan, Ms. MARKEY of Colorado, Mr. ADLER of New Jersey, Mr. FRANKS of Arizona, Mr. ARCURI, Mr. MCMAHON, and Mr. WELCH.
H.R. 1912: Ms. EDWARDS of Maryland, Ms. KOSMAS, Mrs. DAHLKEMPER, and Mr. YARMUTH.
H.R. 1924: Mr. SIMPSON.
H.R. 1932: Mr. TONKO.
H.R. 1956: Mr. LEE of New York.
H.R. 1958: Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. PASTOR of Arizona, Mr. LUJÁN, and Mrs. NAPOLITANO.
H.R. 1960: Mr. MCCOTTER.
H.R. 1963: Mr. SCHAUER and Mr. RUSH.
H.R. 1977: Mr. PAYNE and Mr. ISRAEL.
H.R. 1980: Mr. MORAN of Kansas.
H.R. 1982: Mr. SCHAUER.
H.R. 1995: Mr. GORDON of Tennessee, Mr. NEAL of Massachusetts, and Mr. FILNER.
H.R. 2002: Mrs. BONO MACK, Mr. YOUNG of Florida, and Mr. BURGESS.
H.R. 2005: Mr. GARRETT of New Jersey.
H.R. 2014: Mr. ETHERIDGE and Mr. WELCH.
H.R. 2017: Mr. MARSHALL, Mr. NYE, Mr. BUYER, and Mr. JACKSON of Illinois.
H.R. 2026: Mr. PAULSEN.
H.R. 2054: Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. COHEN, Ms. WOOLSEY, and Ms. PINGREE of Maine.
H.R. 2055: Ms. ZOE LOFGREN of California, Mr. REICHERT, Mr. GRIJALVA, and Mr. REHBERG.
H.R. 2057: Mr. FILNER, Mr. ROTHMAN of New Jersey, Mr. ETHERIDGE, Ms. SHEA-PORTER, Mr. SESTAK, Mr. HARE, and Mr. HONDA.
H.R. 2060: Ms. SCHWARTZ.
H.R. 2064: Mr. ROONEY.
H.R. 2067: Mr. MASSA.
H.R. 2083: Mr. PLATTS.
H.R. 2095: Mr. TONKO.
H.R. 2103: Mr. STARK, Mr. CONNOLLY of Virginia, Mr. RYAN of Ohio, and Mr. JACKSON of Illinois.
H.R. 2106: Mrs. MCMORRIS RODGERS.
H.R. 2124: Mr. NEAL of Massachusetts.
H.R. 2134: Mr. HINCHEY.
H.R. 2139: Mr. CONNOLLY of Virginia and Ms. MCCOLLUM.
H.R. 2141: Mr. MCDERMOTT.
H.R. 2159: Mr. BISHOP of New York.
H.R. 2178: Mr. RUSH.
H.R. 2194: Mr. FRELINGHUYSEN, Mr. HIMES, Mr. TIM MURPHY of Pennsylvania, Mr. MCNERNEY, Mr. LATHAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. RODRIGUEZ, Mr. ARCURI, and Mr. KRATOVIL.
H.R. 2196: Mr. QUIGLEY.
H.R. 2201: Mr. BOOZMAN.
H.R. 2209: Mr. BOOZMAN.
H.R. 2213: Ms. HIRONO and Mr. MORAN of Virginia.
H.R. 2227: Mr. THOMPSON of Pennsylvania, Mr. SCHOCK, Mr. BROWN of South Carolina, and Mrs. LUMMIS.
H.R. 2251: Mr. HASTINGS of Florida, Ms. BERKLEY, Mr. MCGOVERN, Mrs. MALONEY, Mr. KLEIN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCMAHON, and Mr. MOORE of Kansas.

H.R. 2254: Mr. EDWARDS of Texas, Mr. THOMPSON of California, Mr. PIERLUISI, Mr. STEARNS, Mr. CARNAHAN, Mr. Fleming, Mr. JOHNSON of Georgia, Mr. KING of Iowa, Mr. GRAVES, Mr. BOUCHER, Ms. ROS-LEHTINEN, Mr. HINOJOSA, Mr. CARNEY, and Mr. LOEBSACK.

H.R. 2263: Mr. CARSON of Indiana and Mr. MCINTYRE.

H.R. 2266: Mr. RANGEL, Mrs. MCCARTHY of New York, and Mr. MORAN of Virginia.

H.R. 2267: Mrs. MCCARTHY of New York, Mr. RANGEL, and Mr. MORAN of Virginia.

H.R. 2275: Mr. KILDEE, Mr. GORDON of Tennessee, Mr. ISRAEL, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. MARSHALL, Mr. MCHUGH, Ms. LEE of California, Mr. SCHIFF, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. FRANK of Massachusetts, and Ms. KAPTUR.

H.R. 2296: Mr. KAGEN, Mr. TANNER, Mr. BARRETT of South Carolina, Ms. FALLIN, Mr. OLSON, Mr. SHULER, Mr. PENCE, Mr. CRENSHAW, and Mr. JORDAN of Ohio.

H.R. 2304: Mr. HOLT and Mr. SMITH of New Jersey.

H.R. 2314: Ms. BORDALLO and Mr. FALEOMAVAEGA.

H.R. 2329: Mr. HOLT and Mr. RODRIGUEZ.

H.R. 2339: Mr. PAYNE.

H.R. 2372: Mr. SHIMKUS, Mr. NUNES, and Mrs. BLACKBURN.

H.R. 2373: Mr. LATHAM, Mr. BOSWELL, Mr. JOHNSON of Georgia, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. DENT, and Mr. BROUN of Georgia.

H.R. 2378: Mr. SENSENBRENNER, Mr. MURTHA, and Mr. PETERS.

H.R. 2392: Mr. TOWNS.

H.R. 2393: Mr. BOOZMAN, Mr. MILLER of Florida, Mr. GINGREY of Georgia, and Mr. ROGERS of Kentucky.

H.R. 2403: Mr. ROSS and Mr. RYAN of Ohio.

H.R. 2404: Mr. QUIGLEY.

H.R. 2406: Mr. POE of Texas, Mr. WESTMORELAND, Mr. SESSIONS, Mrs. BACHMANN, Mr. MCCAUL, Mr. CULBERSON, Mr. NEUGEBAUER, and Mr. MCCOTTER.

H.R. 2413: Mr. MURPHY of Connecticut and Mr. BARROW.

H.R. 2452: Mr. PETRI.

H.R. 2472: Mr. MCCOTTER, Mr. ROHRABACHER, and Mr. MARCHANT.

H.R. 2474: Ms. MATSUI, Mr. MCNERNEY, and Ms. SPEIER.

H.R. 2478: Mr. MCDERMOTT.

H.R. 2488: Ms. BORDALLO, Mr. CARNEY, Mr. MCGOVERN, Mr. REYES, Mr. LUJÁN, and Mr. MASSA.

H.R. 2497: Mr. PASCRELL and Mr. FILNER.

H.R. 2499: Mr. SCHOCK, Mr. WELCH, Mr. BISHOP of Utah, Mr. ROONEY, and Mr. SIRES.

H.R. 2516: Mr. BUCHANAN.

H.R. 2521: Mr. LYNCH, Mr. HINCHEY, Mr. JACKSON of Illinois, and Mr. MURPHY of Connecticut.

H.R. 2562: Mr. NYE.

H.R. 2567: Mr. HONDA, Mr. RUSH, and Ms. WATERS.

H.R. 2570: Mr. FILNER.

H.R. 2592: Mr. MCMAHON and Ms. ROS-LEHTINEN.

H.R. 2594: Mr. MILLER of Florida.

H.R. 2597: Ms. WOOLSEY and Mr. COSTELLO.

H.R. 2607: Mr. JOHNSON of Illinois, Mr. REHBERG, Mr. BISHOP of Utah, Mr. PETRI, Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. MCHENRY, Mr. GOODLATTE, and Mr. HERGER.

H.R. 2625: Mr. CLYBURN and Mr. SESTAK.

H.R. 2640: Mr. MCNERNEY.

H.R. 2648: Mr. WATT, Mr. BISHOP of Georgia, and Mr. THOMPSON of Mississippi.

H.R. 2651: Mr. LARSEN of Washington.

H.R. 2652: Mr. LARSEN of Washington.

H.R. 2662: Mr. DEFAZIO, Mrs. LUMMIS, Mr. VAN HOLLEN, Mrs. BONO Mack, and Mr. CONNOLLY of Virginia.

H.R. 2667: Mr. MCGOVERN.

H.R. 2670: Mr. LEVIN.

H.R. 2676: Mr. COSTA.

H.R. 2680: Mr. ABERCROMBIE and Ms. HIRONO.

H.R. 2681: Ms. JACKSON-LEE of Texas.

H.R. 2682: Mrs. MYRICK.

H.R. 2683: Mr. COHEN.

H.R. 2687: Mr. MCCOTTER and Mr. SMITH of New Jersey.

H.R. 2692: Mr. BUYER, Mr. GORDON of Tennessee, Mr. WILSON of South Carolina, and Mr. MORAN of Kansas.

H.J. Res. 47: Mr. LATTA, Mr. NEUGEBAUER, Mr. CONAWAY, and Mr. SMITH of New Jersey.

H.J. Res. 50: Mr. KING of Iowa.

H.J. Res. 54: Mr. LATTA, Mr. PRICE of Georgia, Mr. FLEMING, Mr. BILBRAY, Mr. AKIN, Mr. SHIMKUS, Mr. WESTMORELAND, Mr. KING of Iowa, Mr. BURTON of Indiana, Ms. FALLIN, Mrs. BLACKBURN, Mr. KLINE of Minnesota, Mr. CAMPBELL, and Mrs. BACHMANN.

H. Con. Res. 49: Ms. KAPTUR, Mr. HASTINGS of Florida, and Mr. CAO.

H. Con. Res. 50: Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, and Mr. FARR.

H. Con. Res. 51: Mr. AUSTRIA and Mr. MICHAUD.

H. Con. Res. 59.: Mrs. MILLER of Michigan.

H. Con. Res. 70: Mr. TIAHRT and Ms. ROS-LEHTINEN.

H. Con. Res. 79: Mr. AL GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. RANGEL, Mr. CLEAVER, Mr. CLYBURN, and Ms. NORTON.

H. Con. Res. 96: Mr. COURTNEY.

H. Con. Res. 119: Mr. SCOTT of Virginia, Mr. AL GREEN of Texas, Ms. EDWARDS of Maryland, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. WATT, Mr. RANGEL, Mr. CLEAVER, Mr. CLYBURN, Ms. NORTON, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 121: Mr. BARRETT of South Carolina.

H. Con. Res. 127: Ms. WOOLSEY and Ms. WATERS.

H. Con. Res. 130: Mr. HIMES, Mr. FRELINGHUYSEN, Mr. LEE of New York, and Mr. MCMAHON.

H. Con. Res. 131: Mr. FRANKS of Arizona, Mr. NEUGEBAUER, Mr. CAMPBELL, and Mr. BARTON of Texas.

H. Con. Res. 132: Mr. BUYER.

H. Con. Res. 142: Mr. KING of New York, Mr. JACKSON of Illinois, Mr. GALLEGLY, and Mr. CASTLE.

H. Res. 69: Mr. MCGOVERN.

H. Res. 81: Mrs. EMERSON, Mr. KAGEN, and Mr. BONNER.

H. Res. 89: Mr. MCGOVERN and Mr. MCMAHON.

H. Res. 111: Ms. SCHWARTZ, Mr. ADLER of New Jersey, Mr. REHBERG, and Ms. HERSETH SANDLIN.

H. Res. 160: Mr. MCMAHON.

H. Res. 185: Mr. MCGOVERN and Mr. COHEN.

H. Res. 225: Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, Mr. FORTENBERRY, Mr. BARRETT of South Carolina, and Mr. BUYER.

H. Res. 260: Mr. DRIEHAUS, Mr. BURGESS, and Mr. MARSHALL.

H. Res. 317: Mr. TIAHRT.

H. Res. 318: Mr. DANIEL E. LUNGREN of California, Mr. BUYER, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 322: Mr. FILNER.

H. Res. 333: Mr. HOLT and Mr. MCDERMOTT.

H. Res. 351: Mr. NYE.

H. Res. 356: Mr. CAMPBELL, Mr. ADERHOLT, Mr. MCHUGH, Mr. TIAHRT, and Mr. SABLAN.

H. Res. 363: Mr. HOLT.

H. Res. 397: Mr. SMITH of Nebraska.

H. Res. 404: Mr. NEUGEBAUER.

H. Res. 410: Mr. GERLACH, Mr. CARNEY, Mr. WITTMAN, Mr. MARCHANT, Mr. MCDERMOTT, Mr. MCCAUL, Mr. SHADEGG, Mr. BAIRD, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MICHAUD.

H. Res. 428: Mr. CARDOZA.

H. Res. 433: Ms. SPEIER, Ms. MCCOLLUM, Mr. SHERMAN, Mr. BACA, Ms. CLARKE, and Ms. DEGETTE.

H. Res. 445: Mr. CONAWAY, Ms. BORDALLO, Mr. SESSIONS, Mr. BURGESS, Mr. MCCAUL, Mr. EDWARDS of Texas, Mr. SMITH of Texas, Mr. RODRIGUEZ, Mr. CARTER, Mr. JOHNSON of Georgia, Mr. BROWN of South Carolina, Mr. AKIN, Mr. MARCHANT, and Mr. REICHERT.

H. Res. 462: Mr. COSTELLO.

H. Res. 465: Mr. NYE and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 466: Ms. CASTOR of Florida, Ms. ESHOO, and Mr. GENE GREEN of Texas.

H. Res. 472: Mr. ALTMIRE, Mr. BOYD, Mr. DAVIS of Kentucky, and Mr. GARY G. MILLER of California.

H. Res. 476: Ms. VELÁZQUEZ, Mr. WEINER, Mr. JACKSON of Illinois, Mr. FILNER, Mr. FRANKS of Arizona, Mr. DELAHUNT, Mr. BOYD, Mr. OBEY, Mr. KILDEE, Mr. YARMUTH, Ms. KAPTUR, Ms. WATERS, Mr. GONZALEZ, Mr. KANJORSKI, Mrs. SCHMIDT, Mr. HASTINGS of Florida, Mr. CONNOLLY of Virginia, Mr. BACHUS, Mr. HARE, Mr. TOWNS, and Mr. TEAGUE.

H. Res. 480: Mr. COHEN.

H. Res. 491: Mr. MCMAHON.

H. Res. 492: Mr. CHANDLER, Ms. MATSUI, Mr. DOYLE, Mr. LOEBSACK, Mr. BAIRD, Mr. HODES, and Mr. BLUMENAUER.

H. Res. 496: Mr. WOLF and Mr. JONES.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, JUNE 4, 2009 *No. 83*

Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Saviour, we need You every hour of every day. We not only need You during crisis times but also in the solitary moments of daily living.

Lord, our lawmakers need You. As they open their hearts to You, fill them with power for today's tasks. Show them Your will for our times and give them the wisdom to say, ''Speak, Lord, for we are listening.'' May the inspiration they receive from You keep their hearts pure, their minds clear, their words true, and their deeds kind.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, after leader remarks, we are going to be in a period of morning business for up to an hour. During that period of time, Senators will be allowed to speak for up to 10 minutes each. The Republicans will control the first half, and the majority will control the second half.

Following morning business, we will proceed to the tobacco legislation, H.R. 1256. Two amendments are currently pending to the Dodd substitute amendment; that is, the Burr-Hagan substitute and a Lieberman amendment regarding TSP. Senator HAGAN will be here as soon as we complete morning business to offer some amendments. The Republican leader and I thought it would be appropriate that Senators who have amendments relating to the bill that are relevant and germane would offer their amendments first, and those Senators are HAGAN and BURR. So we want them to get whatever amendments they want to offer laid down so that we can go to other matters people wish to bring up.

I announce that I have had, frankly, a number of conversations with Senators on both sides, and there are a number of important events today—this evening, I should say—so we are not going to be working late tonight. I think if we go to 6 o'clock, that will probably be about as far as we go. There is a funeral service for one of the employees of the Senate who has worked in the Capitol for many years who was killed in a car accident on Sunday. We have to make sure the people who want to go to that have that opportunity. There are a number of other events, including something at the Vice President's residence this evening. So everyone should be alerted to that.

I had a conversation with the Republican leader yesterday about the schedule for the next work period. We have 3 weeks left in this work period, and we have things we want to do. I have explained to the Republican leader that we would like to do at least two appropriations bills. I have indicated that to Chairman INOUYE, and he has conveyed that to Ranking Member COCHRAN. We want to at least get the legislative branch legislation out of the way and Homeland Security out of the way.

There are other things, of course, we are going to work on during this work period. We have the supplemental appropriations bill that we need to complete within the next couple of days. We have this tobacco legislation which we need to complete. There is a tourism bill which was completed and reported out of the Commerce Committee which is bipartisan and important. It is interesting. In every State in the Union, tourism is important. It is either the No. 1, 2, or 3 most important part of the State's economy. We are going to try to complete that this work period. So we have a lot of things to do.

The next work period, in July, where we have 5 weeks, we will have by then completed, we hope, the legislative branch appropriations, and we will have completed Homeland Security. We have appropriations bills we want to work on. We have health care that will likely be worked on during that period of time.

We have the DOD authorization, which is extremely important. Not only does it have the standard stuff in it that we always did, but we also have to do something about military commissions. This involves the situation we have with enemy combatants and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

other people who need to be tried in military courts and who can't be tried, for various reasons, in civil courts. That is going to be a part of the DOD authorization this year, which will make it difficult. We have to do that because what we have passed before was declared unconstitutional by the Federal courts. So we have to do that.

We also have to make a decision as to whether we are going to be able to do the Supreme Court nomination during the next work period or whether that will spill over until the next period, which would be September. I have spoken with the Republican leader about that, and he has indicated he is going to be communicating with me as to what he thinks should be done in more detail than our brief conversation yesterday.

So the reason I am talking about this today is to alert all Senators, as I have, as well as Senator MCCONNELL yesterday, that the next 5 weeks is going to be a unique work period in the Senate. Because of the makeup of the Senate changing over the years and it becoming a place where there is an obligation people have with their families, we aren't able to work the long weeks we have in the past. We have plenty of work to do. No one is complaining that we are not working hard enough, but sometimes you just have to put in the time because of the procedural obligations we have here, procedural rules we have to follow in the Senate.

So the next work period, which is July 5 through August 7, which is 5 weeks, there will only be one no-vote day, and that is July 16. The reason for that is as I have outlined. We are going to conduct business on Mondays and Fridays, and there will be rollcall votes on those days. That is the plan.

I have just been advised that the no-vote day is Friday, July 17, not July 16. So everything I have said other than that is valid. July 16 is a Thursday.

For example, health care—we cannot complete that most important legislation by working just Tuesday through Thursday.

I had a chairmen's meeting yesterday. We meet every other week with all of the chairmen. It was clear from conversations I had with all of our chairmen that we are going to have to have a very long, hard work period in July. If there are questions anyone has or special circumstances, they can contact either the Republican leader or me, and we will be happy to take a look, but everyone is on notice that is where we are. So with respect to your scheduling on Mondays and Fridays, be very careful because we are not going to be able to come in here on Mondays at 5:30. We are going to have to have regular workdays.

Mr. MCCONNELL. Madam President, I ask my friend before he leaves the floor, what was the no-vote day in the July work period?

Mr. REID. July 17.

Mr. MCCONNELL. The 17th. I thank the leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE REFORM

Mr. MCCONNELL. Madam President, one thing that unites Democrats and Republicans this morning is that all of us want health care reform in this country. Americans want reform that addresses the high cost of care and gives everyone access to quality care. In America in 2009, doing nothing is simply not an option. We must act, and we must act decisively. The question is not whether to reform health care; the question is how best to reform health care.

Some are proposing as a reform that the government simply take over health care, but Americans have seen the government take over banks, they have seen the government take over insurance companies, they have seen the government take over auto companies, all of that in recent months, and they are concerned about it. So as we discuss health care reform, it is understandable that many Americans would be equally if not more concerned about a government takeover of health care.

Some are openly calling for this government takeover of health care, making no apologies about it. Others disguise their intentions by arguing for a government ''option'' that we all know will really lead to government-run health care being the one and only option. But it should be perfectly obvious to anyone who has followed government takeovers in the financial sector and the auto industry that government creates an unfair, not level playing field that puts other companies at a disadvantage and only ends up hurting consumers in the end.

We have seen this with the insurance bailouts. When most companies want to raise money, they have to show they are viable and their products and services are a worthwhile investment. That is what most companies have to go through. Bailed out insurers just have to ask for more money, and the government hands it over. Apply this model to health care, and the government would be able to create the same kind of uneven playing field that would, in all likelihood, eventually wipe out competition, thus forcing millions of people off the private health plans they already have and which the vast majority of them very much like.

We are also seeing the ill effects of government control in the auto industry. The government has already given billions of dollars to the financing arms of Chrysler and General Motors, allowing them to offer interest rates Ford and other private companies struggle to compete with. This means the only major U.S. automaker that actually made the tough choices and didn't take bailout money is at a major disadvantage as it struggles to compete with government-run auto companies such as GM. If Ford needs money, it has to raise it at an 8-percent rate of interest. If GM wants money, all it has to do is to call up the Treasury and ask for it. No company can compete with that.

This is how the government subsidizes failure and undercuts private companies, and this is how a government plan would undercut private health care plans, forcing people off the health plans they like and replacing those plans with plans they like less.

No safeguard could prevent this from happening. Eventually, Americans would be stuck with government-run health care whether they like it or not. That is when the worst scenario would take shape, with Americans subjected to bureaucratic hassles, hours spent on hold waiting for a government service representative to take a call, restrictions on care, and, yes, lifesaving treatment and lifesaving surgeries denied or delayed. Medical decisions should be made by doctors and patients, but once the government is in control, politicians and bureaucrats would be the ones telling people what kind of care they can have. Americans could find themselves being told they are too old to qualify for a procedure or that a treatment that could extend or improve their lives is too expensive.

If anybody doubts this can happen, they should consider what happened to Bruce Hardy.

Bruce was a British citizen suffering from cancer. His doctor wanted to prescribe a drug that was proven to delay the spread of the cancer and may well have extended his life. But the government bureaucrats who run Britain's health care system denied treatment, saying the drug was too expensive. The British Government told Bruce his life wasn't worth prolonging because of what it would cost the government to buy the drugs he needed. The government decided that Bruce Hardy's life wasn't worth it.

Or take the case of Shona Holmes, a Canadian citizen who was told by the bureaucrats running the health care system in that country she would have to wait 6 months—6 months—to see a specialist to treat her brain tumor. Here is how Shona described her plight:

> If I had relied on my government, I would be dead.

Shona's life was eventually saved, fortunately, because she came to the United States for the care she needed. With her vision deteriorating, she went to the Mayo Clinic in Arizona, and the doctors there told her immediate surgery would be needed to prevent permanent vision loss and maybe even death. Meanwhile, the government-run system in Canada would have required more appointments and more delays. Ms. Holmes got the treatment she needed, when she needed it, in the United States.

The American people want health care reform, but creating a government

bureaucracy that denies, delays, and rations health care is not the reform they want. They don't want the people who brought us the Department of Motor Vehicles making life-and-death decisions for them, their children, their spouses, and their parents. They don't want to end up like Bruce Hardy or Shona Holmes.

GUANTANAMO BAY

Mr. MCCONNELL. Madam President, on a very timely subject, we understand that discussions are underway on the conference report on the supplemental. I think it is important to remind everybody in the House and in the Senate that, just a few weeks ago, the Senate answered the question that has concerned Americans and that is this: whether the terrorist detainees at Guantanamo Bay, Cuba, should be transferred stateside to facilities that could be in or near their communities.

By an overwhelming vote of 90 to 6, the Senate said: No way, not without a plan. It passed the bipartisan Inouye-Inhofe amendment that bars the administration from transferring these terrorist detainees into the United States—90 to 6.

This is not a change in the Senate's position. Just a few years ago, the Senate, by a vote of 94 to 3, said the same thing: We should not move some of the world's most dangerous terrorists out of Guantanamo's modern, safe, and secure facility into our country.

The views of the Senate are abundantly clear. Nevertheless, it has been reported that congressional Democrats are privately considering the entreaties of the White House to repudiate these very clear views and to allow terrorist detainees to come into the United States.

What has changed? What has changed in the last couple weeks?

The views of the American people have not changed. In fact, they are more firmly opposed to this now than they were 2 months ago. Nor have the dangers and difficulties of moving the detainees into the United States.

The FBI Director, a couple weeks ago, testified about the dangers of holding these terrorists in the United States. Most of us are familiar with the problems Alexandria, VA, experienced with the trial of just one terrorist: security problems, transportation problems, logistical problems, commercial problems and on and on. Indeed, if you want to try these detainees by military commission—something I support—there is no better place than the $12 million modern courtroom right there at Guantanamo Bay.

The administration's supporters point to Supermax as a place to house these terrorists. But our colleagues from Colorado don't support moving them there, nor is there anyplace in the facility to put them.

The Denver Post reports there is just one bed open at Supermax—just one. That means these terrorists would have to come somewhere else, perhaps to a facility in your State.

Why in the world would Senate Democrats be considering the idea of giving the administration millions of dollars for doing this, especially since we still don't have a plan?

According to a Member of the Democratic leadership, it is because keeping terrorists at Guantanamo is a ''problem politically'' for the administration.

That is most curious. Assuming this is a political problem, with whom does the administration have it? It is not with the American people. They don't want Guantanamo closed, and they certainly don't want its inmates transferred here. It is not with our colleagues from Colorado. They don't want these detainees transferred into their State any more than the rest of America does.

It seems like the administration's ''political problem'' is a diplomatic one with the Europeans, who want the United States to accept some of these dangerous terrorists before they will. It is not in the interest of the United States to compromise our security to appease our European critics.

Similar to most Americans, I am for keeping Guantanamo open. It is safe and securely away from our civilian population. Perhaps I could be persuaded to change my mind if the administration comes up with a plan. They have time to do that and still receive funding to execute a plan through the regular order when we take up the 2010 appropriations bills in a few months.

But we should not rush to give the administration a blank check to do something, sight unseen, that Americans overwhelmingly oppose.

As Senate Democrats have often said, the Senate is not a rubberstamp. We should not flip-flop on our vote of a few weeks ago.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time to be equally divided and controlled between the two leaders, or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Oklahoma is recognized.

HEALTH CARE

Mr. COBURN. Madam President, I have given a lot of thought to this, and I appreciate what the leader said about health care. I am the only practicing physician in the Senate. We have one of our colleagues who is no longer practicing. But it struck me, as a physician, that what we should do in health care ought to be what our patients want us to do. What is it the people—the very personal aspect of health care—would like to see?

There is no question we have big problems in health care. There is dissatisfaction in the insurance side, with Medicare and Medicaid, and the lack of access. But what is it we should be talking about that will solve the insecurities, the problems, the concerns of the American people? I wish to go through with you a little list of items I think individuals in this country would agree with on how we ought to handle health care.

First, we ought to make sure health care is available to everybody in this country and that it is affordable. We will spend, this year, $2.4 trillion on health care, or 17.5 percent of our GDP. Yet we know that out of that $2.4 trillion, $700 billion doesn't help anybody get well and doesn't prevent anybody from getting sick. We now have an administration that wants to spend another $1.3 trillion over the next 10 years, or $130 billion more per year, to try to solve this problem. The money is not the problem. We know, in Medicare alone, there is $70 billion to $80 billion worth of fraud and in Medicaid $40 billion worth of fraud and that is in the government-run programs.

The second thing we ought to make sure of is that everybody can be covered. We can do that with the money we have today. We can make sure everybody gets covered. The other thing we ought to do is make sure everybody who has a plan they like today can keep it. After all, health care isn't about health care, it is about individuals, it is about persons, what they desire, what they need, and when they need it.

We can, in fact, fix the fraud, waste, and abuse in health care. It is something we can do. Not long ago, we discovered we had one wheelchair that had been sold multiple times by one durable medical equipment company in Florida, but it was never delivered, and they collected $5 million from Medicare for that one wheelchair. That is just the tip of the iceberg of the fraud.

Another thing we know we need to do, and that patients want us to do—because we have a government-run system for 60 percent of our health care today—is we ought to prioritize wellness and prevention. Do you realize Medicare doesn't pay for wellness and prevention and Medicaid doesn't pay for wellness and prevention? So we don't have wellness and prevention. What that leads to is additional chronic disease, which we then will have to manage—a disease we could have prevented.

Another issue I was thinking about—especially with my patients—is that

some are employed and have insurance through their employer, but those who are employed but don't have insurance or they own their own business or they are self-employed, they get a totally different look from the IRS about their health expenses. If your employer pays for it, there are no taxes, but if you have to pay for it or you are self-employed or you have your own business, you have to take dollars, after tax, and pay for your health care. So one of the things we have to do is equalize that so everybody is treated the same under the Tax Code for their health care.

How does that work out? Well, if your employer provides your health care, you get about $2,700 worth of tax benefits a year. But if you provide your health care, you get only about $100 worth of tax benefit. It is ironic because it is so unfair to say you don't get the same benefit under the Tax Code because you happen to either work in a place that doesn't provide health insurance or you own your own business or you are self-employed.

The other issue I thought about that my patients would want is: What should we not do? What should we make sure we do not do? I think about my patients, and the last thing they want is more government involvement in their health care. We heard the minority leader talk about what happens in Canada when you get sick and how you have to wait and what happens in England when you get sick and are denied care because you are not worth it because of your age. Health care delayed, in the case of the lady he mentioned from Canada, is death. Health care denied, as he mentioned about the gentleman from England, is death—for both those individuals.

If you think about the government-run health care programs today, talk about Indian health care, a government-run program that is so substandard nobody would embrace it. If you think about VA health care—although it is improving through the years—it is still far below the standards of health care in this country. Then, if you think about the fraud in Medicaid and Medicare and the hoops everybody has to jump through, in terms of those two programs, I think most Americans would say: Let's fix it so everybody can have what they need and let's make sure everybody gets covered and let's make sure we do that without having government bureaucrats deciding what, when, and how we get our care.

The final issue is we know one of the problems we have today—besides a recession—is this huge amount of people who are unemployed. Yet we also know 72 percent of all new job creation comes from small business. A proposal is floating out there that we are going to tax you, through a pay-or-play mandate, if you don't provide health insurance for your employees, and you are going to pay into the government to do that. That will kill job creation in this country.

We can fix health care. It needs to be fixed. Everybody agrees with that. How we fix it is the most important issue we are going to deal with in the next 2 years. The idea that we can come to a solution of this in the next couple months, with the complexity we have, will assure us of one of two things: One is a government bureaucratic takeover of health care, or a piece of legislation that will deny care, which will put somebody in between a patient and their doctor and will either delay care or, in fact, will raise the cost of health care.

As somebody who has practiced for 25 years in the field of medicine, obstetrics, and allergy, what I know is that we have a good health care system if we can get the government out of it and not put more government into it. What we need is fairness in access, fairness in the Tax Code, and allow the true American experiment to work in health care as we have had it work in so many other things.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

ENERGY

Mr. VITTER. Madam President, I rise today to talk about the crucial issue of energy, to express real and deep concern that President Obama's energy proposals are, pure and simple, a huge package of new taxes on domestic energy production that will hurt this country and particularly hurt middle-class and working-class families, and to offer a clear alternative which is embodied in a bill I have introduced with 14 other Senators and 30 House Members, the No Cost Stimulus Act of 2009.

Energy plays a very unique and important role in our great society because energy—affordable, accessible energy—is one of the great equalizers in our great society. Low-cost energy provides for the single mom working two jobs to be able to drive her kids to school in the morning or soccer practice on the weekend, the way a wealthy family can. Low-cost energy allows for an elderly couple living on Social Security to stay warm in the winter and cool in the summer, as Warren Buffett can.

In providing energy that is truly affordable and accessible to businesses and consumers, we not only grow the society, but it is even more fundamental than that. It is a great equalizer. We ensure that those important opportunities and comforts are available to everyone in our society.

The converse of that is also true. When Congress acts to increase the cost of energy or when Congress acts knowing that will be the effect, we are making a decision to reduce the standard of living of middle-class, working-class families and the poor. We are making a decision to increase that gap, to put classes into our society and take away one of those great equalizers.

Cheap, affordable, accessible energy is as basic as putting a roof over your head and food on the plate of your children. Energy keeps the elderly in Wisconsin warm in the winter, keeps kids in Louisiana cool in the very hot and very humid summer.

With that truth, as sure as we should supply clean drinking water to all Americans, we must provide reliable, affordable energy to the people of our great Nation. It is our responsibility to do so in a nation of the people and by the people and for the people. It is fundamental to who we are as a people because it is a great equalizer, and we are a society not of classes but of one people.

In contrast to this, I am concerned about President Obama's energy proposals which across the board constitute a set of major new taxes on domestically produced energy. I favor an alternative to that, the No Cost Stimulus Act of 2009.

Our goal in the energy debate should be four things. It should be ensuring affordable energy for all Americans, including middle- and low-income families, keeping energy that great positive equalizer in our society. It should be growing the economy from our own abundant resources right here at home and not creating another factor that pushes jobs out of the country to other countries. It should be to work vigilantly to achieve energy independence, doing more here at home. And No. 4, tied directly to that, it should be about ensuring our efforts are consistent with our national security interests, which is, of course, more energy independence.

Again, the President's tax proposals are big increases on domestic energy production across the board. So they work against all of those four core aims that I laid out.

To see how that happens, we can look at history, and not that far back, to President Carter. In 1980, President Jimmy Carter increased taxes on domestic energy production. He signed into law the Crude Oil Windfall Profits Tax Act. The windfall profits tax was forecasted to raise more than $320 billion between 1980 and 1989. But a funny thing happened on the road of implementation. The reality was far different.

According to the CRS, the government collected only $80 billion in gross tax revenue, compared to that $320 billion projection. The CRS also found the windfall profits tax had the effect of decreasing domestic production, what we produce at home, by between 3 percent and 6 percent, thereby increasing our dependence on foreign oil sources from 8 percent to 16 percent.

A side effect was declining, not increasing, tax collections. And while the tax raised considerable revenue in the initial years following its enactment, those revenues declined to almost nothing as that domestic energy industry went down as a direct result.

So here we are in 2009 and, unfortunately, it seems to be back to the future, a repeat of that sad experience. The Obama administration is, again, proposing to increase taxes across the board in major ways on domestic energy production and on domestic utilities, even in the midst of this serious recession. In this case, the President imagines different results from the same policy of the 1980s, but I am afraid the result will be more of the same.

Let's look at exactly what these energy proposals, which are just tax increases, are.

First, a huge category of President Obama's proposals is his so-called cap-and-trade plan. Let's make no mistake. Cap and trade is a phrase in vogue. It has gained a lot of vogue. What it is about, again, is a tax on domestic utilities and domestic energy. It is a carbon tax. It is an energy tax, pure and simple. You can dress it up, you can muddy it up, you can try to confuse the public, but it is a tax on utilities, and it is a tax on energy.

Independent analysis by the Heritage Foundation estimates that the economic impact of the Waxman-Markey bill by 2035 will be enormous and it will be negative: reduce aggregate gross domestic product by $7.4 trillion; destroy 844,000 jobs, with peak years seeing unemployment rise by over 1.9 million jobs; raise electricity rates 90 percent after adjusting for inflation; raise gasoline prices by 74 percent after adjusting for inflation; raise natural gas that goes to residential customers, American families, by 55 percent; raise an average family's annual energy bill by $1,500. That is a $1,500 a year tax bill on working-class, middle-class families. Increase the Federal debt by 29 percent after adjusting for inflation. That is $33,400 of additional Federal debt per person, again, after adjusting for inflation.

Some might say this is a conservative think tank, this is biased. There is independent analysis, and in this case it comes from President Obama. The President spoke very directly on the campaign trail. It was at a private editorial board meeting, but it was on the record, and we have his direct quote that said that utility rates would skyrocket—''skyrocket,'' his word—and he is right.

In addition to his carbon tax, cap-and-trade proposals, President Obama has other energy taxes on domestic production, right when we should be increasing domestic production, increasing that bridge to the future, energy independence. He has tax proposals on domestic production that would do the opposite: $62 billion of new taxes on the so-called LIFO reserve through a change in accounting rules, bottom line, a $62 billion tax increase on domestic energy; $1 billion of new taxes by increasing the amortization period to 7 years for oil and natural gas production, bottom line, a billion-dollar tax increase on domestic energy; $5 billion tax increase with new taxes on a significant part of domestic oil and gas production, 25 percent of oil production in the United States and 15 percent of gas; $49 billion of new taxes through the repealing of the passive loss exception for oil and gas properties; $13 billion of new taxes by repealing section 199 of the manufacturers tax deduction; $175 billion of new taxes by forcing States into a renewable portfolio system which is particularly difficult and particularly troubling for States such as Louisiana which has many resources and many renewable resources but not the specific ones demanded by that portfolio; and $17 billion of new taxes by reinstating the Superfund excise and income taxes—again, a package of enormous tax increases all on domestic energy production.

If you raise taxes in a major, significant way on domestic energy production, do you think that production is going to go up or go down? The answer is obvious. In theory, it is going to go down. And the answer is obvious, in history, in practice, it is going to go down. It did go down with the Jimmy Carter windfall profits tax, which is small compared to this huge onslaught of new taxes on our utility bills and on domestic production.

Energy Secretary Chu has argued clearly in the past that if the United States wanted to reduce its carbon emissions, policymakers would have to find a way to increase petrol prices, as he put it, to levels like we see in Europe. It is not a secret. Secretary Chu is saying we need to increase taxes on oil, the cost of gasoline. President Obama said on the campaign trail that we need to do a carbon tax, cap and trade, that will, of course, cause utility bills to skyrocket. This is not a secret.

Let me go back to what I think the four main goals of a sound energy policy are and are these major energy tax increases doing any of it.

No. 1, ensuring affordable energy for all Americans, including middle- and low-income Americans. The President is doing the opposite. He is taking away a great equalizer of our society. He is putting an enormous burden on working-class, middle-class families.

No. 2, growing the economy from our own abundant resources and trying to stop the outsourcing of jobs to other countries. The President's plan is doing the opposite of that. He is putting taxes on at a time of a severe recession, and he is putting a tax on domestic energy which is going to increase the flow of jobs elsewhere.

No. 3, working vigilantly to achieve energy independence. It is common sense that if you dramatically increase the taxes on energy here, you are going to increase energy dependence, not increase independence.

No. 4, we need to ensure that our efforts are consistent with our national security interests. We need to increase our energy independence consistent with national security. Taxing energy here will do exactly the opposite.

It is one thing to say no to bad ideas, but with that comes a responsibility to lay out clear, positive alternatives that provide a positive answer. I have done that, working with many other colleagues, in introducing our No Cost Stimulus Act of 2009. Again, I introduced this bill with 14 other Senators and with 30 House Members about 2 months ago.

As the title suggests, this bill is a comprehensive economic recovery bill. It is a solid energy bill that does not require borrowing more money from China or anywhere else, increasing the outflow of taxpayer dollars in a time of already historic deficits.

The No Cost Stimulus Act of 2009 can achieve a number of positive outcomes—again, without further indebting our kids and grandkids—and specifically, it does six major things:

First, we can save or create more than 2 million long-term, sustainable, well-paying jobs.

Second, we can dramatically increase GDP that could exceed $10 trillion over the next 30 years.

Third, we would reduce the cost of energy to manufacturers, all U.S. businesses, and American families, including low-income families. On top of helping businesses compete internationally, that reduces the cost of a key input so that resources may be used on other purchases or employee hiring.

Fourth, we would have a real, positive impact on low-income families, as this is the equivalent of receiving a major stimulus check. As the price of energy decreases, a family may direct the extra money toward other needs.

Fifth, we can achieve these goals while not incurring huge amounts of new debt to foreign governments or to anyone else, leveraged against our kids' and grandkids' futures.

Sixth, this bill will have a direct and significant impact on reducing our dependence on foreign oil.

So again, you go back to those four main goals I laid out for sound energy policy. The No Cost Stimulus Act moves us toward those goals, unlike the President's energy tax proposals, which move us away from all of those goals.

What does the No Cost Stimulus Act do exactly? It does three big things:

No. 1, it increases domestic production of energy. We produce more energy here at home on the Outer Continental Shelf, in Alaska, and from oil shale. We have enormous energy resources in this country. We are the only country in the world that has major resources but puts 95 percent of them off limits. This bill would change that.

No. 2—and this is very important—this bill would invest in alternative and renewable energy. No one, including me, thinks our long-term future in energy is oil and gas. We need a new alternative, renewable energy future, and this bill will help build that by actually creating new Federal revenue

through the royalty on energy production and devoting most of it to those investments in alternative and renewable energies. Again, we do this without borrowing money by establishing a renewable and alternative energy trust fund and putting funds from domestic production royalties into that trust fund. In doing so, we do more for alternative and renewable energy than President Obama's entire $800 billion stimulus plan.

No. 3, the third big thing the No Cost Stimulus Act of 2009 does, it streamlines the regulatory burden and clarifies environmental law. We streamline the review process for new nuclear energy production, and we prevent the abuse of environmental laws, which were not meant to be used as a way to simply stop and block all of these projects.

Madam President, I wish to close as I began. Energy is a big topic, and ensuring affordable, reliable energy is central to the core of who we are in this country because energy is a great equalizer. We are a society of equals. We have never had distinct classes. We have always had great mobility. You can make it in America. If you are successful, you can do anything. You are not born into a class. You are not limited in that way. Affordable, reliable energy is a key equalizer that ensures that American way of life.

So what should energy policy be about? It should be about four things:

No. 1, ensuring affordable energy for all Americans, particularly middle- and low-income families, so that we keep that great equalizer in the center of our society, in the center of our economy.

No. 2, it should be a way to grow the economy with our abundant domestic resources, particularly as we need to get out of this serious recession.

No. 3, good energy policy should work us toward energy independence so we do more here at home and we rely less on foreign sources.

No. 4, a good energy policy should ensure that it is consistent with national security, which, of course, increasing our energy independence is.

I truly believe the No Cost Stimulus Act of 2009 achieves all four of those broad goals in a very significant way. Just as clearly, President Obama's energy tax proposals, which across the board increase the tax burden on utility bills, on domestic energy, on domestic energy production, move us in the opposite direction.

President Obama said very recently about GM, in the midst of the latest GM bailout, that:

> GM has been buried under an unsustainable mountain of debt, and piling an irresponsibly large debt on top of the new GM would mean simply repeating the mistakes of the past.

There is an old saying: What is good for GM is good for the country. I would like to modify that to say: What is true for GM is true for the country. So why are we piling an irresponsibly large debt on top of our existing historically high levels of debt in this country? We need another way. We need something like the No Cost Stimulus Act of 2009. We need to learn again how to generate wealth and a healthy economy. We need to refocus here at home on our abundant energy resources. And that is the way we can have a sound energy policy that meets those four crucial goals I mentioned and allow us to work out of this severe recession—not by borrowing more from the Chinese, not by spending more taxpayer dollars—and it is all borrowed money right now—but focusing here at home on our own resources, on our own people, on good sustainable jobs we can build here toward a prosperous future and toward a new energy future.

Madam President, I yield the floor, and 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. LIEBERMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. LIEBERMAN. Madam President, I rise today to describe and explain my amendment to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. The central purpose of this legislation is to give the Food and Drug Administration the authority to regulate tobacco products. I support the bill's goals and am an original cosponsor of the Senate counterpart, S. 982.

Because the regulation of tobacco products under H.R. 1256 passes muster under budget rules only because of the increase in tax revenues generated by one federal employee retirement program, I want to make sure that the overall retirement system treats federal employees fairly. To accomplish this, I and colleagues on the Homeland Security and Governmental Affairs Committee—Senators COLLINS, AKAKA, and VOINOVICH—have developed this bipartisan amendment to make a number of much-needed corrections and improvements to the federal employee retirement program. In addition to Senators COLLINS, AKAKA, and VOINOVICH, I would also like to thank Senators MURKOWSKI, MIKULSKI, INOUYE, and BEGICH, who have all asked to be included as cosponsors of this amendment.

The central purpose of our amendment is to bring justice to federal employees who—because of quirks in the law, errors, and oversight—have lost out on retirement benefits for which they would otherwise be eligible. Many of the provisions of this amendment have the very strong support of federal employee unions and organizations of managers.

Our amendment would add back into the pending substitute amendment several of the reforms to the federal retirement system that were already passed by the House in its version of H.R. 1256. In addition, the amendment includes two very significant reforms to the federal employee pay and retirement systems that our Homeland Security and Governmental Affairs Committee recently approved by voice vote without dissent.

I have prepared a complete written summary of these provisions, and I will ask consent that it be printed in the RECORD. Now I want to focus on those that are most significant.

One of the most important reforms in our amendment would lift retirement penalties now experienced by long-time federal employees under the Civil Service Retirement System who want to switch to part-time work at the end of their careers. The amount of an employee's annuity is based, in part, on the highest rate of salary that the employee received over a 3-year period. Because an employee's salary ordinarily reaches its highest rate at the end of the employee's career, employees count on that end-of-career work period to help determine the amount of annuity. However, as the law now stands, employees who have a substantial period of service before April 1986, and who now switch to part-time work at the end of their career, get part of their annuity determined on the basis of the amount of salary received, which, for the part-time work, is only a fraction of the rate of salary received. With retirement credit for part-time work so reduced, many employees have little incentive to stay on part-time, and simply opt to retire altogether.

Our amendment would fix this problem by using the rate of salary, not the amount of salary, for determining the entire amount of the employee's annuity. This would remove the disincentive that now discourages federal employees near retirement from working on a part-time basis while phasing into retirement.

Our amendment is not only fair to the employee, but also good for the government, by helping to retain valuable employees who wish to phase down their work but to continue offering their talent and experience to serve the government and to train future leaders. This is one of the provisions in our amendment that was passed by the House as part of its version of H.R. 1256, and this provision is also very similar to a bill introduced by Senator VOINOVICH, S. 469, which was unanimously approved by the Homeland Security and Governmental Affairs Committee late last month by voice vote.

A second provision in our amendment would correct an injustice in calculating the retirement dates and benefits for nonjudicial employees of the DC courts, the Court Services and Offender Supervision Agency and the DC

Public Defender Service. Legislation in 1997 and 1998 converted these individuals from being employees of non-federal agencies into being federal employees. The converted employees were brought under the Federal Employees Retirement System, which essentially began calculating their eligibility for retirement and the amount of their benefits anew, without recognition of their previous service.

Some employees of these three agencies could have retired years ago had they received credit for their years of service with the DC government. Instead, they are still serving to make up for time lost when they were transferred into the federal service. One provision in our amendment would simply require that the time served by these employees before their date of transfer from DC to federal service will count towards their overall federal retirement eligibility as ''creditable service.'' This is a fair and just correction.

Another important provision in our amendment will equalize the treatment of participants in the old Civil Service Retirement System and participants in the newer Federal Employees' Retirement System. This provision would allow FERS participants to apply their unused sick leave in determining their length of service for the purposes of computing the amount of retirement benefit—something Civil Service Retirement System participants are already allowed to do. This reform would not only bring equity to all federal employees participating in the two retirement plans. It also would help reduce the inevitable absenteeism that results from the current ''use it or lose it'' policy for sick leave under the FERS program.

Our amendment also provides relief to approximately 170 U.S. Secret Service agents and officers who have lost out on tens of thousands of dollars in retirement benefits because they did not receive what they were promised when hired. This provision would restore this group of agents and officers to the retirement system they were promised and paid into over 22 years ago.

Historically, Secret Service nonuniformed agents, like other federal employees, joined the Federal Civil Service Retirement System, whereas uniformed officers of the Secret Service were covered under the District of Columbia Police and Fire Retirement Plan, because their division had originally begun as an adjunct to the DC police force. Nonuniformed agents who accrued 10 years of protection time could also transfer into the DC plan, and many did so, because the DC plan is more generous and more flexible than the federal system.

New-hires to the Secret Service continued to be promised that they could retire under the DC Metro plan up until 1987. In that year, when the Federal Employee Retirement System was created to replace the older CSRS, the law did not permit Secret Service agents hired between the years of 1984 and 1987 to opt into the DC plan, but instead required them to be covered by the new federal retirement system.

We ask a tremendous amount from the men and women of the Secret Service, many of whom have some of the most challenging jobs within the federal government. It is not too much to expect that the federal government abide by its promises in return. Accordingly, this amendment will enable the affected Secret Service agents to convert to the DC Metro plan if they so choose.

Finally, our amendment incorporates two additional bipartisan reforms of the federal pay and benefits system that our Homeland Security and Governmental Affairs Committee recently approved without dissent.

First, the amendment incorporates a bill introduced as S. 507 by Senator AKAKA, and cosponsored by Senators MURKOWSKI, INOUYE, and BEGICH, called the ''Non-Foreign Area Retirement Equity Assurance Act of 2009.'' This legislation will bring federal employees in Hawaii, Alaska, and other ''nonforeign'' U.S. territories in line with federal employees in the lower 48 states with regard to pay and pension. Federal employees in the lower 48 states receive locality pay, which is taxed and counts towards employees' pensions Federal employees in nonforeign areas instead receive a nonforeign cost of living allowance, which is neither taxed nor counted towards pensions.

This puts nonforeign area employees at a substantial disadvantage when it comes time to retire. To correct this situation, the legislation would move federal employees in nonforeign areas from the nonforeign COLA system to locality pay that would both be taxed and count toward pensions. Locality pay would be phased in over a 3-year period and the nonforeign COLA would be phased out. Although all future employees would be covered by the act, existing employees in nonforeign areas could choose to continue receiving the nonforeign COLA rather than being transitioned to locality pay.

We have also included in this amendment a bill, S. 629, which was introduced by Senator COLLINS and cosponsored by Senators VOINOVICH, KOHL, and MCCASKILL, named the ''Part-Time Reemployment of Annuitants Act of 2009.''

This legislation would authorize Federal agencies to reemploy retired Federal employees, under certain limited conditions, without offset of annuity against salary. The purpose is to help agencies weather the upcoming wave of retirements by hiring back retirees on a limited basis.

Under present law, most annuitants who return to work have the amount of their pension offset against their salary. Congress has enacted certain limited exceptions to this general rule, and our amendment would grant all agencies the power to hire annuitants at full salary and annuity if certain conditions are met.

The bill includes several limits intended to ensure that the authority is used for the intended purpose, to fill particular staffing gaps and needs. A reemployed individual may not work more than a maximum of 520 hours—i.e., 65 days—in the first 6 months after retirement, or more than 1,040 hours—i.e., 130 days—in any 12-month period, or exceed a total of 3,120 hours—i.e., 390 days—for any one individual. These limits represent working at about half time.

Moreover, reemployed annuitants at an agency may not comprise more than 2.5 percent of the agency's total workforce, and may not exceed 1 percent of the agency's total workforce unless the agency head submits a written justification to OPM and Congress. The legislation would sunset after 5 years.

Federal employees, wherever they work, are a dedicated group of people who are asked to make a number of sacrifices for the sake of their country.

Those in the Secret Service, obviously, sacrifice more, sometimes with their lives. Our amendment will update and bring retirement parity and fairness to many federal employees. This amendment will provide a measure of justice for hundreds of thousands of public servants. I urge my colleagues to support this amendment.

Madam President, to reiterate, I rise today to describe and explain and speak on behalf of the bipartisan amendment to this underlying bill I am proud to introduce, along with Senator COLLINS, Senator AKAKA, and Senator VOINOVICH. The central purpose of the legislation before us, of course, is to give the Food and Drug Administration the authority to regulate tobacco products. I support the aims of the bill strongly and I am proud to be an original cosponsor of the Senate counterpart, S. 982.

Because the regulation of tobacco products is estimated to result in some reduction in tobacco excise taxes, the bill before us, H.R. 1256, passes muster under budget rules only because of an increase in revenues generated by a change that is made in the proposal in the Federal Employee Retirement System. The aim of Senator COLLINS, Senator AKAKA, Senator VOINOVICH, and myself, in proposing this amendment is to make sure that while that revenue-raising change occurs, that the overall retirement system treats Federal employees as fairly as possible. So we have developed this bipartisan amendment to make a number of corrections and improvements in the existing Federal employee program.

In addition to the Senators I have mentioned, I also thank Senators MURKOWSKI, MIKULSKI, INOUYE, and BEGICH, who have also become cosponsors of this amendment.

The central purpose of the amendment is to bring justice to Federal employees who, because of quirks in the law—frankly of errors or oversights—have lost out on retirement benefits for which they would otherwise be eligible.

Many of the provisions of this amendment have the very strong support of the groups representing Federal employees and managers as well. Our amendment would add back into the pending substitute amendment several of the reforms to the Federal retirement system that actually were already passed by the House in its version of H.R. 1256. In addition, the amendment includes two very significant reforms to the Federal employee pay and retirement systems that our Homeland Security and Governmental Affairs Committee recently approved by voice vote without dissent.

I should state here for the record that the committee now has very broad jurisdiction which has been added to, in recent years, when we became the Homeland Security Committee, but in the original governmental affairs jurisdiction of the committee we not only have general oversight of the activities of government, of the Federal Government, this is the committee responsible for the civil service, for those who work every day to enable our Federal Government to work for the citizens of our country.

I have a complete written summary of the provisions that are in this amendment. I will offer it a little bit later, but now I want to focus on a few of the most significant changes.

One of the most important reforms in the amendment would lift retirement penalties now experienced by long-time Federal employees under the Civil Service Retirement System when they want to switch to part-time work at the end of their careers. It is very important, as we face a time of increasing retirement from Federal service and increasing demand on Federal service. The amount of an employee's annuity is based in part on the highest rate of salary an employee received over a 3-year period. Although an employee's salary naturally reaches its highest rate at the end of an employee's career, employees count on that end-of-career work period to determine the amount of annuity they will live on in retirement. However, as the law now stands, employees who have a substantial period of service before April 1986, and who now switch to part-time work at the end of their career, get part of their annuity determined on the basis of the amount of salary received, which, for part-time work, is only a fraction of the rate of salary received.

With retirement credit for part-time work so reduced, a lot of employees have very little incentive to stay on part time when we need them to do so, and they will, therefore, retire altogether.

Our amendment would fix this problem by using the rate of salary, not the amount of salary, for determining the entire amount of the employee's annuity. That would remove the disincentive to continue to serve that now exists.

A second provision in our amendment would correct an injustice in calculating the retirement dates and benefits for nonjudicial employees of the D.C. courts, the Court Services and Offender Supervision Agency, and D.C. Public Defender Service. These are fair and just corrections.

Another important provision in the amendment would equalize the treatment of participants in the Civil Service Retirement System with treatment of participants in the newer Federal Employees Retirement System. To the average American, this vocabulary is probably not too comprehensible. To the millions of Federal employees, the difference between the CSRS and FERS is quite well understood and significant. The provision that we have in this amendment would allow for its participants to apply their unused sick leave in determining their length of service for the purposes of computing the amount of retirement benefits—something Civil Service Retirement System participants are already allowed to do. So that is an inequity this amendment would eliminate.

The amendment also provides relief to approximately 170 U.S. Secret Service agents and officers who have lost out on tens of thousands of dollars in retirement benefits because they did not receive what they were promised when hired. This provision would restore this small group of agents and officers to the retirement system that they were promised and paid into over 22 years ago. We obviously ask so much of the men and women of the Secret Service that we should treat them fairly.

Finally, our amendment incorporates those two additional bipartisan reforms of the Federal Pay and Benefit System that our Homeland Security and Governmental Affairs Committee recently approved without dissent.

First, the amendment incorporates a bill introduced as S. 507 by Senator AKAKA, who I know is on the floor and I believe may speak on this when I am done, cosponsored by Senators MURKOWSKI, INOUYE, and BEGICH, called the Non-Foreign Area Retirement Equity Assurance Act of 2009. These obviously are colleagues from Alaska and Hawaii, so it has unique relevance there. The legislation would bring Federal employees in Hawaii and Alaska and other ''nonforeign'' U.S. territories in line with Federal employees in the lower 48 States, as we call them, with regard to pay and pension. Federal employees in the lower 48 receive locality pay, which is taxed and counts toward employee pensions. Federal employees in nonforeign areas, such as Alaska and Hawaii, instead receive a nonforeign cost of living allowance, which is neither taxed nor counted toward pensions.

This puts Federal workers in places such as Hawaii and Alaska at a substantial disadvantage when it comes to retirement. To correct this situation, this legislation would remove Federal employees in nonforeign areas—Alaska, Hawaii, et cetera—from the nonforeign COLA system to locality pay that would both be taxed and would count toward pensions.

We have also included in this amendment a bill, S. 629, which was introduced by Senator COLLINS and cosponsored by Senators VOINOVICH, KOHL, and MCCASKILL, which is called the Part-Time Reemployment of Annuitants Act of 2009. This is relative to something I talked about earlier. It would authorize Federal agencies to reemploy retired Federal employees under certain limited conditions without offset of annuity against salary. In other words, we have some retired employees who, after a long period of service, have built up specialized skills we need and will need more and more in the years ahead, as a generation retires from Federal service. Yet now there is an economic disincentive for those retired employees to come back part time or for limited periods of time to serve the American people.

Under present law, most annuitants who return to work have the amount of their pension offset against their salary. Congress has enacted certain limited exceptions to this general rule. Our amendment would grant all agencies the power to hire annuitants at full salary, while maintaining their full retirement benefit, if certain conditions are met.

The bill includes several limits to ensure that this authority is used for the intended purpose, which is to fill particular staffing gaps and needs and not used to frustrate the desire of a new generation of Federal workers to come in. A reemployed individual may not work more than a maximum of 520 hours, 65 days, in the first 6 months after retirement or more than 1,040 hours, 130 days, in any 12-month period or exceed a total of 390 days for any one individual for the entirety of their retirement.

Each of these proposals that are part of this amendment treat Federal employees fairly. They correct inequities; in some cases, oversights. The fact is, in many countries of the world, developed countries particularly, one of the most respected professions, lines of work one can go into is civil service, what we call the civil service. We are not where we should be in this country. These are the people who make the Federal Government work. We should treat them fairly and, in this unique circumstance, when we are taking some more out as a result of a change in the Federal retirement system to offset the loss of excise taxes on tobacco, there is some money left over which we can use to correct these inequities on Federal employees. That is why I am so pleased this is a bipartisan amendment.

I hope, when it comes to a vote, it will receive overwhelming bipartisan support.

I thank Senator AKAKA, who is an extraordinary Senator in general but has been a wonderful, productive, contributing member of this committee and a great advocate for the most progressive

human capital management; that is, the best management of our Federal workforce.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Madam President, I thank Chairman LIEBERMAN for his leadership. He has been doing a grand job in moving legislation on issues of homeland security. I rise today to support the Family Smoking Prevention and Tobacco Control Act. Tobacco products kill approximately 400,000 people each year. The FDA must be provided with the authority to regulate deadly tobacco products, limit advertising, and further restrict children's access to tobacco.

I commend my friend from Massachusetts, Senator KENNEDY, for his long-term commitment to advancing this vital public health legislation, and I thank my friend from Connecticut, Senator DODD, for managing this bill. I am proud to support their efforts.

Included in the bill are a number of Federal retirement provisions that go a long way to support retirement security and provide more options for Federal employees.

The provisions in the managers' amendment would make four changes to enhance the Thrift Savings Plan. Federal employees would be automatically enrolled in the TSP with the option of opting out of the program. Federal employees also will be eligible for immediate matching TSP contributions from their employing agency. In addition, the Thrift Savings Board will have the option to create a mutual fund window during which employees will be able to select mutual funds that are appropriate for their investment needs. Finally, employees will be allowed to invest in a Roth IRA through the TSP.

As chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I also am proud to support my other good friend from Connecticut, Senator LIEBERMAN, in offering an amendment to support additional retirement security and equity provisions for the Federal workforce.

Most important to my home State of Hawaii, the amendment provides needed retirement equity to Federal employees in Hawaii, Alaska, and the territories. Nearly 20,000 Federal employees in Hawaii, and another 30,000 Federal employees in Alaska and the territories, currently receive a cost of living allowance, which is not taxed and does not count for retirement purposes.

Because of this, workers in these areas retire with significantly lower annuities than their counterparts in the 48 States and DC.

COLA rates are scheduled to go down later this year along with the pay of these nearly 50,000 Federal employees if we do not provide this fix.

In 2007, the Office of Personnel Management offered a proposal to correct this retirement inequity. After soliciting input from all affected employees, I introduced the Non-Foreign Area Retirement Equity Assurance Act. The bill passed the Senate by unanimous consent in October 2008. Unfortunately, the House did not have time to consider the bill before adjournment.

I reintroduced this as S. 507, which is included in this amendment, with Senators MURKOWSKI, INOUYE, and BEGICH. It is nearly identical to the bill that passed the Senate last year.

This is a bipartisan effort to transition employees in Hawaii, Alaska, and the territories to the same locality pay system used in the rest of the United States, while protecting employees' take-home pay in the process. In this current economic climate we must be careful not to reduce employees' pay.

The measure passed unanimously through committee on April 1. OPM recently sent Congress a letter asking for prompt, favorable action on this measure.

This is one of the most important issues facing Federal workers in Hawaii, Alaska, and the territories. I urge my colleagues to support this change.

One of the other provisions in the amendment corrects how employees' annuities are calculated for part-time service under the Civil Service Retirement System. This provision treats Federal employees under CSRS the same way they are treated under the newer Federal Employee Retirement System. Eliminating this unnecessary disparity is a matter of fairness and correction.

Similarly, this amendment includes a provision to treat unused sick leave the same under the new retirement system as under the old system.

The Congressional Research Service recently found that FERS employees within 2 years of retirement eligibility used 25 percent more sick leave than CSRS employees within 2 years of retirement. OPM also found that the disparity in sick leave usage costs the Federal Government approximately $68 million in productivity each year.

This solution was proposed by Federal managers who wanted additional tools to build a more efficient and productive workplace and to provide employees with an incentive Congress should have retained years ago.

This amendment also will make good on the recruitment promise made to a small group of Secret Service agents. Approximately 180 Secret Service officers, hired during 1984 through 1986, were promised access to the DC retirement plan. This amendment would provide it.

The majority of these retirement reform provisions have the endorsement of all the major Federal employee groups including: the American Federation of Government Employees, the National Treasury Employees Union, the National Active and Retired Federal Employee Association, the Senior Executives Association, the Federal Managers Association, the Government Managers Coalition, and the list goes on.

I strongly encourage my colleagues to support this bill and the Federal retirement reform provisions.

I thank Chairman LIEBERMAN for his support and his leadership.

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.

Mrs. HAGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HAGAN. Madam President, I ask unanimous conent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HAGAN. Thank you.

Madam President, I rise in opposition to the Family Smoking Prevention and Tobacco Control Act that is before us. While the bill purports to reduce smoking among teenagers and to regulate tobacco products, it goes far beyond these two goals.

This broad, sweeping legislation will further devastate the economy of North Carolina and the lives of many of my constituents. In my State, we have 12,000 tobacco farmers and 65,700 jobs tied to this industry. It also generates close to $600 million annually in farm income. And the economic impact of tobacco in North Carolina is $7 billion. We know we are in the midst of an economic crisis, and the bill before us today will further impact the economy in North Carolina by putting thousands of people out of work and exacerbating the already high levels of unemployment throughout our State.

Many aspects of the bill will make it impossible for tobacco manufacturers to earn a living. For example, the labeling requirements in the bill will present a burdensome and costly obstacle for many of the smaller tobacco manufacturers, as will the marketing and advertising restrictions in this bill.

But I am also concerned that the bill will allow the FDA to develop standards for tobacco products for which technology now may not exist. For example, the bill requires the FDA to establish standards for the reduction or elimination of certain components, including smoke components. The problem is that many of these components are naturally found in the tobacco leaf and technology may not be available to extract these natural—they are not artificial—components. Allowing the FDA to develop unattainable standards will put farmers in an outright impossible position—again, hurting generation-old families and businesses in North Carolina.

But let me make it clear that the bill is going to make it more difficult for

domestic tobacco manufacturers to compete with foreign tobacco manufacturers who are not going to be forced by the FDA to abide by the same standards as our domestic manufacturers.

For example, the bill requires that tobacco products be tested. I want to offer an amendment that is going to require that this testing be done in a laboratory in the United States because it is hard to fathom that the FDA is going to be allowed into foreign manufacturing facilities.

I believe we need to be cognizant of the burdens these new standards will impose on our domestic tobacco manufacturers in terms of greater costs to implement the reporting, testing, and labeling requirements. And we have to ensure that these costs are not going to put our domestic manufacturers at a total disadvantage with foreign competitors.

The bottom line is that in North Carolina, people are working hard to make a living. Some 65,000 work in this industry, and 12,000 work on our wonderful tobacco farms. In this economic downturn, I do not think now is the time to pass a bill that is going to disproportionately impact so many people in my State.

I have three amendments I wish to discuss at this point. I understand the majority leader is working on an agreement with the Republican leader so that these amendments will be called up at a later date.

The first amendment I wish to discuss is amendment No. 1249, requiring that the technology exist before the FDA can develop standards. This is an amendment I wish to have serious consideration given.

This amendment, No. 1249, simply clarifies that the FDA cannot establish technological standards until they have determined that the technology is available to meet that particular standard.

The bill does not limit the FDA's authority to reduce or ban compounds found naturally in tobacco leaf. Rather, this bill gives the FDA the authority to require the removal of harmful components from tobacco products, including components that are native to the tobacco leaf. Because of this, many of the new requirements will only be achievable through dramatic changes in tobacco farming operations and could affect the growing and curing of the actual tobacco leaf. As such, this bill allows the FDA to establish standards on tobacco products that may not be achievable with the technology that exists. While the bill does include language that would require the FDA to consider technical achievability, it does not go far enough to ensure that the technology does, in fact, exist.

My amendment would require the FDA to actually establish that the technology is available before it sets the standards. This approach is similar to the standards the EPA must meet to implement environmental laws. I believe if we are going to put 65,700 jobs on the line in North Carolina, we certainly have to ensure that the technology is available to give those people and employers and employees a chance to adhere to the FDA standards.

I urge support of this amendment.

Madam President, I also wish to discuss amendment No. 1253, disallowing FDA regulation of the actual tobacco farmer.

This amendment would clarify that the FDA does not have the authority to regulate the production of tobacco or a farmer who produces tobacco, either directly or indirectly. The underlying bill does state that the FDA does not have authority over the tobacco leaf that is not in the possession of the manufacturer and that the FDA does not have the authority to enter onto a farm owned by a producer of tobacco. But the bill provides an exception to allow the FDA to regulate activities by a manufacturer that affects the actual production. This is a backdoor way of getting at the tobacco grower because nearly every activity by the tobacco manufacturer affects the production of the tobacco leaf.

Further, the underlying bill would allow the FDA to indirectly place mandates on a tobacco producer by placing mandates on a manufacturer. It is unrealistic to expect that mandating standards on tobacco manufacturers will not trickle down to drastically impact the actual farmer and their operations. I believe the exception in this bill is too broad.

My amendment drops this exception. This amendment is critical to ensure that as new standards and regulations are imposed on tobacco manufacturers, farmers and their families will be protected.

Again, there are 12,000 tobacco farmers in North Carolina who are on the line. Their livelihoods are on the line. We need to be sure they are able to have a playing field they can work with.

I urge support of this amendment.

Madam President, the third amendment I want to discuss is amendment No. 1252, which has to do with testing in U.S. laboratories.

This bill before us today requires foreign-grown tobacco to meet the same standards applied to domestically grown tobacco. But the problem is, the bill does not contain language suggesting how the FDA is going to enforce this. I sincerely doubt we will find any foreign tobacco manufacturers willing to invite the FDA into their companies to inspect and test their tobacco products. And I doubt we will find many foreign testing facilities that are willing to submit to U.S. standards.

My amendment addresses this concern by requiring, simply, that any testing of tobacco products required in this bill be conducted in a U.S. laboratory. Undoubtedly, the FDA is going to have a difficult time regulating products coming in from overseas. We do not have to look very far into FDA's past to figure that out. The solution to this problem is to require tobacco products intended for domestic consumption to be, simply, tested in our country.

This requirement would help ensure that domestic tobacco manufacturers are not put at a competitive disadvantage to foreign manufacturers, and that foreign manufacturers do not get preferential treatment because domestic manufacturers would be subject to stricter testing requirements. It would also help to ensure that foreign manufacturers are not simply dumping unsafe products into the U.S. market.

In this time of economic uncertainty, I think we have to do what we can to protect and create American jobs. Requiring tobacco products to be tested in the United States would certainly help keep those jobs here at home.

Once again, I urge support and consideration of this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. We are.

Mr. BURR. Mr. President, I ask unanimous consent to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. I thank the Presiding Officer.

Mr. President, later this morning, today, we will go back on the tobacco FDA bill. As one who has tried to educate Members on why this is a flawed bill, let me state I am fighting an uphill battle. I have been all week.

I wish to thank my friends and colleagues who have come to the floor over the last days to support their belief that this is misguided, not the regulation, but the fact that we are concentrating this in the Food and Drug Administration, an agency that has the trust and confidence of the American people that the gold standard of proving safety and efficacy for all drugs, devices, biologics, and cosmetics, and food safety is their No. 1 mission. But my colleagues know this has been an uphill fight, too. I have tried over the course of those days to highlight for the American public why it is bad policy. I have highlighted portions of the bill that I thought were flawed. I haven't come out and said this is the wrong thing, even though, let me remind my colleagues, this is the current flowchart for the Federal regulation of tobacco before we do anything. So for Members who come and say this industry is underregulated, let me remind them it is the Department of Transportation, the Department of the Treasury, the Department of Commerce, the

Department of Justice, the Office of the President, the Department of Health and Human Services, the Department of Education, the Department of Labor, General Services Administration, the Department of Veterans Affairs, the Federal Trade Commission, the Department of Agriculture, Environmental Protection, U.S. Postal, and the Department of Defense. Now we are going to take all of those areas of Federal regulation and we are going to condense them all into the Food and Drug Administration, which has a mission statement of proving the safety and efficacy of every product over which they have jurisdiction.

Twenty-five percent of the U.S. economy is currently regulated by the Food and Drug Administration. Americans go to bed at night after taking pills prescribed by a doctor and filled by a pharmacist with the comfort of knowing they have been approved to be safe and effective. Through this bill, we are going to dump on the Food and Drug Administration a product that is not safe and it is certainly not effective.

I have tried to point out the flaws. Heck, I have tried to point out the good things in the bill. I haven't been one-sided on it. But every time one of my colleagues from the other side of the aisle has come to speak, we have either seen charts that are 10 years old or data that is 10 years old. We have seen products that they have painted in a light that didn't even exist 10 years ago. I haven't heard a single question I have asked in this debate answered by the other side or even their opinion of what is wrong with the substitute. It has all been rhetoric.

I wish to share a story with my colleagues. This story is a news report. It was a report CNN ran on a product that is new to the market. It is called Camel Orbs. It is not a cigarette, and it is really not smokeless tobacco; it is a dissolvable tablet.

As I pointed out to my colleagues yesterday when I showed them the chart for continuum of risk, nonfiltered cigarettes have a 100-percent risk factor and filtered cigarettes have a 95-percent risk factor. As you introduce new products into the marketplace that allow individuals to move from cigarettes to other products, you reduce the risk. You reduce the risk of death and disease, and that is one of the three objectives of tobacco legislation. Youth usage should go down. Death and disease should be reduced from the standpoint of risk.

Let me come all the way over here on the chart to dissolvable tobacco. The risk is 2 percent. To bring these to market is to reduce the risk from 100 percent to 2 percent—98 percent better.

CNN ran this article on Orbs. It is a smokeless product, but I will get into that in a few minutes. For now, what you need to know is Orbs falls under the same age restrictions all tobacco products do. That means it contains no cartoon images. It must be shelved behind the counter where it is out of reach of children. Heck, it is out of reach of adults. They have to physically ask for the product. By the way, you must show photo ID to buy tobacco products today. Let me say that again. You must show a photo ID to purchase tobacco products.

When CNN did their story, take a guess on the angle they took. They labeled it as candy—candy—even though it is not candy flavored. They said it was candy. They didn't mention death or disease. You would think a story on tobacco would lead with that. I haven't been shy to come to the floor and say that is the result of tobacco usage. But they didn't even go to death and disease. No, they said it was candy. That is how they labeled it.

Even though they mischaracterized the product and took people down the path they wanted to go, that wasn't the bad news of this story. The bad part of the story was they took tins of the product and they actually placed them in the candy aisle at the convenience store, right there beside the Reese's Cups and the chewing gum. Then they took footage of a young boy, I think, reaching over and picking up one of the Camel Orbs, even though this is highly illegal. Even though the convenience store could be prosecuted, and therefore they don't put tobacco products in the candy section, still CNN wanted to make their point. What a better way to make the point than to stage what the picture was. Let me say that again. What a better way to make the point than to stage that every retailer in the world out there is putting Orbs, a tobacco product, in its candy section. They portrayed Reynolds America as being deceptive and luring children. No candy. It is not going in the candy section. It is in the tobacco section where smokeless and stick smoke products are.

That is why it is so difficult. That is why the job I am on a quest for is an uphill battle. It is because nobody on that side wants to come down and talk about the policy.

The bill we are considering was written 10 years ago. No wonder we are using 10-year-old charts and 10-year-old statistics. The truth is, if you look at the statistics today, if you want to address death and disease, then accept the fact that there has to be an opportunity to reduce the risk. But what my colleagues need to know is that H.R. 1256 gives the FDA full jurisdiction over tobacco products, and it takes this category right here and it locks it in. It cements it because it grandfathers FDA from ever doing anything on the existing products that are in the marketplace: filtered cigarettes and nonfiltered cigarettes. FDA is forbidden from changing anything. The products that were sold continue to be sold. No new products can be sold.

They say there is a pathway for these products to come to market. It is a three-pronged test they have to meet. I won't dwell on the first two prongs. Let me dwell on the third one. The third one is this: You have to prove that people who don't use tobacco products aren't likely, when this new product is introduced, to actually use this product. But the way the bill is crafted says this: You can't communicate with the public unless you have an approved product. So I ask my colleagues, if you can't communicate with the American people to find out whether they are likely to buy a product that is new to the market until that product is actually approved, then how can you fill out an application and make the claim that the American people aren't likely to use that product when they don't use tobacco products? So it is disingenuous to suggest that there is a pathway for reduced-risk products when, under the construction you make anybody go through, you can't possibly make the claim they ask you to make because you can't communicate with non-tobacco users as to whether this product would be something they would choose to use. So any claim based upon that, that this is a bill which addresses death and disease, is disingenuous at best because what it does is it locks this category. It cements those people who currently use smoke products—cigarettes—the 19.8 percent of the American people who currently smoke.

So far in this debate, I have seen charts, like everybody else, that would make your skin crawl and I have heard stats that would make your head spin. I even heard Senator SANDERS come to the floor yesterday and say tobacco manufacturers want to get you addicted to heroin. I think he misspoke, but I have to tell my colleagues I am not absolutely positive of that.

All of this follows the same conclusion: Under H.R. 1256, which is the base bill, the sponsors claim that the FDA will stop everything, that all of this will go away. And let me concede for a minute that maybe they are right, then they would have to concede that I am right—with the exception of locking this product in forever. If you lock that product in forever, then you can't make the claim that you are reducing death and disease.

I think, as I have gone through this debate and pointed out that when you look at the CDC study of 50 States and you look at the percentage of smoking prevalence in our youth, what you find is that in 48 States out of 50, the prevalence of marijuana usage is higher than the prevalence of smoking. Let me say that again. In 48 out of the 50 States, the prevalence of marijuana use is higher than the prevalence of smoking. One would conclude from that, since marijuana is illegal—it is not age-tested; it is illegal—that the usage prevalence among youth would be zero. Well, the American people aren't that foolish. They realize nothing goes to zero. But they also realize it is foolish to suggest that if you concentrate tobacco jurisdiction at the FDA, the smoking prevalence is going to go below that of marijuana because marijuana is illegal.

The fact is, putting tobacco regulation at the FDA is not going to have any impact on youth usage. What is going to have an impact on it? Actually taking the master settlement dollars from 1998, the $280 billion the tobacco industry committed to the States, all 50 of them, for two things: one, to defray their health care costs, and two, to fund the programs of cessation to get people to quit smoking and fund the programs to make sure children never take it up. But as I pointed out, we have some States that, when the CDC annually makes its recommendations, spend as little as 3.7 percent of what the CDC told them they needed to spend of this tobacco money to make sure kids got an educational message: ''Do not smoke. It kills.'' Now we are blaming it on the fact that they are not regulated enough today and that we can concentrate this under one Federal agency, the Food and Drug Administration, and by some magical, mythical thing that happens, youth prevalence of smoking is going to go down. No. It is going to go down when States take the money the tobacco industry gave them and they actually use it to reduce the youth usage, to make sure they never take up tobacco products, to make sure people switch from smoking products to some other form that has a better effect on death or disease.

I would love to say that my State of North Carolina devotes 100 percent of what the CDC recommends to use on cessation and youth education, but we only spend 17.3 percent of what the CDC recommended of the money we got. When you look at all of the States, though, 17 percent is pretty good. I don't know whether it was used in other States for sidewalks or for greenways. I know one thing for certain: It didn't go to try to educate young people in this country not to use tobacco products. If we want to get the youth usage down, then we have to use the tools we know work; that is, education.

I have listened to my colleagues come to the floor for weeks and make unbelievable statements. All of this has followed the same conclusion: FDA will stop all of this and FDA will put the evil tobacco out of the hands of kids. I think I have made a pretty good case that it is not going to happen, not with this legislation. The sad reality is, maybe Congress could pass a bill that does all that. That is why Senator HAGAN and I have offered a substitute. That substitute will be debated over the first half of this afternoon, and every Member will have an opportunity before the afternoon is over to vote on that substitute.

I encourage all Democrats, Republicans, and Independents to read the bill. You will find that it provides all the regulation in H.R. 1256, and more. The base bill limits print advertising to black-and-white ads. What does our substitute do? It eliminates print advertising. That magazine that mom buys that a 14- or 16-year-old daughter may like to look at in the afternoon—under our substitute, they cannot advertise there anymore. Under H.R. 1256, they are allowed to advertise, but in black and white. In some way, they believe kids cannot read in black and white, they can only read in color. That probably tells you more about how misguided the legislation is. It is not solving the problems—death, disease, and usage. The tools are in place. We can reinforce them in a more effective way. That is what the substitute amendment, I believe, will do.

My friend from Connecticut yesterday stated that I was misguided in my belief that the FDA was not the right agency to regulate tobacco. He said the FDA was the only agency in America that had the scientific expertise to do the job. I only have one question: Does the FDA have the expertise to make tobacco safe? Again, does it have the expertise to make tobacco safe? I think the answer is, no, it doesn't. Therefore, it doesn't meet the mission statement of safety and efficacy. But that is what they are vested to do. That is what the American people believe the FDA accomplishes. To suggest that we would regulate a product that doesn't meet that threshold is, to some degree, disingenuous to the American people.

My friend from Connecticut also pointed out that my downplay of CBO's estimate on smoking reduction was misplaced. He said that while I kept using the 2-percent figure—which is all the population over 10 years—and CBO had estimated that if we pass the bill, we will reduce smoking by 2 percent over 10 years—that was 900,000 fewer smokers over 10 years, and that number was impressive. I agree that it is impressive. I think he said there would be tremendous health care savings with 900,000 fewer smokers. I am not sure if Senator DODD heard the statistics I gave that were the result of the CDC study. I said numerous times that the CDC said that if we do nothing, there is a reduction in smoking of between 2 and 4 percent per year—not over 10 years, but per year.

I ask my friend from Connecticut, what is more impressive, 900,000 or 9 million fewer smokers? By doing nothing, as CDC has said, we eliminate 9 million smokers. By passing this legislation, CBO says we eliminate 900,000 smokers. Nine million fewer smokers is what we would have if we pass the substitute, but it is not what we would have if we pass the base bill. I ask my friend from Connecticut to truly think about the health savings realized without passing the base bill and realize that, with the substitute, we might actually get to more than 9 million.

My colleague went on to say that I purposely ignore CBO's estimate that youth smoking rates will reduce by 11 percent over the next 10 years under the bill. That is the CBO projection.

Obviously, he didn't hear me earlier in the morning on this issue. I think it is great that smoking rates would decline by 11 percent over the life of the bill. I think it is much better that they would reduce 16 percent if, in fact, the bill weren't enacted. That is what the CDC says—16 percent if you do nothing, and 11 percent if you pass H.R. 1256.

We are not saving lives with this bill. We are not reducing youth usage. If you want to save lives, you need to follow where Senator HAGAN and I are and create a harm reduction center—one that will promote harm reduction products.

If we go back to the continuum of risk chart, if you look at the 100 percent risky and 90 percent risky, it is hard to believe you reduce death and disease. The only way to do that is if you get people to give up these products and you make available products that are on this chart, but also some products that are not on this chart. In the absence of doing that, there is no way you can claim that you have actually affected death, disease, or the cost of health care.

I listened to my friend from Oregon make statement after statement about those dissolvable tobacco products that I pointed out in the CNN expose on tobacco. He repeatedly called it candy, also, even though you cannot buy it unless you are 18, and it cannot be put in the candy section—unless you are CNN and you are doing a story. He said the packaging was intentionally shaped like a cell phone to attract kids. If a cell phone doesn't work, children don't want it, let me assure you. But I will make the pledge to him today that if he will offer an amendment to outlaw any packaging that looks like a cell phone, I will cosponsor it with him. If he were right, I think every manufacturer of anything in the United States would make it look like a cell phone today, if it were that effective.

My friend went on to call Camel Orbs dangerous. He had no scientific basis for that claim. He quoted an 8-year-old Surgeon General warning on smokeless tobacco that said it caused cancer, but the last time I checked, Camel Orbs didn't exist back then. He said that I called harm reduction products, such as Camel Orbs, safe.

I have been on the floor 4 days, and I spoke for 2 hours 37 minutes yesterday. I might have slipped, but I don't believe I have ever referred to any tobacco product as ''safe.'' If I did, let me retract it. I have frequently said there are products that are ''less harmful.'' I have constantly described and made the point that if you don't move people from cigarettes to other tobacco products that allow them to make that transition, you will not reduce death and disease.

I don't think tobacco is safe, but I do believe there are products that are safer than smoking. I believe that for adults who choose to use tobacco products, they should have every option available to make sure that that product is something they can access. Compared to smoking, they do reduce death and disease.

Camel Orbs and Sticks represent a 99-percent reduction in death and disease associated with tobacco use compared to cigarettes. They don't cause lung cancer, cardiovascular disease, emphysema, or COPD.

The American Association of Public Health Physicians states that those Orbs are the most effective way to fight death and disease associated with current tobacco users. Yes, much to my amazement, the American Association of Public Health Physicians came out and endorsed the substitute to H.R. 1256. Again, yesterday, the Association of Public Health Physicians endorsed the substitute amendment to this bill.

Unlike my friend from Oregon, I have the science to back up my claim. I have the studies from Sweden, and I have looked at the documented evidence. Alternative tobacco products work in harm reduction. I will tell you what doesn't work—current cessation programs, especially the ones that are not funded in that money that was supplied to the States. The current cessation programs don't work; they have a 95-percent failure rate. So 95 percent of the people return to smoking.

Why in the world would we continue to support that as a pathway for reducing death and disease? Why wouldn't we acknowledge the science that currently exists and accept, in new policy, a policy that would in fact embrace this?

May I inquire how much time I have left?

The PRESIDING OFFICER. Four minutes.

Mr. BURR. Senators come to the floor and speak about the $13 billion in marketing the tobacco industry spends. They fail to tell you that 95 percent of that money goes to retailers and coupons against the competition and to make them more attractively priced at retail. Only 3 percent actually went to advertising in adult venues and point of sale displays. That doesn't make it a good point.

What makes it a good point is that the tobacco industry spends a tremendous amount of money making sure that their industry is protected for those who choose to use it and are of legal age.

Last year, we taxed the tobacco industry to fund the children's health insurance program. There is a proposal on the table to tax them to pay for universal health care. Senator DODD admitted yesterday that the industry would be taxed to pay for this bill.

But that is not a good story. A good story is placing tobacco products in the candy aisle by a news organization just to make a point and then portray to the American people that these are the tactics of the tobacco industry.

I have, over 4 days now, come to the floor not to defend the tobacco industry, but to defend the FDA, because I don't believe the American people deserve us to discredit the gold standard of the FDA by putting this product under their jurisdiction and asking them to do something they have never, ever done.

When I showed the flow chart of jurisdictions, the one missing out of the current regulatory architecture for tobacco is the FDA. Nobody can claim to me they have done this before and, therefore, this is an appropriate thing to do again. Simply, I have come to the floor in the last 4 days to debate the policy. At the end of the day, I hope Members of the Senate will weigh the policy, the points that I have made, the statistics I have produced, the evidence I have brought to the table, and if, at the end of the day, what you are attempting to do is reduce death and disease, reduce youth usage, I hope I have made the case to you that you should not pass H.R. 1256.

This afternoon, before there is an opportunity to vote, I hope to make the case that you should support the Hagan-Burr substitute. I hope I have made the case to most that even if the choice comes down to passage of H.R. 1256 or nothing, that the CDC report says if you want to address a reduction in death and disease, the fastest way to get there is to do nothing if, in fact, your only choice is to pass H.R. 1256.

Once again, I thank my colleagues for their patience as I come to the floor to try to educate and provide facts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I unanimous consent to speak in morning business for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, first, I will address the issue pending on the floor of the Senate, which is the issue of whether we are going to have the FDA regulate tobacco.

The FDA, historically, focuses on the obvious—food and drugs. Over the years, we have expected from them that they would do their job and make sure, as much as humanly possible, that American consumers would not be exposed to dangerous food products or dangerous drugs and medicine. Sometimes they have failed us, but most of the time they do the job pretty well.

The way they do their job, when it comes to food, is pretty obvious when you go to the grocery store. A consumer buying a pound of spaghetti can grab the box or bag and look at the label and find out the contents, including a nutrition square that talks about carbohydrates, fat, and calories, which people are concerned about before making choices.

When it comes to medicines and drugs, the Food and Drug Administration goes a step further. They require that products that are sold in the United States be both safe and effective. If you are going to sell a drug that is supposed to lower your cholesterol, the Food and Drug Administration wants it tested to make sure it does not hurt you, No. 1, and, No. 2, that it does what it is supposed to do.

So over the years, for almost 100 years, the Food and Drug Administration has created a safety net for American consumers so that the things we purchase, at least by that agency and a few other Federal agencies, have some review before the consumer purchases it.

Then along comes tobacco, and the tobacco industry has argued for as long as this issue has been going on that they should not be covered by the Food and Drug Administration. They say: We are not food. Nobody eats tobacco for nutrition or other purposes. And we are not a drug. We are just tobacco leaves that are ground up, put in a little paper cylinder that people enjoy smoking or maybe chewing. That is all it is about.

For the longest time, they were exempt from the Food and Drug Administration asking the most basic questions. For example: What is in your product? If you believe it is just tobacco leaf ground up and stuck in paper, you are wrong. It turns out that tobacco companies learned a long time ago that if they added chemicals to the cigarettes, they could get more consumer satisfaction, more consumer use, and people buying more of their product.

What did they add? They learned a long time ago that the tricky part of tobacco is nicotine. Nicotine is a drug naturally occurring in tobacco which, if you smoke it, your body starts to crave it, and with that craving and that demand of your body each day for more and more of the chemical, you smoke more and more. Nicotine, craving, leading to an addiction.

I don't use that word lightly. I have seen people who are addicted to tobacco products—virtually all of us have—folks who just cannot quit. They try everything—hypnosis, patches, lectures, you name it—and they cannot quit. They crave that nicotine chemical.

The tobacco companies learned a long time ago that if they added more nicotine to those tobacco leaves than naturally comes out of them, the people get more addicted. It makes it more difficult for them to quit. So they started piling more nicotine into the cigarette. But that was not the end of it.

They also said: The first time a kid or somebody picks up a cigarette and takes a big drag of it, often they cough because their body is saying: What are you doing to me? You are jamming that smoke into my lungs? That doesn't belong there. They found other chemicals that they could add to cigarettes which would reduce the body's rejection and would make it more pleasant to the taste, and so they pumped those chemicals in as well. Then came a whole soup of chemicals that they added for any number of reasons.

Obviously, when you buy a pack of cigarettes, if you want to know what is in the cigarette and take a look at the

package, you will find there is no disclosure whatsoever. None. You don't know what is in there. All you know is this is paper and tobacco to start with, but you don't have a clue that there is more nicotine or other chemicals added. And you certainly don't have a warning on the package that some of the chemicals they stick in cigarettes literally cause cancer. It isn't bad enough that burning tobacco and inhaling the smoke can cause cancer, there are other chemicals that are carcinogenic added by tobacco companies because they think it makes a more pleasant product.

The obvious thing the American consumers would say is: Where is the Food and Drug Administration warning? Why won't they tell us the ingredients on that tobacco package? Why won't they tell us if they are dangerous? Because they do not have the legal authority to do it.

From the beginning of time, with the tobacco lobby being one of the most powerful in Washington, they made sure the Food and Drug Administration had no authority when it came to this product. None.

Who does regulate tobacco in the United States? The answer is not anyone; no agency does. The only real regulation has come out of court cases where people who were injured sued the tobacco companies because of things such as misrepresentations—light tobacco, low-tar tobacco, safer cigarettes. People take them to court and say that is misleading and deceptive. They have won cases, and they have had to disclose more information over the years.

Today we are trying to do something that the tobacco companies' lobby has been fighting for decades. We are trying to let the Food and Drug Administration take over the responsibility of making certain that American consumers are at least informed about tobacco products so they know what is in that little package, whether it is dangerous, and they can make a conscious choice about purchasing it.

The second thing we do is to make sure that we keep those tobacco products out of the hands of kids. Why? The math is very simple. Every day about 1,000 Americans die from tobacco-related disease—lung cancer, heart disease—1,000 die. If you were a company selling a product and 1,000 of your consumers are dying every day, you start wondering whether you are going to be in business in a few years. So you have to recruit more consumers of tobacco products.

But tobacco companies have a problem. If people wait until they are older—18, 19, 20 years old—to make a choice about smoking and using tobacco, they will probably say: Are you kidding? No way. It is dangerous and it is stupid and it is expensive. So if you cannot get adults to make up for the 1,000 tobacco users who die each day, where do you go? Kids. You go to children. You try to find ways to lure children into using tobacco products.

The advertising has a lot to do with it, but so does human nature. My wife and I raised three kids. We have seen a lot of kids being raised. I even have vague memories of my youth. The first thing you are attracted to is what your parents say you should not touch. Don't you dare touch that pack of tobacco. Don't you dare smoke a cigarette. Can't wait to try it, right? Get out behind the garage with your cousin, the way I did when I was 10 or 11 years old, to smoke my first cigarette. Man, that shows I am independent, I am grown up, I make up my own mind. Kids will do this. I wish they did not. I wish I had not. But they do it.

I told the story on the floor the other day about when I was a little kid growing up in East St. Louis. My cousin Mike and I went out behind a garage and smoked a cigarette. Lucky for me I didn't like it much. I didn't continue the habit. Unfortunately, my cousin Mike did. He passed away 2 weeks ago—younger than I am—passed away from tobacco-related lung disease. It was an addiction started behind that garage that he could never break the rest of his life. There he was, on oxygen, smoking the night before he died. He just could not quit. It is a terrible addiction.

The tobacco companies know to make up for the thousand who die each day. They need 1,000 new smokers a day. Where do they get them? They get them from our kids. Mr. President, 3,000 to 4,000 kids will try a cigarette in America for the first time today, and about 1,000 of them will decide: I am going to keep doing this. And so the ranks of those who die from tobacco-related disease are filled by children.

This bill says we know that and we have to stop it. So not only do we give the Food and Drug Administration the authority to tell us the ingredients in the package, we give them the authority to police how people sell tobacco products in America.

It is no coincidence that they start peddling these tobacco products with candy flavors, because they know kids enjoy candy and will enjoy candy cigarettes. I am not making this up. Chocolate cigarettes and vanilla and strawberry—all these things they come up with so that kids will be attracted to the product. We put an end to that stuff. And we say to retailers: Get serious. You better put those cigarettes away from kids. You better not sell to them or you are going to face a serious penalty. If we are sincere about protecting our kids, we have to do this.

I have been involved in this fight for a long time. I was attracted to it when I first got elected to Congress and probably because like virtually everyone following this debate, somebody in my family died from a tobacco-related disease. In my case, it was my dad. He was 53 years old, and he died of lung cancer. I was 14 years old. It was devastating to my family, to me. But my story is not unique. Sadly, it is a story that is repeated over and over every single day.

About 20 years ago, I decided as a Member of the House of Representatives that I was going to do something about it. The first thing I did was to tackle the tobacco lobby on one little tiny issue: banning smoking on airplanes. Hard as it may be for younger people to believe, there was a time when we had what we called smoking and nonsmoking sections on airplanes. Can you believe that? We are all sitting in the same metal tube flying across the world or around the country, and we are somehow of a mind that if I sit in row 1 through 18 in the nonsmoking section that I will not be bothered by secondhand smoke; it is only those folks in rows 19 to 36 who are going to be in the smoking section that are in trouble. Crazy idea. It never made sense and caused a lot of problems, health and otherwise.

So 20 years ago, we banned smoking in airplanes. I did it in the House. Senator FRANK LAUTENBERG of New Jersey did it in the Senate. It became the law of the land and eventually all flights became smoke free.

I do not want to take more credit than is due, but I think finally people woke up and said: If secondhand smoke is dangerous on a plane, then it is dangerous on a train or a bus or an office or a school or a hospital. Things changed across America. Now, it is rare to walk into a public gathering place and see people smoking. Folks understand, and they do not do that. You do not expose some innocent person to secondhand smoke. If you want to smoke, if you made that terrible decision that you want to be a smoker, go outside and do it. Don't try to put yourself in a position where you endanger others.

What we are trying to do with this bill is to move this debate forward. It was not enough that we could put warning labels on at one time that now have become so small and irrelevant that people do not even see them. It wasn't enough that we banned it on airplanes. If we are serious about protecting our kids from tobacco and smoking, we have to do more.

This may be an easier issue for me coming from the State of Illinois than Senators from tobacco-producing States or tobacco-manufacturing States. I accept that. This is not easy. For them the issue may be different. It may be in terms of tobacco growers and farmers. It may be in terms of tobacco-related employees. For them the idea of reducing the number of people smoking cigarettes has an economic impact. So I am not going to begrudge them coming to the floor and their attempts to change this bill that is before us. It is perfectly understandable. I do not question their motives at all. But I come to it from a public health viewpoint. I think what they are offering as an alternative is not a good one. Let me tell you why.

We have 1,000 organizations, literally 1,000 organizations, health and consumer organizations across the United

States that have endorsed this bill. I have literally in my time in Congress, 27 years, never seen a bill with this kind of endorsement. People understand this now. They understand we have to do this now. Senator KENNEDY, who is our champion and inspiration, cannot be with us. He is battling a brain tumor and doing well, but he cannot make it to the floor. But I will tell you that he is in our hearts, thoughts, and prayers today. This bill is about his valiant effort to make sure we do this. So many organizations join him and us in saying this is long overdue.

Those on the other side have come up with a substitute, an alternative. There are a lot of problems with it. I have heard the Senators from North Carolina—Senator BURR was just on the floor—talk about their alternative. We took a look at it. It turns out there are some problems with their alternative.

They want to create a new Federal agency. They don't want the Food and Drug Administration to do this. Unfortunately, it will be an untested and underfunded agency. They do not understand the concept behind trying to keep tobacco products out of the hands of kids. They say maybe there are some alternative products these kids could use which would not be as dangerous, the so-called risk reduction idea. We started our bill on the premise that the tobacco industry's practices mislead people and result in terrible health consequences, and they have to be changed.

One of the ways they propose to reduce the risk of tobacco is to change the form of tobacco. Instead of cigarettes inhaled into the lungs, it turns out they believe that spit tobacco, chewing tobacco, is a safer way to use tobacco. The proposal that is being offered by the Senator from North Carolina virtually exempts smokeless tobacco products from regulation. You know what I am talking about, those little pouches you stick in your mouth that let tobacco juices flow, and so forth. We even have some Senators who chew tobacco, if you can believe that—it is a fact—and spit into cups. Not my idea of a good time. But some of them do it anyway.

This bill would not go after that form of tobacco. There is little, if any, evidence that smokeless tobacco products are a step in the way of quitting smoking or becoming healthy.

In fact, many of these new smokeless products are being marketed to smokers as a way to sustain their addictions in places where smoking is no longer allowed. Take a look at this product: Camel Snus, frost-flavored Camel Snus, 15 pouches. See these little pouches over here?

For those who aren't familiar with it, snus is a smoke-free, spit-free tobacco product that comes in little pouches which can be placed under the upper lip. And as one high school student described it: It is easy—says the high school kid—it is super discreet. None of the teachers will ever know what I am doing.

This is their idea and the alternative? This is the idea, the alternative of the Senator from North Carolina to kids smoking cigarettes. The Web site for Camel Snus boasts that ''snus can be enjoyed almost anywhere, regardless of growing smoking bans and restrictions.''

So do we really want a national policy—as the Senator from North Carolina is suggesting—that steers people toward this kind of a product? Let's look at the facts.

Smokeless tobacco is loaded with dangerous ingredients, just like cigarettes. The National Cancer Institute reports that chewing tobacco contains at least 28 known cancer-causing agents. Smokeless tobacco may be a reduced risk in some respects compared to cigarettes, but its use is still a serious health problem and a danger to children. If you need proof of that, look at this poor young man here.

Gruen Von Behrens is an oral cancer survivor. This young man has had more than 40 surgeries to save his life, including one radical surgery that removed half his neck muscles and the lymph nodes and half of his tongue. Like too many teenagers, Von Behrens first tried spit tobacco, which this bill says is a safer way of using tobacco than cigarettes, at age 13—13—in order to fit in. It only took 4 years for him to be diagnosed with squamous cell carcinoma. Look what this poor young man has been through because of a product which the North Carolina Senator tells us is something we should be moving toward in this country.

I think of all those kids who used to have the little can of snuff—baseball players—in the back of their jeans and how cool that was, and I just wonder how many of them face this kind of an outcome because of popular fads. Would we want to endorse that as part of our debate on the future of tobacco in America?

The Burr substitute is based in part on an unproven assumption that smokeless tobacco should be promoted as a way to help people quit smoking. But the 2008 U.S. Public Health Service Clinical Practice Guidelines concluded that the use of smokeless tobacco products is not a safe alternative to smoking, nor is there any evidence to suggest it is effective in helping smokers quit.

Smokers who are trying to quit already have access to safe, rigorously tested, and FDA approved forms of nicotine replacement, like including nicotine gum, the patch, lozenges and other medications.

Let's steer people who want to quit toward these FDA approved products, not toward smokeless tobacco, which is riddled with carcinogens.

Another weakness in my colleague's bill is in the limited authority it gives the new agency to oversee the contents of tobacco products.

The Kennedy bill gives the FDA strong authority to regulate the content of both existing and new tobacco products, including both cigarettes and smokeless tobacco products.

The Burr substitute gives the new agency virtually no authority over the content of existing smokeless tobacco products—no matter how much nicotine, and no matter how many cancer-causing agents they contain.

My colleague's substitute gives the agency far less authority to remove harmful constituents in cigarettes than the Kennedy bill does, and it makes it far more difficult for the agency to act.

The Kennedy bill allows the FDA to fully remove harmful constituents.

The Burr proposal allows only the reduction—but not the elimination—of known harmful substances.

The Kennedy bill allows the FDA to take into account the impact of product changes on potential users—including children—and the effects on former smokers who might be enticed to resume the nicotine addiction.

The Burr substitute allows the agency to consider only the narrow health impact on existing smokers.

The Kennedy bill allows the FDA to reduce or fully eliminate substances that ''may be harmful'' using the best available scientific evidence.

The Burr substitute requires the agency to demonstrate that a single product change is likely to result in ''measurable and substantial reductions in morbidity.'' This standard will be extraordinarily difficult to meet given the large number of harmful substances in cigarettes. It is language that will tie the agency in knots and prevent actions that are clearly in the interests of public health.

The Kennedy bill includes an outright ban on candy and fruit-flavored cigarettes.

The Burr alternative bans only the use of candy and fruit names on the products, while allowing the use of candy and fruit flavors to entice young people to begin using products laced with nicotine and carcinogens.

All these details are important—they mark the difference between an approach that gives the government real authority to regulate the contents of tobacco products, and an approach that bows down to the industry and leaves tobacco companies in charge of these decisions.

We shouldn't continue to give those companies that kind of power.

There is another serious problem with the substitute offered by the Senator from North Carolina. It does not adequately protect consumers from misleading health claims about tobacco products.

The Kennedy bill sets stringent but reasonable scientific standards before manufacturers of cigarettes and smokeless tobacco products are allowed to claim that their products are safer or reduce the risk of disease.

The Burr substitute completely exempts smokeless tobacco products from these standards even if those

claims are likely to cause youth to take up tobacco for the first time.

When smokeless tobacco manufacturers aggressively marketed their products to young people in the 1970s, often with themes suggesting that they were less harmful than cigarettes, use of those products increased among adolescents.

The Burr substitute only allows the agency to look at the impact of health claims on individual users of tobacco products.

It does not allow the agency to consider whether the reduced risk claim would increase the harm to overall public health by increasing the number of youth who begin using tobacco products or reducing the number of current users who quit.

The Senator from North Carolina has criticized the Kennedy bill for limiting tobacco advertising to black-and-white text-only material in publications with significant youth readership.

His substitute, he says, goes further by banning tobacco advertising.

That is an attractive talking point. But like so much tobacco advertising, it is misleading. It has a barbed hook buried in it.

The fact is, a broad, indiscriminate ban on tobacco advertising would likely be struck down by the courts.

The courts would probably rule that it is an impermissibly broad limitation on speech.

They would say the ends are not sufficiently tailored to the means, and they would conclude that it violates the first amendment.

That is what constitutional scholars tell us.

The result of the Senator's amendment would be a continuation of current law—a continuation of the insidious advertising the industry currently uses to lure new customers. Under the guise of a total advertising ban, he would give us the status quo.

And the tobacco industry would thank him for it.

My colleague from North Carolina has improved the warning labels he would require on cigarettes. But they would not be strong enough.

The Burr substitute would allocate 25 percent of the bottom front of the package to a warning label.

In contrast, the Kennedy bill reflects the latest science on warning labels by requiring text and graphic warning labels that cover 50 percent of the front and back of the package.

Clearly, a health warning that takes up the top half of the front and back of a package will be more noticeable and easier to read than one that takes up only a quarter of the bottom of the package—an area that may be hidden by the sales rack.

Senator KENNEDY's bill also gives the FDA the authority to change the warnings in light of emerging science. Under the Burr substitute, the agency would not have any authority to change the warning labels.

And the Burr amendment's required warning labels for smokeless tobacco products read more like endorsements than warnings.

For example, one of the required statements is a warning that the product has a significantly lower risk of disease than cigarettes. That is not a health warning—it is an unhealthy promotion.

We have an historic opportunity to finally put some real and meaningful regulations in place, and that will stop some of the tobacco industry's most egregious practices.

For decades, this industry has lied to us, and I don't know why we would trust them now to do the right thing.

We should not accept the underlying premise of the Burr substitute, that a lifetime of addiction and a high risk of premature death must be accepted, and that our strategy should be to steer people towards ''reduced harm'' products.

That is the smokeless tobacco approach, not the public health approach.

The Kennedy bill is a strong and carefully crafted solution that puts the public health first.

The Kennedy bill is the bill that should be enacted.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that morning business be extended until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Hearing no objection, it is so ordered.

Mr. DURBIN. Madam President, I have about 10 minutes remaining, and then I will be glad to yield to the Senator from Kentucky, who has been sitting here. I ask unanimous consent that when I conclude my remarks, the Senator from Kentucky be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO

Mr. DURBIN. Madam President, if you got up early this morning—like about 6 a.m.—and turned on the television, you would have heard a historic speech. President Barack Obama is in Cairo, Egypt, this morning—our time this morning—giving a speech to an assembled group at a university in Cairo about the relationship of the United States and Muslims around the world. It is a critically important speech.

All of us know what happened on 9/11/2001. We know our relationship with people in the Middle East has been strained at best, and we have been troubled by the threats of Islamic extremism, and so the President went and spoke in Cairo. I listened to his speech. Now, I am biased because he was my former colleague from Illinois and I think so highly of him, but I think it was an excellent speech. I think what he tried to do was to explain to them how we can develop a positive relationship between people of the Islamic faith and America, and I thought he laid out the case very well in terms of our history, our tolerance, the diversity of religious belief in our country, and how some elements of Islam—extremist elements of Islam—are not even operating in a way consistent with their own basic values and principles.

The reason I refer to that speech is that one of the points that was important was when President Obama said to this assembled group—to their applause—that the United States was going to change its policies under his leadership. He said we are not going to use torture in the future, and he received applause from this group. He said we are going to close Guantanamo, and they applauded that as well.

What the President's statement said—and basically the reaction of the audience told us—is that regardless of our image of the United States, for some people around the world there are things that have occurred since 9/11 which have created a tension and a stress between us that need to be addressed honestly. President Obama made it clear that we are starting a new path, a new way to develop friendships and alliances around the world to stop terrorism and stop extremism, and he understands that torture—the torture of prisoners held by the United States—has, unfortunately, created a tension between the United States and other people in the world. They know of it because of Abu Ghraib, the graphic photographs that are emblazoned in our memory, and theirs as well, of the mistreatment of prisoners in Iraq. They know it from the photographs that have emerged and the documentary evidence about the treatment of some prisoners at Guantanamo.

It has, unfortunately, become a fact of life that Guantanamo itself is a symbol that is used by al-Qaida—the terrorist group responsible for 9/11—to recruit new members. They inflame their passions by talking about Guantanamo and the unfair treatment of some prisoners at Guantanamo. President Obama knew this and said in his first Executive order that the United States will not engage in torture and within a year or so we will close the Guantanamo corrections facility. I think it was the right decision—not an easy decision but the right decision. If we are truly going to break with the past and build new strength and alliances to protect the United States, then we have to step up with this kind of leadership.

The President inherited a recession, two wars, and over 240 prisoners in Guantanamo, some of whom have been held for 6 or 7 years. Many of these people are very dangerous individuals who should never, ever be released, at least as long as they are a threat to the safety and security of the United States or a threat to other people. Some should be tried. They can be tried for crimes

and, if convicted, they can be incarcerated. Others may be sent to another country, maybe returned to their own country of origin.

One of these prisoners I happen to know a little about because he is represented by an attorney in Chicago. He is Palestinian. He is from Gaza and was captured when he was 19 years old. He has now been held in prison for 7 years. He is now 26 years old. Last year, our government notified him and his attorney that we have no current charges against him. They have been trying to find a place to send him. He stayed another year in prison while we are trying to determine where he should be sent.

Each of these 240 cases is a challenge to make sure we come to a just conclusion as to each person and never compromise the safety of the United States.

A little over a week ago, the President went to the National Archives and gave a speech about Guantanamo and what we are going to do, and he made it clear that some of these people will be tried in our courts, some of them may end up in prisons in the United States, some of them may end up being held as long as they are enemy combatants and a danger to the United States, and some may be sent to other countries. They are trying to work out 240 different cases. It is not an easy assignment.

The reason I raise this is because it is clear that as long as Guantanamo remains open, it is going to be an irritant to many around the world and lead to the recruitment of more people to engage in terrorism against the United States. Don't accept my conclusion on that. The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, said:

> The concern I've had about Guantanamo in these wars is it has been a symbol, and one which has been a recruiting symbol for those extremists and jihadists who would fight us.

On the floor of the Senate this morning, shortly after the President's speech, the Republican minority leader, Senator MCCONNELL of Kentucky—as he has many times before—came to discuss Guantanamo. He said explicitly—and he may have said this before, but I just want to make it clear that I am reading from the transcript of what he said on the floor this morning—''Like most Americans, I'm for keeping Guantanamo open.'' So he clearly disagrees with the President. He wants Guantanamo to stay open. I certainly hope that it doesn't. I don't want this recruiting tool for terrorists to continue.

Senator MCCONNELL has raised the question repeatedly of whether it is safe for us to bring Guantanamo detainees to the United States for a trial or for incarceration. I think it is, based on the fact that we currently have 347 convicted terrorists serving time in American prisons today. Over half of them are international terrorists, and some of them are in my State of Illinois at the Marion Federal penitentiary. They are being held today. As I traveled around southern Illinois last week, I didn't hear one person step up and say: I am worried about the terrorists being held at the Marion prison.

In fact, I went to the Marion prison, met with the corrections officers and guards, and asked them this: What do you think about Guantanamo detainees?

Well, they were somewhere between insulted and angry at the notion that they couldn't safely incarcerate a Guantanamo detainee. One of the guards said to me: Senator, we have more dangerous people than that in this prison. We have serial killers, we have sexual predators, we have terrorists from Colombia, we had John Gotti—the syndicate kingpin. We held these people safely, and we can do it. That is what we do for a living. So don't you worry about putting them in this prison. We can take care of them. We have not had an escape, and we are not going to.

So when Senators come to the floor and suggest that these detainees cannot even be brought to the United States for trial and held in a prison while they are going to trial, that it is somehow unsafe to America, defies logic and experience. If there is one strength we have in this country—and you can debate it—we know how to incarcerate people. We have put more people in prison per capita than any nation on Earth. We hold them safely, certainly in the supermax facilities, and we must continue to. And this idea that we have to keep Guantanamo open because there is not a prison in America where they can be held safely is not true. The 347 convicted terrorists being held in America today are living proof that is not true.

This tactic of opposing the closing of Guantanamo is based on fear—fear that is being pedaled on this Senate floor that these detainees cannot be held safely and securely in the United States. It is the same fear that led people to conclude that our Constitution wasn't strong enough to deal with a war on terrorism, and therefore we had to look for ways to go around it when it came to wiretapping and interrogating prisoners. These are the same people who had fear that our courts in America couldn't handle the cases before them if they dealt with terrorism, though, in fact, they have done that many times over. It is the same fear that our law enforcement authorities can't do their job effectively, when, in fact, they can.

We cannot as a nation be guided by fear. And those politicians who come up and make speeches, whether it is on radio or television or on the floor of Congress, and who try to appeal to the fear of the American people aren't doing us any favor. We are not a strong nation cowering in fear. We are a strong nation of principle, of values, that can stand up to the world and say: We will not in any way harbor or encourage terrorism and extremism. We are proud of our values. We can stand by them even in the toughest of times. And we are proud of the institutions of America that we have created and that make us strong.

I don't think those who come to this argument out of weakness and fear have a leg to stand on. And when the argument was made on the floor this morning that we should keep Guantanamo open, I would like to think that those who heard President Obama in Cairo, Egypt, and across the Muslim world today and who were encouraged by his aspirations to higher values and a better place for the United States will understand that this statement by one Senator on the floor of the Senate doesn't represent where America needs to go.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. I wish to conclude briefly by saying we have a chance to do the right thing, to close Guantanamo in a safe and secure fashion, to put these prisoners in supermax facilities, to stop the use of Guantanamo as a recruitment device for al-Qaida. Turning them loose in countries around the world may mean the release of terrorists and more problems to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. BUNNING. Madam President, I have four amendments I wish to discuss to the pending bill. I will not call them up but I wish to discuss them. When the bill is presented on the floor, then I will come back and talk about the specific amendments that are going to be considered in the first tranche of amendments.

First, I rise today in strong opposition to the tobacco regulatory bill on the floor. This sweeping legislation would dramatically increase the FDA's regulatory authority outside the scope of original congressional intent. This is something that Congress did not intend to give the FDA when we wrote the Federal Food, Drug and Cosmetic Act, and that intent was even upheld by the U.S. Supreme Court in 2000. Yet there are still some of my colleagues out here who believe it would be safer for the American public to regulate tobacco under the FDA. They argue that, by doing so, we will help reduce the negative effect of smoking and prevent underage smokers.

As a grandfather of 39 grandchildren, believe me, I want to keep cigarettes out of the hands of kids. But the bill before us today does not do that. It is nothing more than an attempt to eliminate our national tobacco industry. The big problem with this approach is that our Nation's tobacco

farmers are the ones who are going to pay the price.

Not once in this bill did I read any language that would provide any type of protection to our tobacco farmers—not even once. This is why I have introduced the four amendments. Let me give you their numbers: 1236, 1237, 1238, and 1239.

If the FDA is going to regulate tobacco and require sweeping changes within the industry, I want to ensure that farmers have a voice at the negotiating table. My amendments do this. Not only do they allow for fair grower representation, but they help ensure that those who will be most affected by this legislation will not be forced to pay the biggest price.

Let me be clear that I oppose the FDA regulation of tobacco. I have said that as long as tobacco is a legal commodity, it should be regulated through the USDA, the United States Department of Agriculture, not the FDA. If we are going to discuss giving the FDA this authority through this or similar legislation, I want to make sure that we consider the impact on agriculture.

In Kentucky, the family farm is the foundation for who we are as a State. For over a century, the family farm in Kentucky has centered around one crop—tobacco. Tobacco barns and small plots of tobacco dot the Kentucky landscape. We are proud of our heritage and proud that tobacco plays a role in our history. Even after the buy-out, tobacco still plays a prominent role in my State's agricultural landscape.

We have tried to broaden our agricultural base. We have had some success with several types of vegetables, cattle, and even raising catfish. But at the end of the day, nothing brings as much of a return to the small farmer in Kentucky as tobacco. It is big business for small farmers.

With the current economic conditions, more and more farmers in my State are turning to growing tobacco to supplement their income or, in a lot of cases, tobacco is their sole source of income. The money they get from tobacco pays their mortgages, puts their kids through school, and actually allows them to stay on the farm.

Outside of the western part of my State, Kentucky does not have tens of thousands of acres of flat land. We have a lot of green, rolling hills and a climate where tobacco thrives. It can be raised very cheaply on small plots of land that simply cannot accommodate other crops. Whether we like it or not, tobacco remains an economic staple for rural Kentucky. It is profitable and farmers rely on it. That might not be popular today, but it is an economic reality that we have to face.

Whatever the opponents of tobacco say, there is no denying that this bill will add unnecessary mandates and expenses on the farmers in the attempt to punish the big tobacco companies. Sure, this bill will hurt big tobacco companies. They might have to move offshore. They might have to start exporting more of their products. But they will survive. But Kentucky's tobacco farmers do not have these options available to them. They are the ones who are going to be hurt by this type of legislation.

Some of my colleagues might support this legislation because they wish to outlaw tobacco. The last time I looked, tobacco was still a legal product in this country. If my colleagues want to make it illegal, let them be honest and upfront about it. Let's consider legislation to make it illegal. We can fight that here, out on the floor of the Senate. But let's not keep trying to slip it through the back door, through overregulation and taxes in the name of preventing underage smoking.

Children should not have cigarettes. They should not. This is why we have age limits and advertising limits. We should do all that we can to keep cigarettes out of the hands of our kids. But the bill before us is not the answer. We can do better and should do better. All this bill does is move the regulation of a legal product from several agencies to another, one that has no jurisdiction to regulate it.

The only people this bill is going to hurt in the end are not the big tobacco companies, but the small and honest farmers who depend on tobacco to pay their bills. This is why I have offered four farmer-friendly amendments to the bill. I want to explain for a few minutes the four.

One, Bunning amendment No. 1236, clarifies that nothing in this bill would prevent our farmers from growing and cultivating tobacco as they have been able to do for the past hundred-plus years.

My second amendment, No. 1237, establishes a grower grant program that would help ease the financial burden of this bill on our farmers.

Amendment No. 1238 gives growers a seat at the negotiating table. The underlying bill establishes a Tobacco Scientific Advisory Committee made up of 12 members. Seven of those members are from the medical field to ensure that public health needs are taken into account. There is one of the public, and three representatives from the tobacco industry. There are two manufacturers and one grower. All members of the committee are voting except for the last three—the tobacco representatives. My amendment is simple. It gives the tobacco representatives the right to vote and adds two more grower positions. That way, all three forms of tobacco—burley, flue cured and dark leaf—are represented at the negotiating table.

The final Bunning amendment, No. 1239, asks the FDA if they are going to impose any new restrictions or requirements on farmers, then they should consider and conduct a feasibility study so that we know the effect on the farm level.

When my amendments come up, I encourage my colleagues to support them.

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. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. ALEXANDER. I ask unanimous consent that morning business be extended until 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

AUTO STOCK TAXPAYER ACT

Mr. ALEXANDER. Mr. President, today along with Senator BENNETT and Senator MCCONNELL and Senator KYL, I will introduce the Auto Stock for Every Taxpayer Act—to require the Treasury to distribute to individual taxpayers all its stock in the new General Motors and Chrysler within 1 year following the emergence of the new GM from bankruptcy proceedings. This is the best way to get the auto companies out of the hands of Washington bureaucrats and politicians and into the hands of the American people in the marketplace where they belong. So instead of the Treasury owning 60 percent of shares in the new GM and 8 percent of Chrysler, you would own them if you were one of about 120 million individual Americans who paid Federal taxes on April 15.

This is the fastest way to get the stock out of the hands of Washington and back into the hands of the American people who paid for it. To keep it simple, and to help the little guy and girl also have an ownership stake in America's future, Treasury would give each taxpayer an equal number of the available shares.

The Treasury Department has said it wants to sell its auto shares as soon as possible, but Fritz Henderson, president and CEO of General Motors, told Senators and Congressmen in a telephone call on Monday that while it is the Treasury's decision to make, this is a ''very large amount'' of stock, and that orderly offering of those shares to establish a market may have to be ''managed down over a period of years.''

Those shares might not be worth very much at first, but put them away and one day they might contribute something toward a college education. For example, General Motors' 610 million shares were only worth 75 cents just before bankruptcy, but they were worth $40 per share 2 years ago, and $75 a few years before that.

Already we can see what government ownership of car companies will look

like. Yesterday the presidents of General Motors and Chrysler spent 4 hours in front of congressional committees talking about dealerships.

I assume they drove themselves here from Detroit in their congressionally approved method of transportation, probably their newest hybrid cars.

They did not have much time yesterday to design, build, or sell cars and trucks for their troubled companies. Unless we get the stock out of the hands of Washington, this scene will be repeated over and over again.

There are at least 60 congressional committees and subcommittees authorized to hold hearings on auto companies, and most of them will hold hearings, probably many times.

Car company executives who need to be managing complex enterprises will be reduced to the status of an assistant secretary in a minor department hauling briefings books from subcommittee to subcommittee.

You can imagine what the questions will be and the president of each company will probably be asked these questions: What will the next model look like? What plant should be closed and which one opened? How many cars should have flex fuel? What will the work rules be? What will the salaries be? Where will the conferences be held, and in which cities should they not be held?

Congressmen will want to know why the Chevy Volt is using a battery from a South Korean company when it can be made in one of their congressional districts. There will be a lengthy hearing about the number of holidays allowed, and thousands of written questions demanding written answers under oath.

And it is not just the Congress we have to worry about. The President of the United States has already called the mayor of Detroit to reassure him that the headquarters of General Motors should stay in Detroit, instead of moving to Warren, MI. And the mayor of Detroit has announced his satisfaction with talking with members of the President's auto task force to make sure that the executives of the car companies do not get any ideas about moving their own headquarters.

Then there is the Treasury Secretary—and his Under Secretaries—who will want to keep up with what is happening to the taxpayers' $50 billion investment in the New General Motors.

There is a very active economic czar in the White House. He will have some questions and opinions as well about how to run the car companies, not to mention the Environmental Protection Agency officials who might be busy deciding what size cars they ought to build.

And, of course, it was not very long ago that this administration let General Motors know that it was making too many SUVs and that its Chevy Volt was going to be too expensive to work. That was the opinion here in Washington. And the President of the United States himself fired the president of General Motors.

Giving the stock to the taxpayer who paid for it will get the government out of the companies' hair and give the companies a chance to succeed. It will create an investor fan base of 120 million-plus American taxpayers who may be a little more interested now in what the next Chevrolet will be. Think of the fan base of the Green Bay Packers, whose ownership is distributed among the people of Green Bay.

This is the fastest way back to the wise principle: If you can find it in the Yellow Pages, the government probably shouldn't be doing it. More than the money, it is the principle of the thing.

The other day, a visiting European automobile executive said to me with a laugh that he had come to the ''new American automotive capital: Washington, DC.''

To get our economy moving again, let's get our auto companies out of the hands of Washington and back into the marketplace. Let's put the stock in the hands of 120 million taxpayers, the sooner the better.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I gather we are still in morning business.

The PRESIDING OFFICER. The Senator is correct.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. Madam President, I wish to take a few minutes to speak about the importance of what we are doing to address the issues raised by my friend and colleague from North Carolina, Senator BURR, who has raised some important issues. We are debating, of course, very historic public health legislation. The bill before this body will, for the first time, give the Food and Drug Administration authority to regulate the tobacco industry and to put in place tough protections for families that for too long have been absent, when it comes to how cigarettes are marketed to children.

As I have said, particularly over the last couple days, I don't think we can afford to wait any longer on this issue. As I think all colleagues are aware, every single day we delay action on this legislation, another 3,500 to 4,000 children across the Nation are ensnared by tobacco companies that target them with impunity as they try smoking for the very first time in their lives, 3,500 to 4,000 every single day. Smoking kills more Americans every year than alcohol abuse, AIDS, car accidents, illegal drug use, murders, and suicides combined. As tragic as all deaths are, particularly ones caused by the circumstances I have raised, if we took all of them together, they do not total the 400,000 people who lose their lives every year as a result of tobacco-related illnesses. Absent action by this Congress, more than 6 million children who are alive today will die from smoking, including the 76,000 or so in my home State of Connecticut.

The Congressional Budget Office has estimated that the bill before us would reduce adult smoking by 900,000 Americans. That is not an insignificant number. It represents about 2 percent. The CBO estimates that over the next 10 years, 2 million children will not take up smoking, if we are able to pass this legislation and have an effect on the marketing of these products to kids. That is 11 percent of children across the country. That is 700,000 people we would be able to have an influence on, convincing them not to take that first cigarette, to begin the habit of smoking.

Unfortunately, flaws in the Burr substitute will not achieve those goals. It would result in much less regulation of tobacco products, allow the tobacco industry to play many more games and hide more of the harm their products cause and leave children and others more vulnerable to the scourge of tobacco. Instead of using the FDA, a proven agency of 100 years, with experience in regulatory, scientific, and health care responsibilities, to carry out the purpose of this bipartisan bill, the Burr substitute creates a flawed agency, with inadequate resources, and limits the authority of that agency to take meaningful action to curtail the harm caused by tobacco products and their marketing.

The Institute of Medicine, which is highly respected by all of us, and the President's cancer panel have both endorsed giving the FDA this critical authority. The Food and Drug Administration has 100 years of experience in regulating almost every product we consume in order to protect public health. A new agency is not the answer. Obviously, one more bureaucracy is hardly the direction we ought to be going. Our bipartisan bill provides adequate funding to effectively regulate tobacco products through a user fee paid by the tobacco industry.

The Burr substitute does not provide adequate resources to get the job done either. In the first 3 years, the Burr substitute provides just a quarter of the funding provided in the Kennedy proposal, which has been with us for the last 7 or 8 years and has been endorsed by 1,000 organizations, faith-based organization, State-based organizations, and virtually every major public health advocacy group in the United States.

Our bipartisan bill gives the FDA strong authority to regulate the content of both existing and new tobacco products, including both cigarettes and smokeless tobacco products. The Burr

substitute gives the new agency no authority whatsoever over the content of smokeless tobacco products, no matter how much nicotine and no matter how many cancer-causing agents are in those products. The National Cancer Institute, the American Cancer Society, the U.S. Surgeon General, and the Public Health Service have all concluded that smokeless tobacco products, as sold in the United States, are a cause of serious disease, including cancer.

This is not a partisan analysis. When the Surgeon General, the National Cancer Institute, the American Cancer Society, as well as the Public Health Service, says these products cause cancer and can kill, that is not an ideological conclusion. That is the scientific opinion of the very agencies and organizations we rely on for this information. They are saying, if one uses those products, they could get cancer and could die. Suggesting we ought to have an agency with no power to regulate those products takes us in exactly the wrong direction, given the growing use of smokeless tobacco products. They should be subject to regulation like other tobacco products. This amendment would allow smokeless tobacco manufacturers to make their products as harmful as they may want with no regard for public health.

The Food and Drug Administration regulates the food our pets consume. Products consumed by dogs and cats are regulated by the FDA. The idea that we would have an agency with the power to regulate not only the food we consume and the cosmetics and all variety of pharmaceuticals and so forth that we ingest, excluding tobacco, that we would also give them the power to regulate products our pets consume, but we wouldn't allow them to regulate smokeless tobacco or cigarettes runs counter to common sense in this day and age. This is the 21st century, and 400,000 people die every year from self-inflicted injury as a result of the use of these products. As well, 3,500 children begin smoking every single day. To say we can't use this Agency, which has the power and ability to regulate, do research, as well as engage in public health, flies in the face of logic. The idea that our pets at home have better protection than our children when it comes to tobacco products makes no sense to anyone I know.

The Burr substitute gives the Agency far less authority to remove harmful constituents in cigarettes than our bipartisan bill does, and it will make it far more difficult for the Agency to act.

I mentioned before I was a smoker. I am grateful that most of my colleagues were not. But having been one, I can tell them, it is hard to quit. People struggle every day to quit, and it is hard. I don't have any polling data, but I would bet that if we asked every parent who smokes—my parents did, my father smoked cigars and pipes; my mother smoked Chesterfields for about 20 years before she died of cardiovascular issues that may have been related to smoking—whether they would like their children to begin smoking or using smokeless tobacco products, I will guarantee that number is off the charts. They don't want their children to start this.

The Presiding Officer comes from a State of 12,000 small tobacco farmers in North Carolina. I haven't said this before, and I should have—and I apologize for not saying it—this is not the fault of the tobacco farmer. They are in business. They grow a crop. I don't know enough about the science of this, but I suspect the leaf itself is not the issue. It is the 15 carcinogens that are included. When we light up a cigarette, it isn't just the tobacco leaf that comes from North Carolina that is rolled into a piece of paper. There are 50 other ingredients, particularly ones designed specifically to create the addiction associated with cigarettes.

The last thing I wish to see is a farmer in North Carolina, whose economic well-being could be adversely affected by a decision we make, be harmed. We can help them. I know we try to do that in this bill, and I will be anxious to hear from my colleague from North Carolina with the adoption of this legislation—not that I expect her to support it—what we can do to help these people. I suspect many of them, if asked the question: Would you like your children to begin smoking, would likely give the same answer. So that farmer out there would need some help, and we ought to provide it.

Our bill allows the Food and Drug Administration to take into account the impact of product changes on potential users, particularly children, and former smokers. The Burr substitute only allows the Agency to consider the narrow health impact on existing smokers. Our bipartisan bill allows the Food and Drug Administration to reduce or fully eliminate substances that may be harmful using the best available scientific evidence. The Burr substitute requires the Agency to demonstrate that a single product change is likely to result in ''measurable and substantial reductions in morbidity,'' knowing that this standard would be extraordinarily difficult to meet, given the large number of harmful substances in cigarettes.

Our bill bans candy- and fruit-flavored cigarettes. I hope my colleagues don't need me to explain why there are candy- and fruit-flavored cigarettes. That is not to convince a 55-year-old they ought to start smoking. When they decide to make cigarettes taste like candy, tell me who the audience is. If you think it is some adult, then we are living on different planets because that is designed specifically to get the kids. We know 90 percent of adults who smoke began as kids. Those are the statistics. Our bill bans candy- and fruit-flavored cigarettes. The Burr substitute only bans the use of candy and fruit names on products—leaving tobacco manufacturers to market cigarettes that taste like mocha mint or strawberry.

The Burr substitute prevents the Agency from requiring the manufacturer to make any product change that the manufacturer elects to implement by requiring changes in how tobacco is cured or might otherwise impact the tobacco leaf. This would always be used by the manufacturers to challenge the product standard. For example, a new study found that the high level of tobacco-specific nitrosamines in tobacco products has probably resulted in twice as many people dying from lung cancer. Under the Burr standard, it is highly unlikely, we are told, that the Agency would take action to address this issue because the simplest solution is to change how some tobacco is cured after it is grown. The Burr substitute allows tobacco companies to continue to deceive consumers in that regard.

The Burr substitute also bases its tar and nicotine standards on the results of a specific test that the Federal Trade Commission recently rejected because it does not provide meaningful information about the health risks of different cigarettes. In its statement discrediting the test, the Federal Trade Commission wrote:

> Our action today ensures that tobacco companies may not wrap their misleading tar and nicotine ratings in a cloak of government sponsorship. Simply put, the FTC will not be a smokescreen for the tobacco companies' shameful marketing practices.

That is from the Federal Trade Commission, hardly an ideological or partisan organization. That is their quote on discrediting the test the FTC conducted.

In addition, the National Cancer Institute has determined there is no evidence that reducing tar to a degree even greater than called for in the Burr substitute actually results in a reduction of risk of disease. The Burr substitute makes it likely that Americans will continue to be misled by nicotine and tar figures that appear to have the government stamp of approval, believing that cigarettes with lower tar numbers are safer. The National Cancer Institute is an organization that is highly credible and respected. The Burr substitute does not adequately protect consumers from misleading health claims about tobacco products, a very serious problem. The bipartisan bill sets stringent, but reasonable, scientific standards before manufacturers of cigarettes and smokeless tobacco products are allowed to claim that their products are safer or reduce the risk of disease.

The Burr substitute completely exempts smokeless tobacco products from these standards, no matter how spurious and even if those claims are likely to cause youth to take up tobacco for the first time. Supporters of this proposal argue we should allow and encourage the use of smokeless tobacco because it is less harmful than smoking. But this was refuted in 2003

by Surgeon General Richard Carmona, who was appointed by President Bush, when he addressed a congressional committee.

Let me quote the Surgeon General:

Do not fall for the myth—a very dangerous public health myth—that smokeless tobacco is preferable to smoking.

Again, this is the Surgeon General. Going back several administrations, Surgeons General, Secretaries of Health and Human Services, this is an issue that does not divide people. President Bush's Surgeon General was a fine man, Richard Carmona. I see my friend from Arizona. I believe Richard Carmona is from Arizona. I had an opportunity to meet with him and talk with him in the past, and he did a good job.

I will quote him again:

Do not fall for the myth—a very dangerous public health myth—that smokeless tobacco is preferable to smoking.

He went on to say, and I quote him further:

No matter what you may hear today or read in press reports later, I cannot conclude [as Surgeon General] that the use of any tobacco product is a safer alternative to smoking.

And the 2008 Update of the U.S. Public Health Service Clinical Practice Guidelines regarding tobacco cessation concluded:

[T]he use of smokeless tobacco products is not a safe alternative to smoking, nor is there evidence to suggest that it is effective in helping smokers quit.

Senator BURR's substitute only allows the agency to look at the health impact on individual users of tobacco products. It does not consider whether the reduced risk claim would increase overall public health harms by increasing the number of youth who begin using tobacco products or reducing the number of current users who quit. Senator BURR's and our colleague Senator HAGAN's standard would allow health claims that would increase tobacco use levels and increase the total amount of harm thus caused by tobacco use.

To prevent health claims from being used to increase the number of tobacco users, our bipartisan bill gives the Food and Drug Administration authority over how these products are marketed. Senator BURR's substitute eliminates that authority, putting our youth at greater risk. If you eliminate that authority, then, obviously, you have torn the heart out of what we are trying to achieve.

Senator BURR's substitute fails to give even the new agency it creates the authority to reduce youth access to tobacco products. Unlike our legislation, Senator BURR's substitute does not establish or fund a nationwide program to reduce illegal tobacco product sales to children. In addition, because the Burr substitute allows any retailer to fully escape responsibility for illegal sales if the employer's employees have signed a form saying they were informed that it is illegal to sell to underage youth, no matter how often the retail outlet is caught doing so, and no matter how strong the evidence that the employer looks the other way, it provides a significantly less effective approach than the one we have in the substitute, the bipartisan substitute that is before us.

The Burr substitute's minimum standards for State youth access laws are also too weak. The youth access standards in Senator BURR's substitute are riddled with loopholes that make them ineffective. For example, a retailer who never enforces the law against illegal sales to youth cannot be fined if the retailer has conducted a training program for its staff, even if it repeatedly looks the other way when illegal sales to youth are made. In addition, the vast majority of States already have laws in place that exceed the minimum standards in Senator BURR's substitute.

At any rate, these are all reasons why I urge my colleagues to reject the Burr substitute. Our bipartisan bill, as I say, has been endorsed—I have been here for some time. I have never heard of a piece of legislation being endorsed by 1,000 organizations: faith-based, State, as well as all the credible national public health or health organizations in the country. That is not reason enough, but understand we voted overwhelmingly in both Chambers, just not in the same Congress, over the last 6 or 7 years on this proposal.

Again, I want to say to my colleagues who come from tobacco-producing States, I understand the impact this kind of bill can have, and, in fact, we hope it has, with the reduction of smoking by all generations and all age groups, but particularly among children. I certainly stand ready and prepared to do what we can to help those farmers and others whose jobs and livelihoods depend on this industry, who, through no fault of their own but through their livelihoods, are engaged in this business. We want to provide that transitional help.

But we cannot stop doing what needs to be done. With 400,000 people a year dying—more deaths due to this self-inflicted disease than AIDS, murders, illegal drugs, suicides, alcohol abuse, automobile accidents—all of those combined—they do not equal the number that tobacco use causes. With 3,000 to 4,000 kids starting every day, I think my colleagues understand this cries out.

We are about to begin a health care debate. Prevention is a major issue. We are all trying to work on ideas to incentivize healthy living styles. What an irony it would be, on the eve of the emerging debate about prevention, that we had an opportunity to make a difference in doing just that, with having 900,000 adults who stopped smoking and 700,000 kids—maybe those are numbers that are not as impressive as we would like them to be—but if we can save 700,000 children's lives and 900,000 adults, to have them stop smoking and not get involved in this habit, what a difference it would make.

I have talked about deaths. There are people who live with this stuff—the emphysema. The cost—even if you are not impressed with the ethics of it, the morality of it, if the numbers is the only thing that drives you, we are spending billions of dollars every year to provide for people who are suffering from smoke-related illnesses.

So on the eve of the great health care debate, what a great way to begin that by saying, at least in this one area, we are going to do something about the children in this country. We are going to do something that is long overdue on the manufacturing and the marketing, as well as in the production of these products. We are going to say to the Food and Drug Administration: Take over here. Take a look at all of this. Provide the regulations and the guidelines. If we can do it for the produce or the foodstuffs we provide for every pet in this country, we ought to be able do it for the American children.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Arizona is recognized.

NORTH KOREA

Mr. KYL. Mr. President, I rise today to discuss recent events in North Korea. On April 5, the North Koreans tested a long-range Taepo Dong 2 missile, which traveled nearly 2,000 miles before falling into the Pacific Ocean. This test, which the North Koreans described as an attempt to launch a satellite into orbit, represented an improvement in the range of North Korea's missiles. In 2006, the Taepo Dong 2 only traveled 1,000 miles and did not successfully reach a second stage, as the most recent missile did.

U.N. Security Council Resolution 1718 prohibits the country's use of ballistic missile technology, and the United Nations Security Council issued a statement on April 13 condemning the recent launch and calling on member states to implement existing sanctions against North Korea.

In response, North Korea abandoned the six-party talks, promising to reactivate its nuclear program and never to return to the six-party negotiating table.

Less than 2 weeks later, North Korea conducted a nuclear test. Between the Taepo Dong 2 test and the nuclear test, North Korea also launched at least five shorter range missiles. Intelligence reports also indicate another long-range test is in the offing for later this month or early July.

So far, world response to this latest illicit behavior has been one dimensional, with leaders around the globe issuing condemnations of varying strength. President Obama issued a clear condemnation of North Korea's action, stating:

North Korea's ballistic missile programs pose a great threat to the peace and security of the world and I strongly condemn their reckless action.

Secretary Clinton echoed the President's remarks and emphasized, as the President did in his April speech in Prague that—and I am quoting—''there are consequences to such actions.'' The question is, it is unclear what consequences the administration has in mind. And Susan Rice, our Ambassador to the United Nations, has been reluctant to commit U.S. support for the inclusion of sanctions in the U.N. resolutions currently being drafted.

Despite North Korea's detonation of a nuclear device and test of long-range missiles designed to threaten us, the relationship between the United States and North Korea has not substantially changed. There are, however, several things that the United States could do to back up its condemnation of North Korea's reckless actions. Thankfully, we have a number of options available to us, and we are not faced with the ''shoot first, ask questions later'' approach that former Secretary of Defense William Perry advocated in a 2006 Washington Post editorial, when he argued that the United States had no other option than to destroy North Korea's missiles on their launching pads.

First, the United States could return North Korea to the state sponsor of terrorism list. North Korea was removed from this list when it agreed to a series of measures related to the disablement of its plutonium production at the Yongbyon reactor. Now that North Korea has renounced that agreement and restarted its nuclear program, there is no reason it should not return to that list.

President Obama indicated his support for this type of strategy on the campaign trail, saying:

> If the North Koreans do not meet their obligations, we should move quickly to reimpose sanctions that have been waived, and consider new restrictions going forward.

Second, the United States could reimpose financial sanctions on high-level North Korean officials and banks affiliated with the North Korean Government. In March 2007, the U.S. Treasury ordered U.S. companies and financial institutions to terminate their relationships with Banco Delta Asia over alleged links between the bank and the Government of North Korea and froze certain funds of high-ranking North Korean officials.

Third, the United States could expand defense and nonproliferation initiatives. President Clinton's Secretary of Defense William Cohen recently argued in the Washington Times for reversing President Obama's deep cuts to missile defense programs. I agree with Secretary Cohen that the President's $1.4 billion of cuts do not send the right signals to those who seek to threaten us, especially those who tout ballistic missiles as the chief element of their threats.

President Obama, in direct support of U.N. Security Council Resolutions 1695 and 1718, could also expand interdiction and intelligence cooperation under the Proliferation Security Initiative with our new partner, South Korea.

As the President said in Prague:

> Rules must be binding. Violations must be punished. Words must mean something.

These commonsense steps would send a clear message to the North Koreans and their partners in proliferation that the United States is serious when it repeatedly refers to consequences and is willing to employ all measures and its full leverage in order to influence North Korea and avoid conflict.

Of course, the United States should work with the international community to enlist its support for increasing pressure on the North Koreans, and the administration has signaled its support for a multilateral approach through its focus on working through the United Nations. But this approach is already limited by North Korea's history of disregarding U.N. action and by continued Russian and Chinese waffling. I am not convinced new U.N. resolutions would be treated any differently by North Korea than the ones it has already ignored. Its record has led some to question whether a regime so willing to wreak famine and destruction on its own people is not beyond the traditional application of ''carrot and stick'' diplomacy.

Moreover, our effort to work with other nations does not excuse us from the responsibility to act ourselves. If Russia or China will not sanction North Korea, is that any argument that the United States should not? Of course not. We can offer nations attractive terms for their support, such as help in dealing with increased flow of North Korean refugees, trade incentives, or enhanced military-to-military cooperation, such as revoking the misguided Obey amendment and allowing Japan to purchase an export variant of the F–22 fighter. However, if other nations conclude that holding North Korea accountable is not in their interest, then we must not let that prevent us from doing what is best in our interest.

The gravity of events in North Korea is only increased by the similar disagreement between the international community and Iran on the subject of its nuclear program. If strong words are followed by weak and ineffective action toward North Korea, why should Iran expect different treatment? Conversely, if we display resolve and fortitude in confronting a belligerent North Korea that uses nuclear explosions and ballistic missiles as foreign policy tools, we send a powerful message to the rest of the world of our sincere commitment to nonproliferation and regional stability. This is doubly important considering the well-known cooperation between North Korea and Iran on a variety of illicit programs.

While some debate the proper U.S. response, I believe one thing is certain: Past negotiations have not been successful. North Korea has not been an honest negotiator, preferring to use, instead, ''missile diplomacy'' to spark international panic and extract a concession—typically fuel or grain shipments—from a worried international community. This process, in various permutations, happened in 1993, 1994, 1998, 2006, 2007, and it may repeat itself in 2009.

For those who would not repeat the blunders of the past, North Korea's actions have forced an unwelcome choice on the world: either North Korea is a threat and we must take actions across all fronts to isolate the regime and defend our Nation and our allies against its considerable capabilities or these actions are the benign outbursts of a misunderstood regime.

The President has clearly said that North Korea poses a threat to world peace and security. It is now a question of matching action to rhetoric.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

REMEMBERING TIANANMEN SQUARE

Mr. INHOFE. Mr. President, 20 years ago this week, on June 3 and 4 in 1989, the world watched the Communist Government of China violently crack down on peaceful demonstrators in Tiananmen Square. We all remember that. It is hard for me to believe it has been 20 years ago.

One picture that is forever imprinted on our minds and our memories is that of a lone Chinese student who stood before a line of army tanks following days of violence that had resulted in hundreds killed and thousands more wounded. We never did find out what happened to that young student. I assume he was taken away, tortured, and killed, but we don't know that. He displayed tremendous courage in the face of tyranny and injustice. For weeks, students had raised their voices demanding greater democracy, basic freedoms of speech and assembly, and an end to corruption. While the photo of this student became infamous to the world as a picture of the Chinese people and their desire for true and lasting freedom and democracy, it remained virtually unknown to the people of China due to the Chinese Government's continued censorship and oppression.

On March 25, the Speaker of the House of Representatives, Nancy Pelosi, while on a trip to China, remained silent regarding the ongoing human rights abuses there. Instead, she talked about the government on

global warming and issues such as that. This week in Beijing, U.S. Treasury Secretary Tim Geithner followed the Pelosi model, remaining mute on human rights abuses that are going on today, and spoke only of environmental issues.

In 2005, I gave a series of speeches on the threat China poses to our Nation. Now, 4 years later, we are in a position where they are the largest holder of our national debt, and my concerns regarding China remain the same.

I have spent many years in activity in Africa, primarily Sub-Saharan Africa, and right now we are competing with China for the energy that is there. China is doing a better job than we are. They are competitors of ours not just militarily but economically. It is of great concern to me that as we continue to grow in our relationship and our dependence on China, our U.S. Government officials seem to place more value on the Chinese Government's treatment of the environment than the treatment of their own people and the threat they pose to our Nation.

On the 20th anniversary of the Tiananmen Square massacre, Pelosi and Geithner's omission is a disgrace to the memory of those who stood and many who died as they pleaded with the government to allow them basic freedoms that we as Americans possess and enjoy.

Sadly, ignoring these issues is exactly what the Government of Beijing wants. They would like nothing more than to erase the memory of the Tiananmen Square massacre from our minds and from the minds of all people around the world. The Chinese Government would like us to forget that in June of 1989, they used lethal force of 300,000 troops strong to crush peaceful protestors who were seeking greater freedoms. The Chinese Government would like the image of that courageous man standing before the line of tanks to fade from our memory. However, we can't forget the hundreds who were murdered, the thousands who were injured, and the more than 20,000 people who were arrested and detained without trial due to the suspected involvement in the protests, specifically in Tiananmen Square.

We don't know today where those people are. Most likely, they are still incarcerated someplace or they have been killed. The Communist government is so bent on wanting us to forget these issues that they have shut down blogs, blocking access to individual news sources such as Twitter, and denied access to popular sites such as YouTube.

Since Tiananmen Square, China has continued to increase severe cultural suppression of ethnic minorities such as the Tibetans, the Uighurs; increase persecution of Chinese Christians, the Falun Gong, and other religious groups and other minorities; increase detention and harassment of dissidents and journalists; and has maintained tight controls on freedom of speech and access to the Internet. We know journalists who right now are still incarcerated over there, but there is no trace of exactly where they are.

Despite the promises to the contrary, China didn't provide greater access to the international media during the 2008 Olympic Games. Unlike the previous hosts of the past games, the Government in Beijing blocked access to certain Internet sites and media outlets in an attempt to censor free speech.

As China grows economically and continues to exert its influence globally and thus considers itself a significant player on the world stage, I believe China should be held to a standard of political, religious, and ethical responsibility.

Our country was founded by those who were seeking basic freedoms, and we have to stand for those who are doing the same in other countries. When basic freedoms can be practiced, countries thrive and prosper because people are allowed to choose a better way of life for themselves. We must also recognize the danger we place ourselves in by becoming closer and more dependent upon nations that continue to silence their people, deny them access to information and the ability to practice their cultures and beliefs. That is what is happening today.

On the occasion of the 20th anniversary of Tiananmen Square, my colleague Senator BROWN and I have introduced S. Res. 167 to remember the families and the victims who were killed in the June 1989 protest and to call on the Government of China to put an end to its continuing human rights violations. Our country must not remain silent, and many of my fellow colleagues in the Senate who are cosponsors of this resolution agree.

This resolution calls on the Chinese Government to release all prisoners still in captivity as a result of their suspected involvement in Tiananmen Square protests and to release all others who are currently being imprisoned without cause. This resolution puts the Senate on record, encouraging the Chinese Government to allow freedom of speech and to access information, while ending the harassment, intimidation, and imprisonment practices the government has carried out against those who are minorities and who seek religious freedom. We also call on our government to uphold human rights in China. Our silence only dishonors those who lost their lives and freedoms in Tiananmen Square.

We have this resolution right now. So far, we have cosponsors who have just found out about it and called in, including, in addition to Senator BROWN and myself, Senators GRAHAM, LIEBERMAN, KYL, COBURN, VITTER, MENENDEZ, WEBB, and BROWNBACK. I encourage others to join in this message that I believe is a very clear message that should be sent by the United States.

Today—this very day, this moment—there are 150,000 people who are protesting in Hong Kong right now because of the problems we are addressing with this resolution. So I encourage my colleagues to join in this resolution and get this message out loud and clear.

GUANTANAMO BAY

Mr. INHOFE. Mr. President, one of our colleagues from Illinois was talking about their desire to have these detainees from Guantanamo Bay come into the United States for trial. Let me just suggest—I am not a lawyer, but I do know this: I have spent a lot of time down there. I know the situation. I know it is a resource that we have to have, that we have to keep. There is no justification at all for closing Guantanamo Bay. No justification. All we hear is: Well, this came at a time when there was suspected terrorism or torture of prisoners in other areas. But never at Gitmo. There hasn't been a documented case of torture that went on there. This is a resource we need.

My friend from Illinois suggests bringing them to this country. The rules of evidence are different. These are not criminals, these are detainees. The proper place for them to be adjudicated is in the tribunals. The only place available right now is the tribunal that is set up in Gitmo.

If we bring them to this country, under our laws, quite a few of those would actually be released. When they are released, they could be released into society. For those who say we need to use some 17 areas for incarceration in the United States, as opposed to using Gitmo, to incarcerate these people, that would become 17 magnets for terrorist activity in the United States.

We have to get over this thing of everybody lining up and saying we have to close it. Guantanamo Bay is something we need, and we have to have it. There is not a pleasant alternative. It would cause the release of terrorists in the United States. If that is what the Senator from Illinois and the Democrats and the President want, they are going to find that virtually all Americans disagree with them.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

NUCLEAR ENERGY

Mr. VOINOVICH. As my colleagues know, supporting the development and expansion of the nuclear industry is something that has been one of my top priorities since I came to the Senate. I have been working to shape nuclear policy in this country for the past 8 years as chairman or ranking member of the Clean Air and Nuclear Safety Subcommittee. I wish to recognize my colleague, Senator INHOFE, for the leadership he provided before I became chairman of the Nuclear Regulatory Commission committee.

Mr. INHOFE. Mr. President, first, I compliment the Senator from Ohio.

When he was Governor of Ohio, he had the reputation of being the most knowledgeable person on air issues. Of course, the primary concern we had at that time was that we had a crisis in energy, and the one thing that had to be in the mix to resolve that crisis was to do something with nuclear power. There is nobody who has carried that banner more forcefully than the Senator from Ohio. I appreciate our joint efforts to make that happen. I believe we will be successful with the number of applications that are there right now and the progress that has been made.

Mr. VOINOVICH. I thank the Senator.

Mr. President, I take pride in the fact that our committee has helped transform NRC into one of the best and most respected regulatory agencies in the world. We have worked very hard on placing the right people on the Commission and providing the Commission with the resources and tools necessary to do its job and holding them accountable to the results. In fact, we have held more than 20 hearings involving the NRC in the past 8 years. So it is no accident that we have seen a dramatic improvement in both the safety record and the reliability of the 104 operating nuclear reactors today over the past 8 years. Without the public confidence that these plants are safe and secure, there won't be any nuclear renaissance.

We have spent time and effort to make sure the NRC has the resources—particularly the human capital—it needs to make sure that our 104 nuclear plants are operating safely but also to ensure it can process multiple license renewal applications and combined license applications for the new plants coming on board. We wanted to make sure the NRC doesn't become the bottleneck.

In 2005, we introduced three pieces of legislation as part of the 2005 Energy Policy Act to provide flexibility in hiring and employee retention. As a result, the NRC was able to hire over 1,000 highly qualified engineers and scientists over the last 3 years to replace retiring workers and also bring on those new people who are going to be necessary to process the new applications coming in. I am also pleased to note that the Nuclear Regulatory Commission has been rated as the best place to work among Federal agencies for 2 years in a row. They have a great workforce, and they are a top-notch organization.

The good news is that the NRC now has 17 applications for 26 new power reactors under review. All indications are that NRC's review of the applications is progressing on schedule. I haven't heard a complaint from anybody who filed applications. We are expecting that these applications will be approved in late 2010 or in early 2011. Obviously, it is not a done deal, but we have every reason to believe we are on the right track. As a matter of fact, five utility companies today—Southern in Georgia, SCANA in South Carolina, NRG in Texas, Constellation in Maryland, and Progress in Florida—have signed engineering-procurement-construction contracts and are gearing up for construction pending NRC approval and loan guarantees from the DOE. In other words, we are starting to take off in terms of getting some air under our wings.

Mr. President, I have an opinion piece I wrote in the Nuclear News magazine last year, entitled ''Making the Nuclear Renaissance a Reality.'' This paper outlines the need to expand the use of nuclear energy in the carbon-constrained economy and provides a roadmap to overcome challenges faced by the nuclear industry.

Mr. President, I urge my colleagues to read this. Anybody interested can get it on my Web site, voinovich.senate.gov.

As I watch the climate change debate unfold in this Congress, I rise to raise the same concern I raised last year during the debate on the Lieberman-Warner climate change bill: We cannot get there from here without nuclear.

The Waxman-Markey bill that was reported out of the House Energy and Commerce Committee 2 weeks ago sets the greenhouse gas emission reduction cap at 80 percent by 2050, as did the Lieberman-Warner bill last year, but it continues to ignore the need for much wider use of emission-free nuclear energy in order to make this extremely aggressive goal.

I pointed out then that one of the glaring holes in the Lieberman-Warner bill was its deafening silence on nuclear, while studies conducted by EPA, EIA, and others pointed to an inconvenient truth for some people: More than doubling the number of nuclear plants would be required; that is, bringing online more than 100 new nuclear plants in the next 40 years, in order to meet the emission goals set in that legislation. Around the world, governments are reaching the same conclusion and are turning to nuclear energy as a safe, homegrown, cost-effective, and emission-free solution to increasing energy demand.

This is true in Europe especially, where the nuclear renaissance is in full swing. In France, for example, almost 80 percent of its electricity comes from nuclear power. In fact, France exports a good deal of its nuclear power-generated electricity to its neighboring countries, including Germany. President Sarkozy has announced plans to build five additional plants within the next 5 years, in addition to one currently under construction.

Prime Minister Gordon Brown recently signaled his intent to rebuild nuclear energy in the United Kingdom, saying:

> Whether we like it or not, we will not meet the challenges of climate change without the far wider use of nuclear power.

He went on to note that the International Energy Agency estimates that we are going to have to build 32 nuclear powerplants each year if we are going to halve greenhouse gas emissions by 2050. That is more than 1,300 new reactors.

Italy, Finland, and Switzerland have all announced plans to build new reactors after spending the past 25 years trying to phase out nuclear power. These European countries have come full circle in reembracing nuclear after two decades of trying to solve their energy and environmental challenges with conservation and renewables alone. That is significant.

Unfortunately, many proponents of a cap-and-trade scheme, such as Lieberman-Warner or Waxman-Markey, seem to be stuck on fantasies that we can achieve the emission reduction goals with just conservation, efficiency, and renewables. Even those who believe nuclear has a role to play espouse policies that overwhelmingly favor renewables over nuclear.

A case in point: Nuclear energy was conspicuously missing from the $787 billion stimulus package, while approximately $40 billion in various tax credits went to energy efficiency, renewables, and transmission. I am not opposed to that, but why did they ignore nuclear?

So it was particularly discouraging when the Senate version of the legislative language providing an additional $50 billion in loan guarantee authority in the stimulus bill was stripped from the final package during conference. Who did it? Why? The same thing happened when the Senate version of the budget resolution was passed a few weeks ago. We had it in there. We know we have to increase the Loan Guarantee Program to at least $50 billion, and it got stripped out again. Instead, the majority added the taxpayer-paid $60 billion Loan Guarantee Program allocated solely for renewables—wind, solar, and geothermal—and electric transmission systems to support renewable generation.

If you can do a priority in spending big money, let's do the grid. The grid is not what it should be. It has to be improved so that we can use wind and solar and get energy out across this country.

Unfortunately, many of the supporters of green energy never mention that it is unrealistic to rely solely on wind and solar power. This is something that I think needs to be made clear to every person in the United States, particularly our children, who are being taught in school that windmills and solar power are the way to the future in terms of the energy needs of America, and there is something wrong, and coal is bad, nuclear is bad. I hear it constantly from people when I go back to Ohio. Right now, 50 percent of our electricity is generated by coal; 20 percent by nuclear; 19 percent by natural gas; 6 percent by hydro; 3 percent by wind, solar, and geothermal; and 2 percent by oil. Given this current makeup of U.S. energy use, I don't think these folks are leveling with the

American people about the reality of what is possible.

They continually tout the need to increase the renewable energies to solve our dependence on foreign sources of energy. They say we need to double our use of renewables. I tell you this: A doubling of the utilization of renewables will bring us to 6 percent, and it would likely take at least 10 years or more to accomplish. Further, it is unlikely that a doubling in renewables would lead to any significant decrease in the use of oil because oil only produces 2 percent of the electricity in the country today.

Particularly, I think it is incredible that some policymakers, such as the newly appointed Chairman of FERC, suggest we can get our energy needs strictly from renewable sources of energy. Give me a break. At only 3 percent of total U.S. electric generation, it is simply intellectually dishonest to suggest that these renewable sources can replace the 70 percent of the baseload electricity currently generated by coal and nuclear in this country.

Don't get me wrong, I do support expanding the use of renewables such as solar and wind, and we see that industry growing in my State. But to just say that is it and not to look at reality is intellectually dishonest. My point is that, realistically, we are not yet in a position to be able to rely upon them for base-load power generation. This is despite receiving government subsidies.

Here is another little statistic people are not aware of. Most Americans are not aware of the fact that, in 2007, nuclear energy only—this is according to the Energy Information Agency—received a $1.59-per-megawatt-hour subsidy while wind received $23.37 and solar received $24.34 per megawatt hour.

Today, there is a huge energy gap between renewable electricity and the reliable, low-cost electricity we must have. We need to look at the way to get the job done. If we want to generate carbon-free electricity, nuclear needs to be a big part of it—I am not saying the only part, but it has to be a big part.

The 104 nuclear powerplants we have operating today, which is 20 percent of the electricity generated, represent over 70 percent of the Nation's emission-free portfolio. In other words, the 20 percent coming from nuclear represents 70 percent of the emission-free electricity in this country.

That means we are avoiding 700 million tons of carbon dioxide each year because of nuclear—700 million tons.

What does that mean to the ordinary citizen? That means 13 million tons is avoided by wind and solar today. That is compared with 700 million in terms of nuclear power. To put this in perspective, 700 million tons of annual carbon emission that is being avoided by our nuclear plants is more than what Canada collectively emits each year. In other words, nuclear nonemitting into the air is the equivalent of all of Canada. In terms of something we may better understand, it is the equivalent of 130 million cars each year. That is what nuclear power is doing for us. In effect, it is the equivalent of reducing emissions of 130 million automobiles each year in this country.

Nuclear power is the best source we have available to meet our energy needs while also curbing emissions of greenhouse gases. People are recognizing the importance of nuclear energy because they understand the facts.

Public opinion widely supports utilizing nuclear energy. According to a recent Gallup poll, 59 percent of Americans support it. We are not going to be able to turn around our economy, meet our energy needs, and enact some of the environmental policies being discussed today without expanding the use of nuclear energy.

I look at nuclear as a three-fer. Without it, we will not reach our goal of reducing carbon emissions. Without it, we are not going to be able to provide the baseload electricity we are going to need for our country. And without it, we are not going to be able to rebuild our manufacturing base in this country.

At a time when we are struggling to regain our economic footing, nuclear energy offers thousands of well-paying jobs in all stages of development and production. Each new nuclear plant will require an average of 2,000 workers during construction, with peak employment at 2,500 workers. If the industry were to construct 30 reactors that are currently planned, well over 60,000 workers would be required during construction. And once constructed, each plant will create 600 to 700 jobs to operate and maintain it.

That is not to mention the ripple effect this undertaking would make in other areas of the economy. Aris Candris, CEO of Westinghouse Electric, and Mike Rencheck, president of AREVA, recently told me that about 12,000 jobs will be created for each new nuclear plant if you include the manufacturing jobs.

This means that more than 200,000 manufacturing jobs will be created to supply the needed parts and components for the 30 nuclear reactors that are currently planned.

And that is not counting the jobs associated with export opportunities to Europe, China, and India.

Organized labor understands expanding nuclear power will create a lot of well-paying jobs. In fact, here is what John Sweeney said at a roundtable discussion on nuclear workforce issues I chaired last year:

> This isn't a Republican issue. This isn't a Democratic issue. It's an American issue.

I couldn't agree with him more.

I have met with Mark Ayers, Building and Construction Trades national president, a big union. He and his union members are actively supporting construction of new nuclear plants. They have also partnered with local community colleges and the nuclear industry in training workers. They are already training workers for the renaissance.

I have been working hard to get this message out in the past several years. Ohio and the surrounding Midwestern States have been the backbone of this Nation's nuclear manufacturing base. Ohio's small to medium-size enterprises are poised to lead the Nation's transition back into this market. In fact, hundreds of manufacturing jobs are already in existence in Ohio to support the nuclear industry, and more are to come in light of two announcements that are going to be coming up in the next couple of weeks that Ohioans will be very happy about that again will increase the number of people working in this industry.

I recently gave a speech at the Nuclear Manufacturing Infrastructure Council and had an opportunity to meet with several small manufacturing company executives. Their message was loud and clear: A clear policy statement from the administration and Congress is absolutely critical in acknowledging that nuclear power generation will be a growing part of our Nation's energy mix and investments in programs that will support the nuclear industry's near-term implementation needs are absolutely vital. The No. 1 thing is getting that $50 billion loan guarantee so we can get more of these people off the ground.

They all see the long-term potential growth in nuclear and they would like to invest in nuclear manufacturing, but they need a clear commitment from the government before they make those investments.

I think what these people are saying is we need Presidential leadership to acknowledge what most of us and the rest of the world already know: We cannot get there from here without nuclear.

I am convinced that nuclear power is the only real alternative we have today to produce enough low-cost, reliable, clean energy to remove harmful pollutants from the air, prevent the harmful effects of global climate change, and keep jobs from going overseas.

The biggest challenge remains the financing, particularly in nonregulated States. The deepening global economic crisis is putting additional pressure on the nuclear industry and on utilities.

As I mentioned, we have applications coming in, but right now DOE currently has 14 nuclear projects, representing a total project cost of $188 billion and loan guarantee requests of $122 billion. Basically what I am saying is that unless we can get this $50 billion loan guarantee taken care of, it is going to bring the progress we have been making to a halt.

A very important point that often gets lost in this discussion is the fact that the loan guarantee program authorized under the Energy Policy Act requires the borrowers to pay all the

required fees, including what is called a subsidy cost and, thus, there is no cost to the government. In other words, if they borrow $5 billion, they are going to have to come up with close to $1 billion to secure that loan so if things do not go well on the loan, we have something to turn to.

The subsidy cost is levied on each loan guarantee, similar to a downpayment on a mortgage, in case of a default. Any potential defaults are covered by fees paid by the applicants.

In my hand, I have a copy of a recent MIT study on the future of nuclear power. The authors of this study include former Clinton administration officials John Deutch and Ernest Moniz. The central premise of the MIT study on the future of nuclear power is that in order to reduce greenhouse gas emissions and mitigate global warming, we must reevaluate the role nuclear power has as part of this country's energy future.

I wish to share the conclusions of this report because I believe it fits rather nicely with this speech:

> The current assistance program put into place by the 2005 Energy Policy Act has not been effective and needs to be improved. The sober warning is that if more is not done, nuclear power will diminish as a practical and timely option for deployment at a scale that would constitute a material contribution to climate change risk mitigation.

I commend to my colleagues this MIT report on the future of nuclear power.

Another issue that has plagued the nuclear industry for decades is the U.S. Government's failure to meet its commitment to assume responsibility for spent nuclear fuel. First, let's set the record straight. I have talked with many experts and policy people, including Secretary Chu and NRC Chairman Klein. They all assured me—it is important that everyone understands this—that the current spent nuclear that is being stored today in dry casks and pools are safe—are safe—and are secure for at least 100 years. That is very important because folks are saying you cannot go forward with this because we don't know what to do with the waste; we would like to do something more permanent than what we are doing.

But the fact is that with the dry casks we have, we are in good shape for at least 100 years. The lack of a repository at Yucca should not be something that inhibits us from licensing new reactors.

That being said, we must pursue a long-term solution now. If Yucca is not going to materialize, then we owe the American people a viable alternative. The 1982 Nuclear Waste Policy Act established a nuclear waste fund, a fee paid by utilities to create a fund to deal with nuclear waste. Since its beginning, it has collected $29 billion. So everyone understands this, since that act went into effect, we have collected $29 billion from ratepayers in this country. Unfortunately, the fund is on budget and only about $9 billion was used to deal with waste. The rest of the $20 billion amounts to little more than an IOU to U.S. ratepayers. Even if the administration decided to proceed with Yucca, we don't have the money to build a repository. We spent the money on other things. We will have to borrow over $20 billion to replenish the fund.

The Federal courts have ruled in favor of utilities. This is something else of which most people are not aware. And thus far we have paid utilities $550 million in damages because we have not come up with a permanent repository for nuclear waste. I am sure if we keep going the way we are, it is going to be in the billions.

I recently met with Secretary Chu, and he told me he would convene a blue ribbon panel to study Yucca. Unfortunately, I believe this is just kicking the can down the road for a couple of years. We have been studying this for more than four decades. We need to provide clear direction and certainty on this issue. The time for studying options is over, and the Federal Government must meet its legal obligations and start taking care of the spent fuel problem sooner rather than later.

If the administration is pulling the plug on Yucca without having a viable alternative long-term solution, then I think we owe it to the American people to refund their fees and stop levying fees.

I introduced the U.S. Nuclear Fuel Management Corporation Establishment Act of 2008 in the last Congress, together with Senators Domenici, Murkowski, Alexander, and Dole, to create an independent government corporation to manage the back end of the nuclear fuel cycle. The bill will also take the nuclear waste fund off budget and give it directly to this corporation without the budget/appropriations process. I am planning to reintroduce that bill with Senators Murkowski, Alexander, and Burr, and I hope we can get additional cosponsors on the bill. It is about time we get serious about mapping out a future course for our Nation.

I firmly believe that utilizing nuclear energy as a key part of a mixed bag of energy sources offers us the best opportunity to truly harmonize our energy, the environment, and economic needs.

As I said before, nuclear energy offers thousands of well-paying jobs in all stages of development at a time when we are struggling to regain our economic footing. It is worth repeating—12,000 well-paying jobs will be created with each new nuclear powerplant. That is 360,000 jobs for the 30 nuclear reactors that are currently planned.

The American people get it, manufacturing gets it, the labor unions get it, and the international community—I have been to London, I have been to Paris, I have been to Austria. I have been around. All of them understand. In fact, I was on a climate change panel about a month ago that was sponsored by the German Marshall Fund when we met in Brussels. I was amazed at the number of people who said: Mr. Senator, we are never going to meet the Kyoto or Copenhagen goals for reducing our emissions without the use of nuclear power.

It is time President Obama and this Congress get it. We have to launch a nuclear renaissance in this country. We just cannot get there from here without nuclear.

Mr. President, I yield the floor.

Mr. REID. Mr. President, 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. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that morning business be extended until 2:15 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

THE STIMULUS

Mr. NELSON of Florida. Mr. President, the question that has been postured before the Senate is, What has the stimulus bill done? It has some fancy name—the recovery act—but, in effect, it is known as the stimulus bill. It was an expensive bill. With the country in the economic doldrums that we have been in, it was hoped it was going to get money out there into the economy and provide a kind of electric shock therapy and stimulate the economy to get it moving again; that it would turn the engine of the economy and, therefore, as those dollars in the stimulus bill got injected into the economy and it turned over, it was going to create jobs.

Indeed, the number of jobs that it was expected the stimulus was going to create was something like 2½ million. So the question is, Is it stimulating the economy? Well, a few minutes ago, the CEO of the Shands Health Care Center at the University of Florida was in my office. He told me the story of how the Shands Hospital in Jacksonville—there are a number of these Shands Hospitals; it is a true medical center complex over several cities—was short some $35 million, and he didn't know what he was going to do and how that was going to affect their operation—possibly the shutdown of major portions of that hospital.

Remember that one part of the stimulus bill is that we were putting out money into Medicaid to help the States, and there were States that had not been doing their part on Medicaid,

which is a joint State operation—generally with a funding formula of about 55 percent Federal, 45 percent State. A lot of the States hadn't been putting their share in, or they had been constricting the eligibility for the poor and the disadvantaged to have access to health care for Medicaid. Well, with the beneficence of the stimulus bill, we put a lot of money back into the States. In Florida's case, it was about $4.5 billion, just for Medicaid. It went from a funding formula—in Florida's case—of 55 to 45 for the 2-year period of the stimulus, to a funding formula of 67 percent Federal, 33 percent State. That has allowed him to stop the major abrupt halt of that hospital in Jacksonville, FL.

Let me give another example. The big county hospital in Miami—Jackson Memorial Hospital—is a similar case of about a $45 million whack that was going to occur because of the State of Florida constricting its Medicaid funding. The stimulus bill for Florida allowed that additional money to flow and, therefore, that hospital will not have its services terminated for a good part of the medically needy as well as the disabled.

Another example: In my State, the U.S. Army Corps of Engineers has awarded over $100 million in stimulus funds to jump-start crucial Everglades restoration projects, such as the Picayune Strand and the Site 1 Reservoir construction. When you combine that with an additional $140 million in stimulus money for other projects such as water quality improvements down in the Florida Keys, then the spending in Florida is going to create about 2,000 direct jobs and 5,000 indirect jobs. Overall, the stimulus bill is going to create over 200,000 jobs in the State of Florida.

Another example: Seminole County School District. Seminole County is to the north of Orlando. It is a major bedroom community for the metro Orlando area. Well, they had a plan to eliminate 139 teachers. Because of the stimulus bill, they reversed that plan.

Clay County, to the south of Jacksonville, in northeast Florida—another bedroom community for the metro Jacksonville area. It will bring back 26 elementary school teachers who had been laid off.

Another example: I am just taking a few examples. Miami, Dade County. It has one of the largest highway improvement projects in our State—the Palmetto Expressway. It has been under construction continuously since 1994 because of the mass of people who utilize that arterial roadway. Now they are going to be able to complete that and put hundreds of people to work.

Another example: Northeast Florida. The military complex in Jacksonville—the Jacksonville Naval Hospital and Kings Bay and Mayport Naval Station. The $40 million of stimulus funding is going to be spent over the next several years for improvements for those hospitals and at the air station and at the Kings Bay submarine base, which means architecture, construction, and engineering jobs on top of expanded hospital facilities and energy efficient upgrades.

Another example: St. Johns County, St. Augustine, FL—the oldest continuous settlement in the United States—1565. We are going to celebrate the 450 year anniversary. We have 42 years on the English settlement in Jamestown, VA. Not 1607, Jamestown; but 1565, St. Augustine. Well, their school system was going to cut teacher and staff salaries and force them to take unpaid days. Now they are going to get an infusion of an additional $9 million this year and another $9 million next year so these cuts won't occur.

Going over to the West Coast of Florida—Tampa. The Tampa International Airport. It is going to create 250 new jobs using $8 million from the stimulus bill to go out there and improve a taxiway on one of the major runways. This is a job that would not have been done had it not been for this bill.

I will give one final example. Go back to north Florida. We have a huge forestry industry in Florida. But as we have seen, Mother Nature has not been kind in bringing us droughts. When a drought occurs, the forest becomes a tinderbox. When a match is struck or a lightning bolt strikes, the forest erupts into an enormous fire that becomes a contagion that can rage out of control and impinge on urbanized areas. Well, the Florida Department of Forestry is putting contractors to work on fire mitigation projects in high-risk communities using a $900 stimulus grant.

It is helping in my State, and I suspect it is helping in all the other 49 States that are represented on the floor of the Senate.

I yield the floor, and 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. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BURR. Mr. President, I ask unanimous consent that the Senate be in a period of morning business with Senators permitted to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. I ask unanimous consent to be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. BURR. Mr. President, we are desperately working to try to make sure we can move to amendments on H.R. 1256, a bill that attempts to consolidate the regulatory responsibility for tobacco products under the FDA.

This is being sold as a public health bill. I have been now to the floor for over 3.5 hours in the balance of this week suggesting it does not meet that threshold and that, at some point today, I would have the opportunity, along with Senator HAGAN, my colleague, to give, in some detail, what is in the substitute amendment.

I am going to attempt to do that now, even though we have not moved to the consideration of the other pending amendments. But let me start with a chart I had used earlier today. The reason I make the claim that this is not a public health bill is from this chart that shows the continuum of risk of tobacco products.

It starts on my right, your left, with nonfiltered cigarettes. The baseline we use is that is 100 percent risky. The industry, at some point, probably before I was born, all of a sudden created a filter that went on the end of an unfiltered cigarette.

Because of that filter, it eliminated, it removed some of the constituencies of the combustion of tobacco. That made it 10 percent less risky. The risk went from 100 to 90 percent. Then in the 1990s we had a new product that was never marketed except in test markets. It was a tobacco-heating cigarette, where it did not actually burn the tobacco, it heated the tobacco. It extracted the nicotine, delivered the nicotine in the system but never produced smoke.

That product was considered to be about 45 percent risky but, clearly, a reduction at the time of 45 percent. All of a sudden, in the past 12 months, 18 months, we have seen a new product called an electronic cigarette. Again, no tobacco is burned. It is a fairly expensive product, it is popular outside the United States, not as popular or readily available in the United States. But that electronic product that has a cartridge you replace actually brought the risk level down to about 18 percent. Some might be catching on. As we have introduced new products, we have brought the risk down, the health risk, the risk of disease, of death.

Now we are over here to U.S. smokeless tobacco, a product that most Americans understand. It is not the old snuff our parents and grandparents grew up with, it is ground tobacco. All of a sudden, we realize we reduced even further the health risk. It is now down at the 10-percent risk level, 90 percent below where we started decades ago with an unfiltered cigarette.

Now introduced in the marketplace in the past year is something I referred to as Swedish smokeless snus, it is now on the market. It is sold, it is pasteurized, it is spitless. It was not something the United States or U.S. tobacco companies created, it is something the Swedes created.

Part of what I will get into is how the Swedes have used this product and

other innovative products, other new products, in the marketplace to move smokers from very risky products to less risky products. In the case of Swedish snus, you see a risk level of about 2, maybe 3 percent.

Then we get over to a product that has yet to hit the market except for test markets, the one I covered in great detail several hours ago on the floor, a dissolvable tobacco product, one that was covered by CNN as a candy, one that still meets the age requirements and proof of ID for somebody to purchase.

But to magnify CNN's report, they actually took that product from behind the counter and put it in the candy section next to Reese's cups and gum and had an underage person come up and take one as CNN filmed to make it even more appealing from a standpoint of a story.

But this is the product. This is the product some have come to the floor of the Senate and said looks like a cell phone. I am not sure. It does not look like my cell phone. Maybe it looks like someone's cell phone but not mine. It is not a product that is accessible for anybody who does not produce an ID and does not meet the minimum age requirements of that State.

Risk? About 1 or 2 percent. We are actually getting better with every product that is innovative: therapies, gums, patches, lozenges, pharmaceuticals, negligible, if any, risk.

Let me explain why I started with this because the base bill that is being considered, 1256, takes these categories right here, nonfiltered cigarettes and filtered cigarettes, it locks them in forever. The legislation says to the FDA: You cannot change these categories unless you find some specific thing that would cause you to alter it. It forbids the FDA.

Even though H.R. 1256 creates a pathway to less-harmful products, it is a pathway that cannot be met because one of the conditions of new products entering the market is, you have to prove that people who don't use tobacco products will not be enticed to use these products. It also says you can't communicate with anybody in the public unless you have a product that is approved.

I ask: How do you meet the threshold of proving that somebody who doesn't use tobacco products is not going to use this product, if you can't communicate with them until you get the product approved by the FDA? I have come to the conclusion, since nobody who is a cosponsor or author of the bill has come up with an answer, it can't be done.

To claim that this is a public health bill, one would have to make a reasonable claim that these products are going to be available and maybe potentially more products in the future. But what H.R. 1256 does is, it cuts off availability of product right here. It says, on this side of the line, we have constructed a pathway that nothing will pass. I don't believe you can make a genuine claim that this is a public health bill when you have locked every user into the 90- or 100-percent category of risk.

Senator HAGAN and I have offered a substitute amendment. That amendment will be voted on about 4:30 today, if things go according to schedule. It is absolutely essential that Senators listen to their staffs who have read the bill, read the substitute amendment, listened to the debate. I know there are a lot of things that go on during the day. It doesn't allow Members to sit down and listen to what RICHARD BURR is going to say. Hopefully, staff has looked at the statistics I have presented, the facts I have brought to the table, the claims I have made, and understands I am right. H.R. 1256 is not a public health bill.

The substitute does allow this to happen. We allow it to happen because the substitute doesn't concentrate regulation in the Food and Drug Administration, an agency that, by their mission statement, is required to prove safety and efficacy of all products they regulate. Pharmaceuticals, biologics, medical devices, food safety, cosmetics, products that emit radiation—that is the world of the FDA. They regulate 25 cents of every dollar of the U.S. economy. They are the gold standard for every American. When they get a prescription and go home to take it, they never wonder whether it is safe or whether it will work because the gold standard in the world is the Food and Drug Administration. When they go to a doctor's office and they get ready to use a device, they don't question whether it was something the doctor made in the back room. They know that device was approved by the FDA. Up until recently, they had every assurance when they bought food that that food was not contaminated, that it wouldn't hurt them or kill them. But as we know over the past several years, we have had things that have slipped through, and Americans have died. The FDA is struggling today to make sure that, in fact, they meet the demands of the regulation they have in place.

What I am saying is, don't concentrate this regulation at the FDA. Don't jeopardize the gold standard. Employees work there with a complete understanding that if it doesn't pass safety and efficacy, it does not receive approval of the FDA.

Let me say it as I said it a couple hours ago. Tobacco products are not safe. Tobacco products cause disease and death. There is no way the Food and Drug Administration, on their current mission statement, can regulate a product they can't prove safe and effective. If you try to put a square peg in a round hole, you will have reviewers at the FDA who say: The gold standard is no longer important because Congress has legislated that it is important. If I turn my head on tobacco products, I can turn my head on this medical device because it doesn't look like it is going to be dangerous. All of a sudden, something is going to slip through, a pharmaceutical product that kills somebody, a device that does somebody damage, because we lowered our guard. We lowered the threshold that every product must meet to get FDA approval.

I am not advocating for the Federal Government to sit back and do nothing with respect to tobacco. I am advocating that we craft a bill that will achieve the real goals of what Federal regulation should accomplish: To reduce death and disease associated with tobacco and to reduce youth usage of tobacco products. That is exactly what our substitute amendment does. It is designed to keep kids from smoking. But you can't keep kids from smoking if you are not willing to limit advertising.

In the base bill, H.R. 1256, they limit print advertising to black and white. In the substitute amendment, we eliminate print advertising. Let me say that again. In the current base bill, they restrict print advertising to black and white only. In the substitute amendment, we eliminate the ability for print advertising. The substitute amendment is actually tougher on advertising than the base bill.

Specifically, the Burr-Hagan amendment bans outdoor advertising, youth-organized sponsorships, usage of cartoon characters, sponsorship of events that youth attend, and many other provisions, all designed to limit children's exposure to tobacco advertising.

Our amendment does not stop at print advertising. The amendment codifies the other youth marketing restrictions contained in the Master Settlement Agreement of 1998 and makes it a crime for underage youth to possess tobacco products. Let me say that again. In 1998, all the tobacco companies got together, responding to State concerns that health care costs were out of control and that tobacco contributed to it. They provided $280 billion to all 50 States for two things: Cost share of their health care and so they could create cessation programs to get people to quit.

I covered in great detail over the last couple days that even with this money available, one State only spent 3.7 percent, not of their total money, of the amount of money CDC said was an adequate number to spend on cessation programs. No State hit 100 percent. There are some that deserve gold medals for the fact that they were higher than others.

I pointed out one yesterday. I will point it out again. The State of Ohio is a large State. Of the amount CDC recommended Ohio should take of the tobacco money and devote to cessation programs, Ohio spent 4.9 percent. When you hear these numbers, no wonder we are not doing better at moving people off cigarettes to other products or getting them to quit altogether. It is because the effort we have made through education has been pitiful. As a matter

of fact, 21.6 percent of the youth in Ohio have a prevalence to smoke; 45 percent have a prevalence to alcohol; 17.7 percent have a prevalence to smoke marijuana. Yet some come to the floor and claim that if we give this to the FDA, youth smoking, youth usage will go away. If that claim were even partially correct, the marijuana usage would be zero because it is illegal. There is no age limit.

Some will claim we don't address labeling. We address labeling on packages of cigarettes to discourage children from even looking at them. We require warning labels on the front and the back. We require graphic warning labels that show gruesome and tragic cases of mouth cancer, lung cancer, and other pictures designed to deter children from smoking. As my colleagues can see, keeping kids from tobacco advertising is a key component to the Burr-Hagan substitute amendment. Compare that with the underlying bill, and they will not see the same commitment to limit advertising that children see. The underlying bill contains graphic warning labels but doesn't limit print advertising. Tobacco companies would still be able to advertise in magazines such as People, U.S. Weekly, and Glamour—clearly, purchased by their parents but accessed by their kids, and they can then see the black-and-white ads.

Maybe in some weird way the authors of this bill thought children can't read black and white, that they can only read color. That is why they chose to limit it just to black-and-white advertising.

The only stipulation is, the ads would be in black and white. We can do better. We can absolutely do better than this. Keeping children from using tobacco products must be the first accomplishment of Federal regulation. The Burr-Hagan amendment accomplishes that goal with a two-pronged attack. First, our amendment encourages States to use more of their MSA payments on cessation, putting billions of dollars into the effort. In the last 10 years, States have used just 3.2 percent of their total tobacco-generated money for tobacco prevention and cessation. In 2009, no State is funding tobacco prevention programs at CDC-recommended levels. Our amendment would change this by requiring States to comply with the CDC-recommended spending levels on cessation programs. It would no longer be voluntary.

In the case of Ohio, instead of spending 4.9 percent, Ohio would be obligated by law, if we pass the substitute amendment, to spend 100 percent of what the CDC said needed to be spent for us to successfully make sure our Nation's children were given the message that the use of tobacco products is not an advantageous thing.

Studies show that when States commit the money to cessation, youth smoking and smoking in general declines. Unfortunately, the underlying bill, H.R. 1256, contains no cessation program. Even though the bill requires the manufacturers to pay up to $700 million a year, it contains no cessation program. How can you call this a public health bill? How can we suggest this is going to reduce the risk of death or disease? How can we make the claim we are going to reduce youth usage, when there is no commitment, no requirement to cessation?

Secondly, our amendment assists current smokers who are unable and unwilling to quit by acknowledging a continuum of risk of tobacco products, what I showed here. More specifically, our amendment does not preclude reduced exposure products from entering the marketplace. The piece over here, they lock this in. We try to pull all the 100 percent, 90 percent over here to less harmful products because the objective in this bill should be to reduce death and disease.

There is a great debate underway in the academic world on tobacco controls. Some advocate abolishment of tobacco. Straight abolishment is hard to achieve and can bring many unintended consequences such as elicit trade, and we all know that. Since abolishment is not an effective solution at this point, the question remains: How do we lower death and disease rates associated with smoking? Nicotine therapy has proven to be a failure. NIH states that patches and lozenges and other things have a 95-percent failure rate. They fail because smokers don't physically use these products as they do cigarettes. They are marketed poorly and are not designed to be a long-term solution. Under H.R. 1256, the base bill, that trend continues.

Also, H.R. 1256 does not give manufacturers of nicotine products the regulatory framework needed to market and enhance smoking replacement products appropriately. Since we have scratched current nicotine therapy products and abolishment as an effective means to stop smoking, that leaves us with very few options. The most promising option the Federal Government can help perpetuate to reduce death and disease associated with smoking is low-nitrosamine smokeless tobacco products.

Until recently, the academic community resisted the fact that smokeless products could aid in tobacco harm reduction. Skeptics, many of whom helped write the underlying bill, stated that smokeless tobacco products are gateway products that will lead to more children smoking.

Experience and data shows differently. Over the last 20 years, Sweden has allowed tobacco manufacturers to promote low-nitrosamine snus, a smokeless tobacco product, as an alternative to smoking.

This quote is from the Royal College of Physicians dated 2007:

In Sweden, the available low-harm smokeless products have been shown to be an acceptable substitute for cigarettes to many smokers, while ''gateway'' progression from smokeless to smoking is relatively uncommon.

You get where I am going. The data is out there. I never dreamed we would use Sweden as an example of where the United States would go. But when the focus is on how you reduce the risk of disease and death, they never lost focus of what that was. They were not clouded as to the introduction of new tobacco products in a blinded effort to lock in what existed. They experimented and found new products that would actually entice smokers to switch.

The claim that in some way, shape, or form these products are gateway products, that they will take nonsmokers and turn them into smokers—for the Royal College of Physicians, in 2007: ''relatively uncommon.''

No statistic is perfect, and I am sure there are some who might have made a decision to use one of these products. But as you saw on the chart before, had they decided to use it, the risk of that Swedish snus was not 100 percent, it was 3 percent. There was no risk of heart disease, COPD, lung cancer, the things that one might get from these products, as shown on the chart over here, that the base bill H.R. 1256 locks in.

As a matter of fact, let me bring this other chart up: Harm Reduction: Smokers, Quitters, Switchers. The question we have to ask is, do we want people to be smokers? Do we want them to be quitters? Or do we want them to be switchers? Because this graph clearly shows you that there is a reduction—quite dramatic—in the relative risk for quitters and switchers in relation to smokers. What every Member will have to ask themselves, as they get ready to decide what they are going to do on this legislation, is: Do we want the American people to be smokers? Do we want them to be quitters? Or do we want them to be switchers?

If the answer is, you want them to be quitters or switchers, then it is very easy. Support the Burr-Hagan substitute. Because the base bill, H.R. 1256, does not create any effort to have quitters or switchers. All it does is lock in smokers. And if the bill's intent is to reduce the risk of death and disease, common sense tells you, without creating quitters and switchers we are not going to do a very good job of reducing the risk of death and disease.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 4 minutes remaining of the 30 minutes granted.

Mr. BURR. I thank the Presiding Officer.

Mr. President, you see the chart behind me. The Lancet supports the goal of harm reduction. I will be honest with you, I do not know what the Lancet is. But I have been told it is a very reputable health publication. But let me quote it:

We believe the absence of effective harm reduction strategies for smokers is perverse,

unjust, and acts against the rights and best interests of smokers and the public health.

A reputable health publication that basically says: The absence of effective harm reduction strategies acts against the rights of smokers and public health. But the base bill, H.R. 1256, has no effective harm reduction strategy, no pathway to harm reduction products. But they claim it is a public health bill. A health care publication says that cannot happen. It is ''perverse.'' It is ''unjust.'' Well, they said it. I did not. But I think what they mean is, that to consider passing H.R. 1256, with the knowledge that has been given, would be perverse, unjust.

I am not going to have an opportunity to talk fully at this time because I have a colleague who will take the floor. But let me say, I talked earlier about Camel Orbs and the way CNN portrayed this product as candy and staged a news event—well, ''news'' would be—let's say ''entertainment'' event by taking this from behind the counter in a convenience store and putting it in the candy section and having a kid go up and pick the Orbs up out of the rack to say that it was candy.

Orbs represents a 99-percent reduction in death and disease associated with tobacco use compared to cigarettes.

I ask my colleagues, if the objective of Federal legislation is to reduce the risk of death and disease—with nonfiltered cigarettes, it is 100 percent; with filtered cigarettes, it is 90 percent; and with Orbs, it is 1 percent—isn't it perverse and unjust not to allow the American consumer to have this product to switch from cigarettes? I think the answer to the question has already been answered.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President.

I ask unanimous consent to address the Senate for up to 10 minutes.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

Mr. BROWN. Thank you, Mr. President.

20TH ANNIVERSARY OF THE TIANANMEN CRACKDOWN

Mr. BROWN. Mr. President, 1989 was a seminal year in world history. Late in the year, on November 9, the Berlin Wall fell. And like dominoes, Poland, Hungary, Czechoslovakia, and Bulgaria went from being Soviet satellites to nascent democracies.

The revolutions of 1989 would set the tone for the quick and peaceful breakup of the Soviet Union. The winds of change were bringing democracy and freedom to the oppressed. I look forward to honoring the peaceful revolutions of 1989 later this year.

But I want to speak today about the revolution that never was, an event that took place 20 years ago this week, in a country where people remain subject to totalitarianism and tyranny—a peaceful prodemocracy rally that was snuffed out with a brutality the world had not seen since the invasion of Czechoslovakia by the USSR in 1968.

It started much like the revolutions of 1989. Hu Yaobang, the Sixth General Secretary of the Communist Party of China, was famous for supporting ideas like political reform and capitalism—not much different from Lech Walesa of Poland or Vaclav Havel of Czechoslovakia.

When he died on April 15, 1989, thousands of Chinese students began a peaceful protest in Tiananmen Square in his honor and to call for support of his views. Protestors continued to assemble for weeks, calling for nothing more than a dialog with their government and party leaders on how to combat corruption and how to accelerate economic and political reforms such as freedom of expression and democracy.

More than a million people would eventually gather in Tiananmen Square in the shadow of the Forbidden City and the monument in front of Chairman Mao's mausoleum. That 1 million people who congregated were just in Beijing. Protests had spread across the vast expanse of China, in city after city and community after community.

On the night of June 3, 1989, 15,000 soldiers with armored tanks stormed Tiananmen Square to put down the protests.

On June 4, the Chinese Red Army fired upon the protestors and those in the surrounding areas.

On June 5, as the crackdown continued, more than 300,000—300,000—Chinese troops amassed in and around Tiananmen Square.

There, the world witnessed one of the pivotal moments of the 20th century—20 years ago this week—when an unknown protestor stood in front of a column of Chinese Army tanks. He stood alone. Surely he wanted the tanks to stop. Just as surely, he wanted to stop the violent crackdown. He has become an enduring symbol of freedom and democracy in this country and around the world—but not in China, where the image and accounts of the heroic act are banned, attempts to erase it from history.

The identity and fate of this young man are not known. However, it is generally agreed that he died in a Chinese prison for his brave act of nonviolence.

The Chinese Government continues to deny Western estimates of 300 dead and 20,000 arrests and detentions during the Tiananmen crackdown.

The United States responded to the crackdown by suspending all government and commercial military sales and all high-level government-to-government exchanges.

We cannot go back and change the past. But we can begin to hold China accountable for its actions. Not only does China continue to hold people in jail based on their actions at the Tiananmen protest, but the fear from the crackdown continues to remind Chinese citizens of what they may face should they try again to bring freedom and political reform to their nation.

Today, in Beijing, police are on the streets in and around Tiananmen Square to preempt—not to control but to preempt—any observance of the anniversary.

In Hong Kong, 150,000 people showed up for a candlelight vigil in remembrance of those who died 20 years ago this week.

The government has shut down much of the Internet, including Western news sources, for fear that its citizens may learn what really happened. The police are using umbrellas to block cameras. It is a spectacle and it is a travesty.

For too long, the West has looked the other way as China declares a war on human rights.

For too long, the West has rewarded China with lopsided trade policies while China continues to carry out a war on minority cultures.

The United States should not endorse in any way the brutal and horrific policies of the Chinese Government. Instead, we reward them. Our trade deficit with China in the first 3 months of this year was more than $50 billion. Last year, it was a quarter trillion dollars.

China manipulates its currency. Most economists agree that the Chinese yuan is 30 to 40 percent undervalued. That manipulation is a pure and simple subsidy—a coerced and false price reduction—on everything it produces. It puts our manufacturers at a disadvantage, but there is so much money to be made by U.S. investors that investors and large corporate interests and our government simply look the other way.

China profits from its abysmal human rights record. It profits from its nearly nonexistent environmental standards. But American investors, the American Government, American business, look the other way.

China refuses to enforce its labor laws. But there is money to be made. So American investors, American corporations, and the American government look the other way. China benefits from its human rights abuses, but again, American investors, American corporations, and the American Government look the other way.

Even before this current recession, the U.S. manufacturing sector has been in crisis. Forty thousand American factories have closed in the past decade. Since 2000, the United States has lost more than 4 million manufacturing jobs, many in the Presiding Officer's home State of Colorado, and 200,000 manufacturing jobs in Ohio.

A 2008 study by the Economic Policy Institute found the United States has lost more than 2.3 million jobs since 2001 as a direct result of the U.S. trade deficit with China. We shouldn't let China profit from suppression.

It is not just the Chinese who are pushing for the status quo. Investors

who profit from their investments in China—American investors, American companies—actively support a regime that is trying to become a global competitor with our Nation. Multinational corporations know no boundaries. Too often these companies leave their moral compass at home.

The United States and all democratic governments should stand up to, rather than apologize for, China's brutal regime. If China seeks to become a responsible member of the international community, its actions should match its aspirations.

Since the Tiananmen Square protest and crackdown, China has continued to deny its people basic freedoms of speech and religion and assembly. It has increased severe cultural and religious suppression of ethnic minorities such as the Tibetans, the Taiwanese, and the Uighurs in western Muslim parts of China. It has increased persecution of Chinese Christians. It has increased detention and harassment of dissidents and journalists and has maintained tight controls on freedom of speech and the Internet.

Earlier today I had the pleasure of meeting again with someone I worked with 10 years ago, Wei Jingsheng. Wei Jingsheng, who is about 60 now, has been called the ''father of Chinese democracy.'' He spent 18 years in prison. He was an electrician at the Beijing Zoo. He spent 18 years in prison for the cause of freedom and democracy in his home country. He was jailed because the Chinese Government accused him of conspiring against it by writing about democracy. Since his release from prison for the second time, Wei Jingsheng this time was exiled to Canada. He has been a force for democratic change for his nation, founding the Overseas Chinese Democracy Coalition and the Wei Jingsheng Foundation. He has been nominated for the Nobel Peace Prize seven different times. He lives in Washington, the capital of our democracy, but he continues to fight for democracy in his home country.

The Chinese people, like Americans, are trying to live meaningful, peaceful lives and create a better world for their children. Unfortunately, they are held hostage by a brutal, one-party Communist totalitarian regime. This regime benefits from many of our country's policies, from lax trade enforcement to our lax response in the face of blatant human rights abuses. The United States, by its acquiescence, has helped to prop up the Chinese Communist party. The partner in working to prop up the Chinese Communist party is large U.S. corporations.

Wei Jingsheng told me, as we walked the halls of the House of Representatives in 1999 during the discussion and debate on the permanent normal trade relations with China, he looked me in the eye and he said the vanguard of the Communist party revolution in the United States—the vanguard of the Chinese Communist party in the United States of America—is American CEOs. It was the American CEOs who walked the halls of Congress in 1989—our Presiding Officer remembers this—who walked the halls of Congress in 1989 lobbying on behalf of the Chinese Communist party dictatorship to get trade advantages to China. It was the CEOs of many of America's largest corporations who walked from office to office in the Senate and in the House of Representatives begging Members of the House and Senate to vote to give trade advantages to this Communist party dictatorship—this dictatorship that oppresses its people, that inflicted violence on those people in 1989, and has ever since. It was American CEOs who lobbied for trade advantages for China so that China, in the end, would take millions of jobs from the United States of America—from Galion, OH, and Toledo, OH, and Akron and Youngstown and Dayton—hundreds of thousands of jobs in my State because American CEOs lobbied this House, this Senate, and lobbied the Congress down the hall to give trade advantages to the Communist party dictatorship in China. We have paid the price. The Chinese people have paid an even more important price.

I am proud to join with Senator INHOFE to be introducing with him a resolution acknowledging the 20th anniversary of the Tiananmen Square protest and crackdown. The resolution is simple. It honors those who died in the protest. It demands that China release its political and its religious prisoners.

Today as we look back on the Tiananmen protest, we honor the lives of those who died in a struggle for freedom. Let's remember that brave, unnamed protestor in front of the tank who 20 years ago believed, like Wei Jingsheng believes, that one person can change the world through peace and nonviolence. Think what a whole nation could do.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I ask unanimous consent to be recognized for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. BURR. Mr. President, when I yielded the floor to allow Senator BROWN to speak, I was in the process of describing the substitute amendment to the base bill, H.R. 1256. Before I go back to that, let me share with my colleagues the response to a letter from the Campaign For Tobacco-Free Kids. They assessed the substitute bill and they provided in a letter to the committee why they found the substitute to be wrong. I will use that word.

Let me take on some of the things they raised in that letter. One, they said that the Burr-Hagan bill would create a new bureaucracy that lacks the experience, expertise, and resources to effectively regulate tobacco products. I think I made it abundantly clear earlier today that under the current regulatory framework for tobacco, every Federal agency in the United States has jurisdiction in it, except for the Food and Drug Administration. So to suggest that the Food and Drug Administration has the experience or the expertise or the resources to effectively regulate this would be disingenuous. They have no experience, because they haven't been involved in regulation. They do have expertise, but expertise to prove safety and efficacy of products, not to come to the conclusion that a product is unsafe and kills. Yet they are not going to do anything to restrict its access or provide resources to effectively regulate tobacco products.

Incorporated in this base bill H.R. 1256 is, in fact, a surcharge on the tobacco industry of $700 million over the first 3 years to fund—to provide the resources—for the FDA to regulate the industry. And it doesn't stop there, because they can't hire the folks, they can't set up the regulation until they have the ability to do the surcharge it requires, in putting it in the FDA, that you come up with $200 million to fund the initial effort to set up the infrastructure to regulate this product. So, in fact, there were no resources. Within H.R. 1256, it creates the resources to create the framework, to create the personnel, to regulate a product they have never regulated before.

I remind my colleagues that in the substitute amendment, we set up a new Harm Reduction Center under the guidelines of the Secretary of Health and Human Services, within Health and Human Services, the same place that the FDA is. When we asked the Secretary of HHS how much does it take to fund that, they gave us a number of $100 million a year; $700 million for the baseline, H.R. 1256; $100 million for this new Center of Harm Reduction, overseen by the same Secretary of Health and Human Services.

Granted, I will be the first to say that if we are creating a new agency, the agency for harm reduction, it does not have the experience, the expertise, or the resources yet, but it can search within the global marketplace to find the individuals, and the Secretary of HHS has already said $100 million will permit us to do that function in a harm reduction center. So the first complaint, hopefully, I have disposed of.

The second complaint from the Campaign For Tobacco-Free Kids as to why they would not support the substitute amendment: The Burr-Hagan bill does

not give the FDA any meaningful authority to require changes in tobacco products. Well, I do hope somebody from Campaign For Tobacco-Free Kids is watching, because what the base bill, H.R. 1256, does is it locks in these products, nonfiltered and filtered cigarettes, and legislatively says to the FDA: You can't do anything with those products. They are grandfathered. As you heard me say, H.R. 1256 does not allow these reduced-risk products to come to market. So the tobacco industry, based upon how the legislation is written, would basically limit tobacco uses to these two categories, the 100 percent risky and the 95 percent risky.

I misspoke. Let me correct it, because within H.R. 1256 it does state that any product that was sold prior to February 2007 could, in fact, be sold. Some, not all, smokeless products fall into that category of having been sold prior to February of 2007.

One has to ask: Why February of 2007? Why is that magic? It is very simple. That is the last time they updated this bill. I am sure they updated before the markup in 2009, but they weren't even careful enough to change the effective date that cut off when a product could be sold. There can't be any other reason, because there is nothing magical to February of 2007, except that U.S. smokeless products were included, and if you include U.S. smokeless products and filtered and nonfiltered cigarettes, you might have one manufacturer that then controls about 70 percent of the market. And because you have grandfathered it all in and you have forbidden FDA from ever changing it, you have basically given an unbelievable market share to one company, and you have not allowed any other company in the world to participate because if they weren't sold before February of 2007, they can't be sold in the future. Because, as I discussed earlier, to bring a new product to the marketplace, you have to make the claim that no nontobacco user would use the product.

Yet how can you make that claim if the same provision disallows you from talking to a non-tobacco user about whether they would use the product? It is a catch-22. Yes, we created a pathway, but we also designed it in a way that you couldn't meet the threshold needed to have an application approved. It is very simple.

Two was that the Burr-Hagan bill doesn't give the FDA meaningful authority to require changes in tobacco products. They are 100 percent correct. Nor does H.R. 1256. As a matter of fact, not only does it not allow for changes, it legislates there cannot be changes to products sold before 2007. If the Campaign for Tobacco-Free Kids is trying to reduce the risk of death and disease and usage, it has supported the wrong bill.

Third, the Burr-Hagan bill will harm public health because it perpetuates the consumers' misconception that they can reduce their risk of disease by switching to so-called low-tar cigarettes. Our bill goes further than the Kennedy-Waxman legislation by banning the use of terms such as ''light,'' ''ultra-light,'' ''medium,'' and bans the use of candy, fruit, or alcohol descriptors on cigarettes even if not characterized in the legislation.

In addition, the risk reduction center is required to establish a relative risk ranking for tobacco and nicotine products annually and disseminate that information to the public. This preempts any unsubstantiated lower or reduced-risk consumer communications by a tobacco manufacturer. In other words, under H.R. 1256, the FDA does not have to inform the public about the relative risk of the products they regulate. So they are not going to share with the people that if you smoke filtered cigarettes, it is a 100-percent risk, and unfiltered is a 90-percent risk. In the substitute that is being offered, we require the harm reduction center to annually print a list of what the risks of the products are that are tobacco related and that they regulate.

The fourth complaint by the Campaign for Tobacco-Free Kids is that the Burr-Hagan bill doesn't strengthen warning labels in a meaningful way. Well, actually, our bill incorporates the same warning levels for cigarettes contained in the Kennedy-Waxman legislation and requires they be placed on the bottom 30 percent of a cigarette pack, including Senator ENZI's graphic warning label language. Also, our amendment goes further than H.R. 1256 by requiring the disclosure of ingredients on the back facing of a tobacco product packaging.

Let me state what the claim was: The Burr-Hagan bill doesn't strengthen warning labels. The only thing I can think is that the Campaign for Tobacco-Free Kids didn't read my bill or it doesn't know the difference between identical language in H.R. 1256 and the Burr-Hagan substitute because the wording is actually the same. In addition, we require that the ingredients in those products be listed on the pack, which I think is beneficial to consumer choice.

Fifth, the Burr-Hagan bill doesn't adequately protect consumers from misleading health claims about tobacco products. Well, once again, our bill requires the same rigorous standards used in H.R. 1256 for reducing the risk of tobacco products. Furthermore, it requires the harm reduction center to establish and publish the relative risk of tobacco and nicotine products on an annual basis. Unlike Kennedy-Waxman, this legislation also requires disclosure on individual packs of all ingredients.

The sixth complaint by the Campaign for Tobacco-Free Kids is that the Burr-Hagan bill gives the tobacco industry license to create ways to market to youth. We have covered this. Our bill is much more comprehensive. It eliminates print advertising. There are marketing prohibitions and restrictions over and above what H.R. 1256 does.

Last, the bill gives the tobacco industry undue influence and creates gridlock on an important scientific advisory committee by giving the tobacco industry the same number of voting representatives as health professionals and scientists—a 19-member board with 10 health care experts, 4 members of the general public, 2 representatives of tobacco manufacturing, 1 representative of small tobacco manufacturing, 1 representative of the tobacco growers, and 1 expert on illicit trade of tobacco products. Somehow, 14 health care experts and 1 trade expert can be depicted by the Campaign for Tobacco-Free Kids as being the same number as 4 tobacco-related members of the advisory board. So clearly, 15 without a tie to tobacco, 4 with a remote tie to tobacco, and the Campaign for Tobacco-Free Kids said that by giving the tobacco industry the same number of voting representatives as health care professionals and scientists—Mr. President, the American people deserve an honest debate. They deserve the information on one side of a bill or another to be factual. I am not sure how you can look at 15 individuals in one category and 4 in another and portray for a minute that is the same number. But that is what the Campaign for Tobacco-Free Kids does. If, in fact, they have misled in the letter to the committee about H.R. 1256 and the substitute, what else haven't they told us or what else have they told us that is not accurate? It brings into question that effort and, clearly, in 1256, the effort is not to reduce the risk of disease or use of tobacco products.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 16 minutes.

Mr. BURR. When I ended talking about the substitute, I held up this can of Camel Orbs and I told the Members of the Senate that this was a product that currently is rated at about a 1-percent risk, or an 89 percent reduction from typical nonfiltered cigarettes. It is an 89 percent reduction from nonfiltered cigarettes. I will hold one up. It is a dissolvable tobacco. You don't get lung cancer or COPD from it, and it doesn't cause heart disease. There is a 1-percent risk. But under H.R. 1256, this product is outlawed. Why? Because it wasn't sold before February 2007.

Let me say to my colleagues, if the intent of passing Federal regulation of the tobacco industry—and I am supportive of it—is to reduce death and disease, why would you exclude a product that has a 1-percent risk but then grandfather in products with a 100-percent likelihood of killing you? Even if you are not debating whether it is in the FDA or in the harm reduction center, how in the world can a Member of the Senate say it is OK to eliminate the ability for an adult to choose to use this and to be locked into a certain death?

We are supposed to pass policy that makes sense and that works for the American people, that actually reduces

the risk of death, disease, and usage of tobacco. When you lock them into the highest risk and likelihood of death, you haven't fulfilled that. When you don't require States to use the money they were given for cessation programs, how can you expect that you are going to reduce youth usage? When you see that 48 States have a higher prevalence of marijuana use among youth than they do of tobacco, how can you conclude that by giving the FDA jurisdiction to regulate tobacco, somehow that means you are going to have a reduction in youth usage? It is just not going to happen.

The American Association of Public Health Physicians states that this product, Orbs, is the most effective way to fight death and disease associated with current tobacco use. Again, the American Association of Public Health Physicians states that these are the best tools we have to get people to quit smoking. As a matter of fact, I am proud to say that yesterday the American Association of Public Health Physicians endorsed the substitute amendment and not the base bill because they recognize that the base bill does nothing but provide a pathway to certain disease or death.

Just so I am clear, under the base bill, H.R. 1256, Marlboro is cemented on the retail shelves. Camel Orbs, which reduces death and disease associated with tobacco use, is banned, can't be sold; It wasn't on the market before January 2007, and Marlboros are on the shelf.

Snus is banned. In the past 25 years, Swedish men showed a notable reduction in smoking-related disease, a decline in lung cancer incidence rates to the lowest of any developed nation, with no detectable increase in the oral cancer rate, improvement in cardiovascular health, and the tobacco-related mortality rate in Sweden is among the lowest in the developed world. But in our infinite wisdom in this austere body, we are getting ready to pass a bill that takes a product that Sweden used to get people off cigarettes, to reduce lung cancer, to bring down cardiovascular disease, to reduce mortality by tobacco products, and we are going to eliminate it and we are going to lock them into everything Sweden is trying to get rid of. Think about this before you do it, for God's sake. Once you pass this, it is too late.

Mr. President, the current cessation programs don't work. I said earlier that those products have a 95-percent failure rate. Giving current smokers an opportunity to migrate to a less harmful product—it is a public health initiative, and not creating a pathway to reduce harmful products is not a public health bill. But those products are banned in H.R. 1256.

Senator HAGAN's and my amendment allows these products to be marketed and regulated correctly. Our amendment establishes a tobacco harm reduction center within the office of Health and Human Services. We provide the harm reduction center with the regulatory authority to better protect our children from tobacco use and significantly increase the public health benefits of tobacco regulation. We require tobacco manufacturers to publish ingredients of products. We require the harm reduction center to rank tobacco products according to their risk of death and disease associated with each type of tobacco product in order to inform the American public more fully about the risk and harm of tobacco products.

We ban candy and fruit descriptors of cigarettes. We ban the use of the terms ''light'' and ''low tar.'' We give the Harm Reduction Center the authority to review smoking articles and adjust accordingly to what is in the best interest of public health. What we don't do is give an already overburdened agency the responsibility to regulate tobacco.

We have a change in administrations. As supportive as I am of the new Commissioner of the FDA, Margaret Hamburg—she will do a wonderful job—let me turn to the former Commissioner of the FDA. Two years ago, Andy von Eschenbach gave his opinion on the FDA regulation of tobacco. You might say: Gosh, this was 2 years ago. I think I already made a credible case that most of what is in this bill was written 10 years ago. Even some of the deadlines that are in the bill have not been changed since the bill was updated 2 years ago. So I think it is very credible to use the comments of the former FDA Commissioner 2 years ago:

> The provisions in this bill would require substantial resources, and FDA may not be in a position to meet all of the activities within the proposed user fee levels . . . As a consequence of this, FDA may have to divert funds from its other programs, such as addressing the safety of drugs and food, to begin implementing this program.

All of a sudden, we are right back where I started 3 days ago. Why in the world would we jeopardize the gold standard of the Food and Drug Administration, the agency that provides the confidence to every consumer in the country that when they get home at night, after having a prescription filled, they don't have to worry about whether it is safe or effective; that if they go to a doctor or hospital and they use a device on them, it wasn't something crafted in the back room and nobody reviewed that it was safe or effective; that it had the gold standard, the seal of approval of the Food and Drug Administration; that as biologics were created that did not exist 10 years ago, that we could feel certain that the FDA looked at this new product and approved it for use in humans; that when we went to buy food, our food would be safe.

Do we want to jeopardize the FDA having to divert funds from food safety right now when we have had Americans who have been killed? Do we want a reviewer at FDA, whose gold standard is to prove safety and efficacy on all the products they regulate, except for the tobacco, to lower their guard and let something through that did not meet the threshold of safe and effective?

I am not sure that is in the best interest of America. I am not sure it is in the best interest of the American people.

My colleague from Connecticut came to the floor and said the Food and Drug Administration is the only agency that has the experience, the expertise, and the resources. The Commissioner of the Food and Drug Administration said: I don't have the resources, and if you give this to me, I might have to divert funds from other programs. As a matter of fact, they would have to divert people from reviewing the applications for new drugs, new biologics. It could be that somebody who is waiting for a new therapy dies before the therapy is available because we had to divert funds or people to take care of regulating a product that the FDA has never regulated and for which Commissioners of the FDA told us they did not have the funds.

I am not sure how clear we need this. I said when I started on Monday this was an uphill climb, the deck was stacked against me. I understood the threshold was come to the Senate floor and to spend as much time as it took to convince my colleagues—Republicans and Democrats and Independents—that this was not a bill where one party trumped the other.

Senator HAGAN is a Democrat; I am a Republican. We have come to the floor passionately with our substitute amendment because we think it trumps H.R. 1256 from a policy standpoint. The American people expect us to pass the right policy, not any policy. If the FDA is not the appropriate place to put it, the American people expect us to find something else that meets the threshold of the right regulation but does not encumber the gold standard of an agency on which we are so reliant.

I am hopeful we are going to have a vote this afternoon on the substitute. It will be next week before the base bill is voted on. I say to my colleagues, they are only going to have one opportunity to change this bill. That one opportunity is to vote for the substitute amendment. If they vote for the substitute amendment, they are going to vote for a bill that actually reduces the risk of death and disease for adults who choose to use tobacco products. If they vote for the substitute, they are actually going to vote for a bill that actually reduces youth usage in a real way. If they pass on supporting the substitute—and it will be a close vote—if they pass on supporting it, they are going to have to live with what they do to the FDA. They are going to have to live with the consequences.

When I came to the Congress, the House of Representatives, in 1995, I was given the task of modernizing the Food and Drug Administration. We opened the Food and Drug Administration in its entirety. It took 2½ years to

produce a bill. It was a bipartisan bill. As a matter of fact, I think in the Senate and in the House it passed by voice vote.

Why did it take 2½ years, two Congresses? It is because we understood, at that time, the delicacy of what we were attempting to do. We were attempting to modernize the Agency and to maintain the gold standard.

At the end of the day, no Member of the House or the Senate offered an amendment to give the FDA jurisdiction over tobacco. In 1998, that bill became law. Why didn't they? It is because every Member knew it was not worth the risk of giving them the responsibilities of tobacco when we had spent 2½ years trying to protect the gold standard.

We are not that forgetful. Don't forget our commitment to make sure the gold standard of the FDA is intact. Don't jeopardize it by giving them tobacco. Don't let our kids be sold short by producing a bill that does not do the education they need so they never pick up a tobacco product. Don't lock the adults who choose to use risky products to risky products forever. Give them an opportunity to have less harmful products. That can only be done one way. That can only be done if Members of the Senate vote to support the Hagan-Burr substitute.

It does keep kids from smoking. It does preserve the core mission of the FDA. It does reduce the risk of death and disease.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise in support of the Family Smoking Prevention and Tobacco Control Act. We all know someone who is currently a smoker or someone who has been a smoker. I know we all worry about their health. That is with good reason.

Tobacco use is the leading preventable cause of death in the United States. It kills more people each year than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined.

Let me repeat that because it is hard to believe. The fact is, tobacco use kills more people each year than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined. Tobacco-related health problems affect millions more, resulting in skyrocketing health care costs every year.

The cycle of addiction is so hard to break, and the tobacco companies work hard to attract smokers with flashy marketing campaigns and by including chemicals that are proven to be addictive. Undoubtedly, this hurts our Nation's overall health.

There is no question that one of the most important steps the Senate can take to improve health and to reduce costs is to reduce the use of tobacco. That is why this legislation is so important, why I am proud to be one of the 53 cosponsors of this legislation. Again, over half the Senate is cosponsoring this legislation.

I thank Senator KENNEDY for his leadership and work on this important issue over so many years. I thank Senator DODD for managing this bill on the floor.

Throughout my career, I have advocated for smoking prevention. We all realize the cost in lives and in health care expenses that smoking creates, not only to the consumer but also to those who are exposed to the dangerous secondhand smoke.

In New Hampshire, almost 20 percent of adults smoke cigarettes, and tobacco-related health care expenses in New Hampshire amount to $969 million a year.

During my tenure as Governor, I was proud to sign legislation that banned the sale of tobacco products to minors, that prohibited the possession of tobacco products by children, and that required the New Hampshire Department of Health and Human Services to disclose harmful ingredients in tobacco products.

The important legislation we are considering expands on what New Hampshire has done. It will give the FDA the authority to regulate the manufacturing, marketing, and sale of tobacco products.

In New Hampshire this year alone, 6,300 children will try cigarettes for the first time. Just over a third of these children will become addicted lifelong smokers. The tobacco companies know these statistics and target much of their marketing to this vulnerable population. In fact, published research studies have found that children are three times more sensitive to tobacco advertising than adults and are more likely to be influenced to smoke by marketing than by peer pressure. This year in New Hampshire alone, the tobacco companies will spend $128 million on marketing, much of it geared to kids.

Tobacco companies also attract children to their products by using flavors, such as Twista Lime or Kauai Kolada, which says it contains ''Hawaiian hints of pineapple and coconut,'' or Winter Mocha Mint. It doesn't sound like we are talking about tar-filled cigarettes, does it? It sounds like we are talking about ice cream or candy. But, unfortunately, these fruit and mint flavors not only entice kids to try them but also makes the smoke less harsh, more flavorful so it is actually easier for kids to smoke.

Unfortunately, they do not make cigarettes less dangerous or less addictive. The tobacco companies do not stop at just the flavors to attract kids. They package the flavored products in colorful and fun patterns clearly aimed at attracting children to their products.

Norma Gecks of Derry, NH, reports that her youngest child is 19 and is addicted to smoking. He buys the mint- and fruit-flavored products and by now is smoking up to two packs a day. Already at age 19, he has developed a smoker's cough.

Keith Blessington of Concord is now an adult, but he is also a victim of childhood addiction. He smoked his first cigarette after a basketball game when he was only 17. Recently, he was diagnosed with advanced stomach cancer and told me he has about a year to live. Despite this awful situation, despite the fact that he has cancer, he will tell you plainly: I am addicted. He cannot quit.

We need to enact this legislation to help people in New Hampshire and across the country, people such as Keith, people such as Norma's son. Tobacco products and marketing geared to kids need to end. We cannot afford to let another generation of young people put themselves at risk by becoming addicted to tobacco products and suffering the lifelong consequences of their addiction or, even worse, dying.

For decades, tobacco companies have targeted women and girls. But in the last 2 years, the industry has significantly stepped up its marketing efforts aimed at our daughters and granddaughters, and we have a picture of one of the ads R.J. Reynolds uses. It is their new version of Camel cigarettes targeted to girls and women, and it is Camel No. 9—sort of a takeoff on some other product descriptions we have heard. This cigarette has sleek, shiny black packaging, flowery ads, and, as you can see, the enticing slogan ''light and luscious.'' This advertisement has appeared in Cosmopolitan, Glamour, InStyle, Lucky, and Marie Claire magazines, and it has been effective. Today, about 17 percent of adult women and about 19 percent of high school girls are smokers. That is more than 20 million women and more than 1.5 million girls who are at increased risk for lung cancer, for heart attacks, strokes, emphysema, and other deadly diseases. These statistics are staggering, and it is important to remember they represent mothers, grandmothers, aunts, sisters, colleagues, and friends.

Seventeen-year-old Cait Steward of Dover, NH, has seen these Camel No. 9 advertisements. She saw them in Glamour magazine. But fortunately, she sees through the marketing campaign. She says:

> Tobacco companies advertise to try and get me and my friends to smoke. They try to make young girls think that smoking is sexy, glamorous, and cool. They know that if they get us to start smoking now we will be addicted for years to come.

It is not just cigarettes that we are attempting to regulate in this legislation. The tobacco companies have also developed new products that are both smokeless and spitless. They are just as addictive as those products you smoke, however, and they are just as deadly. Like cigarettes, they do not have any FDA regulation, and the consequences are dire.

I want to show a photo of a young man named Gruen Von Behrens. He is an oral cancer survivor. He has had more than 40 surgeries to save his life,

including one radical surgery, and you can see how it left him in this picture. It removed half his neck muscles and lymph nodes and half of his tongue. Like too many teenagers, Von Behrens first tried spit tobacco at age 13 to fit in. By age 17, he was diagnosed with cancer. How can we let this happen? Tobacco companies are targeting our children, and it is our job to protect them.

This legislation is vital to our children and to our Nation's health. It will prevent the tobacco companies from marketing to children. It will require disclosure of the contents of tobacco products, authorize the FDA to require the reduction or removal of harmful ingredients, and force tobacco companies to scientifically prove any claims about reduced risk of products.

The FDA is the proper place to have this authority. It is responsible for protecting consumers from products that cause them harm. The FDA even regulates pet food. Yet it doesn't have the authority to provide oversight for tobacco—one of the most dangerous consumer products sold in the United States.

Under this legislation, the FDA will oversee tobacco products with the same objective and the same oversight with which it directs all of its activities—to promote and protect public health. It has the necessary scientific expertise, regulatory experience, and public health mission to do the job. We can't wait any longer to make the necessary changes that will impact the lives of so many people we know and love.

Again, I thank Senator KENNEDY for his outstanding leadership on this issue and join many of my colleagues in supporting this important legislation that will save lives in New Hampshire and across the country.

Mr. President, I yield the floor, and 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. BROWNBACK. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

NORTH KOREA

Mr. BROWNBACK. Madam President, I rise to speak briefly about North Korea and what is taking place there. To put some of this in context, I think everybody knows—around the country and the world—what North Korea is doing today. Two Americans are on trial, in a crazy setting. They have a missile on a pad that can reach the United States. They have tested another nuclear device. They have tested previously a nuclear device. They are in the throes of some sort of possible change within the regime. It is a very unstable, very provocative situation in North Korea.

I raise all that because at the end of the Bush administration, they took North Korea off the terrorism list, and they did it as a way to try to negotiate, to try to get them into the six-party talks to do more things and to work with us and with the world community.

Since that period, the North Korean Government has taken the exact opposite tack. Instead of working with us, they have done everything they can to provoke us even further. President Bush, when he took North Korea off the terrorism list, said:

> We will trust you only to the extent that you fulfill your promises . . . If North Korea makes the wrong choices, the United States . . . will act accordingly.

That was President Bush. He is, obviously, not President any longer. At that point in time, many of us objected to taking North Korea off the terrorism list, but he went ahead and did it anyway. Then Candidate Obama said, at roughly that same period:

> Sanctions are a critical part of our leverage to pressure [North Korea] to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to reimpose sanctions that have been waived, and consider new restrictions going forward.

Since President Bush said that, since Candidate Obama said that, here is what the North Korean regime has done. I mentioned some of these, but I will go into detail. They have: launched a multistage ballistic missile over Japan; kidnapped and imprisoned two American journalists; pulled out of the six-party talks, vowing never to return; kicked out international nuclear inspectors and American monitors; restarted their nuclear facilities; renounced the 50-year armistice with South Korea; detonated a second illegal nuclear bomb; launched additional short-range missiles; are about to launch a long-range missile capable of reaching the United States; and, at this very moment, are calling the detained American journalists, Laura Ling and Euna Lee, before a North Korean court, if you could even call it that possibly, to answer for supposed crimes of illegal entry into North Korea and unexplained hostile acts. The two could face years in a North Korean labor camp. That is what has taken place since those statements.

We want to put forward an amendment on this bill or on some future bill—but I would like to do it and we should do it on this bill—to label North Korea a terrorist state again, like President Bush said we should, if they don't act right; like Candidate Obama said we should, if they don't fulfill their obligations. We think the administration should do this now, should relist them as a terrorist state. We think it would be an important vote and statement by this body if we would say the North Korean Government is a terrorist government because it is. It is one of the lead armers to provide armament to rogue regimes and individuals around the world. Some of my colleagues may have seen the story this week about a North Korean general who was one of the lead counterfeiters in the world of United States one hundred dollar bills. They were very good quality, done on state machinery I have no doubt. He is one of the lead counterfeiters around the world.

Why, then, the State Department would say earlier today that they don't think this ''meets the test'' is beyond me. I think this body should vote and send a very clear signal that we believe the North Korean regime should be listed as a terrorist state and a terrorist sponsor. It has taken an incredible list of provocative acts. The Obama administration has said: Let's get the U.N. to issue sanctions against them.

Let's get the United States to do our sanctions against them for what they are doing. All this amendment does that I want to vote on is have the administration place North Korea back on the terrorism list, where it rightly deserves to be and should have been all along. Of course, the amendment does allow the President to waive the requirement of relisting so long as he certifies that certain conditions have taken place, that they have met their obligations, which they clearly are not going to.

I think it is wrong for this body not to be clear on this toward North Korea. It is wrong for this country not to be clear toward North Korea of what we believe of their provocative actions, that we will not stand by and say: Yes, you can keep doing this; yes, you can keep launching missiles; yes, you can keep detonating nuclear devices, and we will not do anything. We should be clear we are going to act. These are wrong and provocative actions, and they deserve the minimum response this is. That is why I would like to get a vote on this amendment. I would hope I would get a unanimous vote by my colleagues to relist them as a terrorist state. I would hope we could get that up on this bill. We are in negotiations now with the majority leader about this. It is time to vote. It is time to send this at least minimal message to the North Korean Government that these actions cannot stand without some response from the United States. I hope we could get a vote up on this.

I urge the majority leader and those working on coming up with an agreement to go to the next bill to allow us to vote on this North Korean amendment to provide these sanctions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. REID. Madam President, there are a number of amendments that have been filed that are at the desk. They haven't been offered as yet. Amendments on both sides in agreement should be considered. We were very close on working out an agreement to do just that. The vast majority of the amendments will be germane postcloture. I have indicated that for those that are arguably germane, I would be willing to work with the person who offered the amendment to have a vote on it. But one Senator has held this up. That is the way things can happen around here. It is unfortunate, but it does happen. We worked for a couple of days trying to arrive at the point we are. The sad part about it is the Senator who has held all this up has an amendment that isn't remotely germane to this bill, but he has lodged an objection to this agreement that is agreeable by all other Senators. I would hope that the Senator would reconsider this objection over the next few days.

In the meantime, I have had conversations with the managers of the bill. I have spent a lot of time with Senator DODD. It is an important piece of legislation. I watched the Presiding Officer offer her speech today. What a sad thing, the man she spoke about. A picture is worth a thousand words. The picture that she had when she was talking about this bill and how important it is was worth more than a thousand words.

I will have more to say about this on Monday, but everyone in my family smokes. Sadly, my parents are dead. My dad's miner's consumption was terribly exacerbated by his smoking. So when did he start smoking? He was a kid. He started smoking as a little boy. The same with my mother. The same with my brothers. One brother started when he was in the Air Force. He was I guess 20 years old or something like that. He wasn't very old. But the others, all of my other family members, started smoking as kids. One of my brothers chewed tobacco. I can remember I had a friend who learned that my brother chewed tobacco. He was a lobbyist for the tobacco industry and he said, Oh, I will send him a case of—what kind does he chew? I didn't think that was a good idea.

In Los Angeles last week I met the first lawyer who filed litigation, serious litigation against the tobacco industry—a wonderful man. He got terribly upset with the Joe Camel advertisements, when they placed that little comic strip character on lunch boxes for kids. He also was upset because at that time the tobacco industry went through another one of their ideas to get kids to start smoking in stores, like a 7-Eleven store. They would have bins of cigarettes out there. You are supposed to pay for them, but they were there. Kids could steal them so easily. So he filed this lawsuit. He had the confidence to tell me he lost that lawsuit. But when all the lawyers got together to go after the tobacco companies big time, they pooled their money and went after the tobacco companies, and they used all of his pleadings. He said even the misspelled words they used. They didn't change anything. Ultimately, that led to the favorable ruling by the courts that tobacco companies were liable for the damages in the billions of dollars.

It is important that we move forward. I hope that cloture would be invoked on this Monday afternoon. It is one of the most popular pieces of legislation we could do. I am sorry we weren't able to work anything out on the amendments, but we simply were not able to do so. No one can complain this entire Congress that we haven't had the ability to offer amendments. We were concerned for a lot of reasons. One is we have the supplemental appropriations bill floating around here and we didn't want a lot of nongermane amendments on this, but there were no restrictions whatsoever on even nongermane amendments. We just wanted—every Republican wanted to look at ours; we wanted to look at theirs. We used to do that a lot. We can still do that. But no one can complain and use it as an excuse to not vote for this bill, that we haven't given them a chance to offer amendments.

So I hope Senators will take a look at this to move forward. Let us invoke cloture and complete this legislation. I have already indicated I would be happy to work out something that would be fair to dispose of the amendments that are germane to this bill that have been filed.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wanted to begin by thanking the majority leader for his efforts and those of others, and to agree with him. We are prepared to debate these germane amendments, or amendments that are arguably germane, and it is regrettable we couldn't do that. This bill has enjoyed overwhelming support in both Chambers in previous Congresses. Our colleague from Massachusetts has been the leading champion of this effort for more than a decade, if not longer. As I pointed out, every single day we fail to act on this legislation, the statistics are that 3,000 to 4,000 children will begin to smoke every day; 400,000 of our fellow citizens will die this year, not to mention thousands who will live very, very debilitated lives as a result of being contaminated by cigarette smoke and tobacco products. Here we are on the eve of a national health care debate where a major part of that will be about prevention, and what better way to begin that debate than the Congress taking a step in this area which could make such a difference.

So I thank the majority leader for his efforts. I am still hopeful we can get this done. I believe we can. People such as Senator BURR and Senator HAGAN who have legitimate interests and concerns about the legislation before us deserve to have their amendments considered, debated, and discussed. In fairness to other Members, it is regrettable that one single Member of this body, on a totally nongermane proposal, can cause us to delay or avoid meeting the obligation of the issues and concerns about tobacco and the effects on our citizenry.

So I thank the majority leader for his efforts. We will be here next week to debate those amendments and hopefully our colleagues will invoke cloture so we can get to this matter.

Mr. REID. Madam President, let me say, while the distinguished Senator from Connecticut is on the floor, the chairman of the Banking Committee and the manager of this bill, Senator ENZI has been a real partner in what we have done here. He asked that we do a committee hearing on this bill. We could have brought it to the floor under rule XIV. This bill has had lots of hearings in the past, but because Senator ENZI is such a gentleman and he thought it would be the right thing to do, we went ahead, in spite of a very difficult schedule that we had and the schedule that especially Senator DODD had, of all of the things that we were doing under the jurisdiction of that Banking Committee, but with Senator KENNEDY's help, he was the one who was obligated to do this legislation. So we have done that. We have jumped through all the hoops. I repeat, I hope no one will use as an excuse to not vote for cloture that we have been unfair in moving forward on this bill, because it would be unfair for them to say that we have been unfair.

Madam President, I ask unanimous consent to terminate morning business and have the bill reported.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Burr/Hagan amendment No. 1246 to amendment No. 1247, in the nature of a substitute.

Schumer for Lieberman amendment No. 1256 to amendment No. 1247, to modify provisions relating to Federal employees retirement.

The PRESIDING OFFICER. The majority leader is recognized.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion on the Dodd substitute amendment to the desk.

The PRESIDING OFFICER. The closure 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 Dodd substitute amendment No. 1247 to Calendar No. 47, H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Christopher J. Dodd, Robert P. Casey, Jr., Benjamin L. Cardin, Blanche L. Lincoln, Patty Murray, Ron Wyden, Jack Reed, Sheldon Whitehouse, Maria Cantwell, Roland W. Burris, Tom Harkin, Sherrod Brown, Debbie Stabenow, Richard Durbin, Mark Udall, Edward E. Kaufman.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk. This is on the bill itself.

The PRESIDING OFFICER. 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 Calendar No. 47, H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Christopher J. Dodd, Robert P. Casey, Jr., Debbie Stabenow, Blanche L. Lincoln, Patty Murray, Ron Wyden, Jack Reed, Sheldon Whitehouse, Maria Cantwell, Roland W. Burris, Richard Durbin, Mark Udall, Edward E. Kaufman, Tom Harkin, Benjamin L. Cardin, Bill Nelson.

Mr. REID. Madam President, I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent to go into a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. MCCAIN. Reserving the right to object, what did we do?

Mr. REID. We just went into morning business. We would like to go into morning business.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I have an amendment that I have been trying to get a vote on, I would say to the distinguished majority leader, and it certainly is important to the American people.

It is certainly important on this bill and the function of the FDA concerning the importation of prescription drugs into this country. I believe the Senator from North Dakota has an amendment. I would agree to a time agreement of an hour to be equally divided, or half hour, and then vote on it.

I think the American people ought to know whether we are going to be able to import prescription drugs into this country so we can save them billions of dollars every year, rather than taking so much of their hard-earned money, especially retirees.

Mr. REID. Madam President, I am happy to respond to my friend. We have been trying for 2 days to move forward on germane amendments. I have had several conversations with Senator DORGAN. I know how important it is to him. I voted with him, and I do every time this matter comes up. As I indicated earlier, I would be happy to work out some kind of agreement.

At this time, until we get some ability to vote on the germane amendments, it doesn't seem like the right thing to do. I am willing, as I have indicated to my friend, Senator DORGAN, to work out an arrangement for him to offer this amendment. This is something that should have been done, I am sorry to say, years ago, not weeks ago. I will work with the Senator from Arizona on this drug reimportation issue, which is important. At this stage, we simply cannot do it; I know of no way to get from here to there.

As I said—and the manager of the bill is here—if we can work something out by Monday, I will be happy to try to work something out. Nobody is trying to stop the Senator from offering that amendment. We have to have an agreement to move forward on the other stuff first because it is germane.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. Yes, without losing my right to the floor.

Mr. MCCAIN. Mr. President, I am very appreciative of the difficulties the majority leader faces on a bill of this nature, the challenges of amendments being nongermane, and also the difficulties he faces in managing legislation. This issue has been around for a long time, I say to my friend from Nevada. We should address it. It is important to the American people. It does have a lot to do with pharmaceuticals in this country and the availability.

Again, I point out to the majority leader that there should not be a lot of debate on this. People have taken their positions.

I have an e-mail that was sent to us by mistake by the lobby for PhRMA, regarding how important it is to stop this amendment and not have a vote on it. If my friend will indulge me, this is urgent. This is from, as I understand it, one of the lobbyists for PhRMA:

The Senate is on the tobacco bill today. Unless we get some significant movement, the full-blown Dorgan or Vitter bill will pass as an amendment and a Cochran or Brownback safety amendment will fail.

(1) We need to locate a Democratic lead cosponsor for the second degree amendment—which will be either BROWNBACK or COCHRAN. Can the J&J, Merck, Novartis, Pfizer and the other New Jersey companies coordinate and contact Senator MENENDEZ'S office and ask him to take the lead?

(2) We are trying to get Senator DORGAN to back down—calling the White House and Senator REID. Our understanding is that at least Senator MCCAIN has said he will offer regardless, so even if DORGAN withdraws, he may still go forward.

We believe we have 39 'yes' votes for a safety second degree amendment and 25 members in the 'undecided' column. KENNEDY—who whipped this for us last time—is not here.

We are scheduling a call for later this morning to follow up on our targets from yesterday's whip call. Please make sure your staff is fully engaged in this process. This is real. We only had six companies participate in the last call.

My friends, that is a little insight as to how the special interests in Washington work. I would like to have a vote on this amendment, I say to my friend from Nevada, with a full appreciation of the difficulties he has in getting this legislation through—a very important piece of legislation.

I thank my friend from Nevada for his indulgence and allowing me to read that e-mail.

Mr. REID. Madam President, that is kind of an insight—I don't know who is on first, but that is pretty interesting.

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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 132, the nomination of William Sessions to be Chair of the U.S. Sentencing Commission.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, we have not had an opportunity to get that cleared on this side. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Robert Groves to be Director of the Census.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, I make the same observation with regard to this nominee. We have not yet

been able to clear it on this side. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

ORDER OF BUSINESS

Mr. REID. Madam President, for the information of Senators, there will be no more votes today. I indicated earlier that we would be out by 6 today. A number of things are going on. We will work on a number of issues over the weekend, including the tobacco issue and other issues. We will vote on Monday at 5:30 on the cloture motions that were filed earlier this afternoon.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. Madam President, I listened carefully to the conversation between the majority leader and our colleague from Arizona. As the manager of this bill on smoking, I for one have been a strong advocate for the reimportation proposal. Others have also expressed an interest in this. Most of my colleagues have expressed views, and a majority have expressed support for the idea. This is not about denying a vote on reimportation. We would all like that opportunity.

However, this bill on smoking and children is about as fragile a proposal as I have seen here in a long time. There are strong voices that wish to kill this legislation, and they effectively have. The FDA has jurisdiction over almost every product—except tobacco—including pet food. We waited 10 years trying to get to this bill. If you lose one or two votes on this—if we lose this again, we are back to the last decade.

There will be any number of attractive ideas proposed to this legislation, many of which I have either supported or would like to, but we will run the risk of breaking up the necessary 60 votes to deal with children and smoking. So no matter how appealing some amendments may be, understand what you may be doing, and that is destroying the ability to deal with the 3,000 to 4,000 kids who start smoking every day and the 400,000 people who die every year from tobacco. I want to vote on reimportation as well and a lot of other issues. If every time we bring up a bill of this significance and somebody offers a very appealing proposal—understand that the danger is that you fracture that relationship. That has denied us the opportunity to pass this for a decade, despite the fact that both bodies have voted overwhelmingly but not in the same Congress.

We are on the brink of getting this done. What better thing could we accomplish on the eve of the health care debate than to start saving lives of children? I have 76,000 kids in Connecticut who will die because they are smokers if we do nothing. There are 6 million children today who are going to die prematurely because of smoking if we do nothing. As much as I want to deal with reimportation of drugs, if we do that and it is adopted and we lose the coalition on smoking, what have we achieved? The bill dies. You lose both reimportation as well as the smoking proposal.

I appreciate the majority leader taking the position he did. I know where he stands on the issue. Senator REID has been a strong advocate of reimportation. That is not the issue here. It is whether at long last, a decade later, our colleague from Massachusetts, Senator KENNEDY, and Senator DeWine, a former colleague from Ohio, Henry Waxman from California, Tom Davis of Virginia, who on a bipartisan basis have tried year in and year out to get this done—we can finally achieve it. So I know the game. But this is not a game, this is life and death for people. For 10 long years, we have not been able to pass legislation involving kids and smoking. We can get it done in the next few days. If people insist upon nongermane amendments based on a short-term appeal that denies us that opportunity, we will have done great damage to our country.

I appreciate the position the majority leader has taken. My colleagues know, because I went through the process last week in committee, there were any number of appealing amendments. I thank the members of the committee who wanted to vote for some of those amendments. I see Senator MERKLEY here, a member of our committee. He and I would have liked to have supported additional amendments, fines and such, for kids. We knew that if we did that, we might break that fragile coalition that would get to us the goal line of passing the bill.

I thank the majority leader for standing up on an issue he cares deeply about, the reimportation of drugs. He understands, as does the Presiding Officer, as do all of us here who have loved ones who have been smokers and have been affected by tobacco and the damage it does to our citizenry. It is the only disease I know that is self-inflicted. There are more deaths each year as a result of smoking and tobacco products than alcohol, drugs, suicide, automobile accidents, and AIDS combined. It is the greatest killer in America. We have a chance to make a difference. The day will come for reimportation. We ought to get to that. If you do it on this bill, you lose both reimportation and the smoking bill.

I thank the majority leader and yield the floor.

Mrs. BOXER. Madam President, I urge my colleagues to join me in support of the Family Smoking Prevention and Tobacco Control Act, a comprehensive effort to address the threat of tobacco products to public health.

This bill will finally give the Food and Drug Administration the legal authority it needs to prevent the sale of tobacco products to minors, make tobacco products less toxic and addictive for those who continue to use them, and prevent the tobacco industry from misleading the public about the dangers of smoking.

As the leading preventable cause of death in the United States, tobacco use kills over 400,000 Americans a year. More deaths in the U.S. are caused by tobacco use than from illegal drug use, alcohol use, motor vehicle accidents, suicides, and murders combined. This legislation takes crucial steps to save the lives of as many as 80,000 Americans every year.

Sadly, our failure to address this issue is having the greatest effect on our Nation's children. Ninety percent of all new smokers are children. In just 1 day, about 3,500 children will try their first cigarette and 1,000 more will become daily smokers. In just 1 year, kids in my home State of California will purchase 78.3 million packs of cigarettes.

Even though studies have shown children are twice as sensitive to tobacco advertising as adults and that one-third of children experiment with smoking due to advertising, marketing for tobacco products is virtually unregulated. Each year, the tobacco industry spends $13.4 billion nationwide on advertising. Granting the FDA the authority to regulate tobacco advertising will reduce targeting of kids and crack down on false claims.

Additionally, this bill will grant the FDA the authority to regulate smokeless tobacco—particularly those products that have been designed to appeal to children, such as tobacco candy. Claims by the tobacco industry that these products are safe alternatives to smoking are dangerous and wrong. In fact, the Surgeon General has determined the use of smokeless tobacco can lead to oral cancer, gum disease, heart attacks, heart disease, cancer of the esophagus, and cancer of the stomach.

This legislation will ensure that tobacco companies can no longer market addictive carcinogenic candies targeted at children without review by the Food and Drug Administration and careful regulation to safeguard the public health.

Cigarettes contain 69 known carcinogens and hundreds of other ingredients that contribute to the risk of heart disease, lung disease, and other serious illnesses. Yet tobacco products are currently exempt from basic consumer protections like ingredient disclosure, product testing and marketing restrictions to children. Tobacco products are the only products on the market that kill a third of their customers if they are used as directed. In spite of the risks, in spite of the costs, tobacco products are the most unregulated consumer products available today.

This bill will ensure that the tobacco industry is finally required to tell us what is in the products they sell.

This legislation will also give the Food and Drug Administration the authority to require stronger warning labels, prevent industry misrepresentations, and regulate ''reduced harm'' claims about tobacco products. According to a 2006 Harvard School of Public Health study, the average amount of nicotine in cigarettes rose 11.8 percent from 1997 to 2005. More important, this bill will give the FDA the authority to ban the most harmful chemicals used in these products, or even reduce the amount of nicotine. The Family Smoking Prevention and Tobacco Control Act is not about unfairly punishing tobacco companies or consumers of tobacco products; it merely gives the Food and Drug Administration the right to regulate tobacco products as it regulates other products to safeguard the public health.

This Congress and the President have committed to reducing health care costs through comprehensive reform. This legislation is precisely the kind of investment in prevention and wellness that will enable us to increase access to quality health care while reducing costs. Tobacco use results in $96 billion in annual health care costs and California alone will spend $9.1 billion on smoking related health care costs—imagine if we spent those funds on preventative medicine or wellness measures.

The passage of this bipartisan bill would be one of the single, greatest public health protections that affirms our commitment to prevention and wellness as the foundation of responsible health care in our country. I urge my colleagues to make an investment in the health of the American people and support this legislation.

Mr. HATCH. Madam President, I rise today to share my views on H.R. 1256, the Family Smoking Prevention and Tobacco Control Act of 2009.

First and foremost, I want to make it perfectly clear that I am deeply concerned about the dangers of smoking, particularly when it comes to children and teenagers. We must do everything we can to discourage our youth from using tobacco products; because once they start, it is very difficult to stop. Long term use of tobacco causes serious health conditions such as lung cancer, emphysema, or COPD—Chronic Obstructive Pulmonary Disease. There is no question that tobacco is a killer.

And not only does tobacco kill, it also results in a tremendous amount of unnecessary health care costs. Experts believe tobacco costs society billions of dollars each year. Even second-hand tobacco smoke harms those who do not smoke themselves but are merely around those who do.

Do I believe that tobacco should be regulated? Of course I do. But do I believe that the Food and Drug Administration is the appropriate agency to regulate tobacco? Absolutely not. Let me take a few minutes to explain why I feel so strongly about this issue.

The FDA's core mission is to promote and protect public health. As a member and former chairman of the Senate Health, Education, Labor and Pensions Committee, the committee with jurisdiction over the Food, Drug and Cosmetic Act, I feel very strongly that the FDA should have sufficient resources to do its current job before taking on new responsibilities. Over the years, I have worked hard to get the FDA the funding it needs to protect consumer health; approve new drugs, biologics and medical devices; and protect our Nation's food supply.

For years, FDA scientists have pleaded with Congress to give the agency more resources. In fact, according to the Alliance for a Stronger FDA, the FDA's budget is small—$2.04 billion was appropriated for the agency and it collects nearly $600 million in user fees. Eighty-three percent of the FDA's costs are staff-related. The Alliance, whose membership includes three former Secretaries of Health and Human Services and six former FDA Commissioners, believes that the FDA's appropriation must increase by about $100 million per year just in order to stay even with increased costs—anything lower will result in decreased staff and programming. In addition, the Alliance believes that the FDA's base has eroded even while it was given new responsibility and ''operates in a world of increased globalization and scientific complexity.'' To put it in perspective, the FDA receives less funding than its local school district. Montgomery County, MD, public schools received $2.07 billion in fiscal year 2009; the FDA received $2.04 billion in appropriated funds that same year.

Recently, we heard about peanut products tainted with salmonella. Hundreds of people became sick and nine people lost their lives. In 2008, consumers were sickened by salmonella in peppers and possibly tomatoes. Before that, it was spinach tainted with E. coli that was sold all across the United States.

Overall, the FDA has done good work on food safety, but it also needs more inspectors and more resources to conduct inspections. In fact, on March 14, President Obama stated that about 95 percent of the Nation's 150,000 food processing plants and warehouses go uninspected each year.

Unfortunately, the FDA struggles with more than just food. On the pharmaceutical side, the FDA has had to deal with safety issue after safety issue. From the withdrawal of Vioxx, to new data about suicide and SSRI antidepressants, FDA has been working to match its performance to its mission. We all know that it still has a way to go.

If the FDA is given the responsibility of regulating tobacco products, it will require the agency to expand considerably. A completely new center, the Center for Tobacco Products, will be established within the FDA and new scientific experts will have to be hired for that new Center. These individuals—epidemiologists, toxicologists and medical reviewers—could be working on evaluating cancer drugs, or new vaccines, or tracing outbreaks of food borne illness—areas where, quite frankly, they are desperately needed. Instead, they will be wasting time, effort, and money in attempt to make a deadly product slightly less deadly.

The former FDA commissioner, Dr. Andrew von Eschenbach, expressed serious concerns in 2007 that this bill does not provide enough funding for an expansion of the FDA and does not authorize appropriations for start-up costs. He also expressed concerns that regulating tobacco would jeopardize FDA's public health mission. Dr. von Eschenbach was right—it makes no sense to expand this agency and divert its attention to tobacco products. I simply cannot understand why Congress is giving this agency any additional duties without a clear idea, in my opinion, about how much money it will cost to carry them out. Although this legislation is funded by tobacco company user fees, how do we know that enough money will be collected? And, while it is my understanding that the substitute big being considered by the Senate will require performance reports on these user fees every 3 years, I feel that these reports should be filed on an annual basis so that we in Congress may make necessary adjustments if the program is running out of money.

Another concern I have is the impact that these user fees could have on public health programs like the State Children's Health Insurance Program—CHIP—which relies on tobacco taxes for its financing. For that reason, I filed an amendment calling for the Comptroller General of the Government Accountability Office to study whether this bill will have an impact on public health programs. It is my hope that this amendment will be accepted by my colleagues.

Finally, I want to talk in more detail about the mission of the FDA, which is to protect public health. I feel that by requiring the FDA to regulate tobacco, we are putting the agency in direct conflict of this important mission. Here are two undeniable truths about tobacco: (1) tobacco is known to cause serious illnesses and death, and (2) tobacco does not have any health benefits whatsoever. So, I ask you, what sense does it make to have the FDA regulate tobacco? How does an agency in charge of protecting public health regulate tobacco, a product that is inherently unsafe?

In fact, when the bill was being considered by the Senate HELP Committee a few weeks ago, I cosponsored and strongly supported Senator ENZI's amendment to have the Centers for Disease Control and Prevention regulate tobacco products. Unlike the FDA, the CDC has the infrastructure, personnel and mission to take on tobacco. The CDC operates programs that reduce the health and economic consequences of the leading causes of

death and disability, thereby ensuring a long, productive, healthy life for all people. For those reasons, I felt that the CDC's mission was far more suited to the regulation of tobacco. Unfortunately, that amendment was not approved by HELP Committee members and, as a result, the Senate is now considering a bill that would designate the FDA as the regulator of tobacco products.

In conclusion, I am probably one of the FDA's strongest supporters in Congress. Back in the 1990s, I introduced legislation that created the White Oak campus; the unified FDA campus which I envisioned would bring prestige back to the agency. This campus is on track to be completed in 2012. I wanted FDA to be able to attract the brightest minds so we could get the best researchers in the country working together in order to ensure the safety of our drugs, medical devices and food supply. Dr. Margaret Hamburg, the newly confirmed FDA Commissioner has impressed me with her strong vision for the future of the FDA. It is my hope that by adding the regulation of tobacco to the FDA's portfolio, that vision does not go off course.

I want to make one thing perfectly clear—I support the intent of this bill which is to stop our young people from picking up that first cigarette and to protect public health by regulating tobacco. That being said, it is my hope that some of the concerns that I have raised will be carefully considered and addressed before this legislation is signed into law.

Mr. REID. 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. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

PRAISE OF DR. DOUGLAS LOWY AND DR. JOHN SCHILLER

Mr. KAUFMAN. Madam President, I would like to continue what I began last month by honoring the contribution of our Federal employees.

On May 4, I came to the floor to discuss the importance of recognizing the hard work and dedicated service of our Federal employees. This is especially important because of our recovery efforts during these challenging economic times. The programs we enact, it is easy to say, will be carried out by a Federal workforce that requires people's confidence. I know from personal experience how industrious and trustworthy civil servants are. The public needs to know too.

As I said then, we also need to encourage more of our graduates to enter careers in public service. America is blessed with so many enthusiastic and entrepreneurial citizens. We need them to lend their talents. We need their ideas, their creative minds. This is why I have made it a priority to honor excellent public servants and call attention to what Federal employees can and do accomplish.

In my previous remarks, I promised to highlight some of our excellent public servants from this desk every so often. In keeping with my promise, I rise to speak about two Federal employees whose achievements are particularly relevant to our work in this session: the current state of our health care system.

As many know, cervical cancer is the second most common cause of cancer deaths in women worldwide. It takes the lives of almost a quarter million women each year. Here in America, nearly 11,000 women are diagnosed annually.

What distinguishes cervical cancer from most other cancers is its cause. While many cancers are linked to a genetic predisposition for abnormal cell growth, nearly all cases of cervical cancer result from viral infections. The majority of these infections come from exposure to the human papillomavirus or HPV. HPV is the most common sexually transmitted disease affecting Americans.

When Dr. Douglas Lowy and Dr. John Schiller began studying HPV, little did they know that their 20-year partnership as researchers would lead to the development of a vaccine.

Working at the National Institutes of Health's National Cancer Institute Center for Cancer Research, the two discovered that previous attempts at creating a vaccine had failed because a genetic mutation existed in the virus, making it difficult for the body to produce antibodies against it.

Once Drs. Lowy and Schiller made this finding, they worked to create a modified version of the HPV without the mutation. This development is instrumental in the creation a few years ago of a vaccine that will prevent the vast majority of cervical cancer cases from developing.

Because over 80 percent of those who develop cervical cancer cases live in developing nations, Drs. Lowy and Schiller have been working with the World Health Organization to make the HPV vaccine available to women around the world.

In recognition of their achievement, the two men jointly were awarded the 2007 Service to America Federal Employee of the Year Medal.

Today, women and girls age 9 through 26 have the ability to be vaccinated against developing cervical cancer.

Once again, I call on my fellow Senators to join me in honoring Dr. Lowy and Dr. Schiller and all Federal employees who have distinguished themselves in their service of our Nation.

HEALTH CARE REFORM

Mr. KAUFMAN. Madam President, I would like to speak on reforming our health care system. Simply put, health care reform has been delayed for far too long, and it cannot wait any longer. Most Americans are satisfied with the health care they receive today.

Let me repeat this. Most Americans are satisfied with the health care they receive today. But if we want to sustain and improve the quality of health care, we need to act now.

What they are concerned about is what future health care is going to be about, and they are also concerned about the cost of health care. We must get health care costs under control while preserving choice.

If we do nothing and allow the status quo to persist, it has been estimated that the share of gross domestic product devoted to health care will rise from 18 percent in 2009 to 28 percent in 2030.

If health care premiums continue to rise at 4 percent per year, which is actually less than the historical average, then by 2025, premiums for family coverage will reach $25,200 a year—over $2,000 a month. This trajectory is simply unsustainable.

We have attempted to reform our health care system several times in the past to no avail. But this year is different and has to be different. This time the call for reform is coming from people and organizations that previously opposed reform. This time businesses, along with unions that represent their workers, are asking for reform.

Businesses in America have to compete against companies from other countries. Many of them do not pay anything for health care for their workers or retirees. Others pay far less than what many of our larger corporations pay. This puts many of our businesses at a disadvantage in the global marketplace.

In addition, people in my home State of Delaware and Americans across the Nation are struggling to keep up with the crushing and seemingly constant increase in the cost of health care.

Over the last decade, Americans have watched as their health insurance premiums and deductibles have risen at much faster rates than their wages, threatening their financial stability. It also puts them at risk for losing their insurance as employers struggle to provide adequate health care coverage.

Americans rightfully value their relations with their doctor and the care they receive. We must—and I say must—preserve these relationships. In addition, as costs rise and insurance benefits erode, Americans are also asking to protect what works and fixes what is broken.

Our current health care system—the status quo—is rampant with bureaucracy, inefficiency, and waste. It is time for reform. It is time to reform health care for Americans so everyone has access to quality, affordable care, regardless of preexisting medical conditions. It is time to reform health care so we

place a higher priority on prevention and wellness, saving lives as well as money. It is time to reform health care so all Americans can compare the costs and benefits of different health care policies. It is time to reform health care so Americans have more choices, not less, and can choose their own doctor.

I applaud the members of the Finance Committee and the Health, Education, Labor, and Pensions Committee in the Senate, as well as our counterparts in the House, for their sincere dedication, their thoroughness, and their commitment to crafting legislation that truly will transform the health care system in this country.

It is clear this is not an easy task and is one that will require true compromise from everyone across the ideological spectrum, but it is a task that must be done. Our country and the health of its citizens, as well as the economy, cannot afford to maintain the status quo.

As the members of these committees gather to discuss and ultimately mark up legislation, I encourage them to include a viable public option in a menu of insurance options from which Americans may choose. It will be—and let me stress this—it would be a purely voluntary option.

If you like your current plan, you keep it. But a public health insurance option is critical to ensure the greatest amount of choice possible for consumers. There are too many Americans who do not have real choices when it comes to health insurance, especially those who live in rural areas.

In addition, many large urban areas are dominated by one or two insurers that serve more than 60 percent of the market. In fact, there are seven States where one insurer has over 75 percent of the market share.

A public option can help Americans expand their choice of insurance provider. A public option could take various forms, and I think the committees are the proper place to determine the appropriate contours of a public option.

I think a good starting point for discussion is the proposal put forward by my colleague from New York, Senator SCHUMER. It delivers all the benefits of increased competition without relying on unfair, built-in advantages for the federally backed option.

This public option would not be subsidized by the government or partnered with Medicare. It would not be supported by tax revenue. It would compete on a level playing field with the private insurance industry. If a level playing field exists, then private insurers will have to compete based on quality of care and pricing, instead of just competing for the healthiest consumers.

This is just one proposal for public option. There are others we can debate as we move forward.

Right now, more than 30 State governments offer their employees a choice between traditional private insurance and a plan that is self-insured by the State. Some of them have had them for more than 15 years.

In these States, the market share of the self-funded plans within the market for State employees typically ranges from 25 to 40 percent. This shows a healthy competition between the public option and private insurers, not domination by either type of insurer. The States provide these options because they believe it adds value to competitive offerings they give their workers.

These arrangements do not seem to be a problem or incite ideological issues at the State level. Why should it be so when discussing health reform on the national level?

A public option can go a long way in introducing quality advancements and innovation that many private insurers do not now have the incentive to implement.

Medicare and the veterans health system have spearheaded important innovations in the past, including payment methods, quality of care initiatives, and information technology advancements.

A new public option could also help lead the way in bringing more innovation to the delivery system and introducing new measures to reduce costs and improve quality.

A public option can serve as a benchmark for all insurers, setting a standard for cost, quality, and access within regional or national marketplaces. It can have low administrative costs and can have a broad choice of providers.

Simply put, Americans should have a choice of a public health insurance option operating alongside private plans.

A public option will give Americans a better range of choices, make the health care market more competitive, and keep insurance companies honest.

The key to all this, however, is that a public option will be just that, as I said—an option, not a mandate.

Some people will choose it; others will not. If you like the insurance plan you have now, you keep it. If you are happy with the insurance you get with your employer, or even the individual insurance market, you stay enrolled in that insurance plan. And if you are unsatisfied with the public option, you have the option to switch back to private insurers.

Americans firmly support the ability to choose their own doctor and value their relationships with their providers. So do I.

An overriding goal of health reform is to increase patients' access to affordable, quality health care, and offering a public option can help increase Americans' choices.

I am heartened that I was joined by 26 other Senators several weeks ago in cosponsoring a resolution introduced by Senator BROWN calling for the inclusion of a federally backed health insurance option in health care reform.

Senators who have been involved in health care issues for decades—Senators KENNEDY, DODD, ROCKEFELLER, HARKIN, BINGAMAN, and INOUYE, just to name a few—have all agreed that a public option should be included.

As I said before, I admire the efforts of my colleagues on the Finance and Health, Education, Labor and Pensions Committees who will be drafting our health reform legislation.

They have an important responsibility, and I recognize that they will be debating many options regarding coverage, financing, regulations, and so on.

I simply encourage them to consider seriously a public option as a choice for Americans in any new health insurance exchange.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. SANDERS. Mr. President, I think the American people are aware that our country is in the midst of a major health care crisis. That is not a secret to anybody. Forty-six million Americans have no health insurance and, importantly, even more are underinsured, with high deductibles and copayments. Further, some 60 million Americans, including many with health insurance, do not have access to a medical home of their own. In fact, according to the Institute of Medicine, some 18,000 Americans die each year from preventable diseases because they lack health insurance and do not get to a doctor when they should.

I can recall very vividly talking to several physicians in Vermont who told me how people walked into their office, quite sick, and when they asked why they hadn't come in earlier, they said: Well, we don't have a lot of money; we didn't have any health insurance. The result is that those patients died. That happens every single day in this great country.

When we talk about health care, we have to understand that access to dental care is even worse. On top of that, in our Nation, we pay the highest prices in the world for prescription drugs. My State of Vermont borders on Canada, and it is not uncommon for people to go from Vermont to Canada to buy the prescription drugs they need at far lower cost than in America.

In the midst of all of this—the 46 million Americans without health insurance, people being underinsured, and people paying outrageously high prices for prescription drugs—at the end of the day, our Nation pays far more for health care per person than any other country on Earth. Far more. It is not even close. Yet despite the enormous

sum of money we spend, our health care outcomes—what we get for what we spend—lag behind many other countries in terms of life expectancy—how long our people live, in terms of infant mortality, and other health indices.

According to a recent report from the National Center for Health Statistics—this is just one example—the United States ranks 29th in infant mortality in the world—29th in the world. We are tied with Poland and Slovakia for 29th in the world in terms of infant mortality. In all due respect to our friends in Poland and Slovakia, we should be doing a lot better than that because we spend a lot more on health care than they do in Poland and Slovakia.

Further, according to a study published in the London School of Hygiene and Tropical Medicine, the United States has the highest rate of preventable deaths among 19 industrialized nations. Although our rate has declined over the past 5 years, it is doing so at a slower rate than other countries. According to that study, if the rate of preventable deaths in the United States improved to the average of the top three countries, which are France, Japan, and Australia, approximately 100,000 fewer residents of the United States would die annually.

When we talk about health care, we are not just talking about individuals who suffer and die because they do not have health care. What we are talking about is that the high cost of health care—as President Obama makes clear all of the time—is a major economic issue as well. In our country today, we are now spending about 16 percent of our GNP on health care, and the cost of health care is continuing to rise at a very high rate, which becomes economically unsustainable. The fact is, General Motors, which recently declared bankruptcy, spends more money on health care per automobile than they do on steel, and that creates an economic climate in which America—our companies—becomes noncompetitive with other countries around the world. But it is not just large corporations such as GM. Small business owners in Vermont and throughout this country are finding it harder and harder not only to provide health care for their workers but even for themselves.

In addition, a recent study found that medical problems contributed to 62 percent of all bankruptcies in 2007 and that between 2001 and 2007, the proportion of all bankruptcies attributable to medical problems rose by nearly 50 percent. Interestingly, 78 percent of those who experienced bankruptcy as a result of illness were insured. They were insured. These are not people who did not have any health insurance. But it speaks to the inadequacy and the lack of coverage, comprehensive coverage, in many health insurance programs.

We as a Congress, for whatever reason—and I will suggest the reason in a moment—do not really spend a lot of time discussing why the American health care system is so expensive, why it is so inefficient, why it is so complicated. We do not talk about that very much. I fear that has a lot to do with the role private health insurance plays over the political process in this country. Let me be very clear. In my view, the evidence is overwhelming that the function of a private health insurance company is not to provide health care. The function of a private health insurance company is to make as much money as it possibly can. The truth is, the more health care a private health insurance company denies people, the more money it makes. If you submit a claim for coverage and they deny it, from their perspective that is a very good thing because they make more money.

Further, in pursuit of making as much money as they can, private health insurance companies have created a patchwork system which is the most complicated, the most bureaucratic, and the most wasteful in the world. According to a number of studies, we are wasting about $400 billion a year in administrative costs, in profiteering, and in bureaucratic billing practices. That is enough money to provide health care to all of the uninsured.

I know that is not an issue we are supposed to be talking about here on the floor of the Senate because we are not supposed to take on the insurance companies or the drug companies because of all of their power. But I believe, if we are serious about moving toward a universal, comprehensive, cost-effective health care system in this country, we have to talk about the very negative role private health insurance companies are playing in that process.

Administrative costs for insurers, employers, and the providers of health care in the United States are about one out of every four health care dollars we spend. In other words, for every $1 we spend, one quarter of that dollar does not go to doctors, does not go to nurses, does not go to medicine, does not go to therapies; it goes to administration. That is at the root of the problem we have in terms of health care costs in America. In California—one example—only 66 percent of total insurance premiums are used to cover hospital and physician services. One-third, $1 out of every $3, is spent on administration, billing, claims processing, sales and marketing, finance and underwriting.

The American people want their health care dollars spent on health care. I know that is a radical idea, but when people spend money on health care, they assume it goes to the provision of health care, not profiteering, not administration, not hiring more bureaucrats to tell us we are not covered when we thought we were covered. What the American people want is close to 100 percent of that dollar to go to health care and not bureaucracy.

While health care costs in America have soared, as everybody knows, from 2003 to 2007 the combined profits of the Nation's major health insurance companies increased by 170 percent. Health care costs are soaring, profits of the major health insurance companies have gone up by 170 percent from 2003 to 2007, and CEO compensation for the top seven health insurance companies averaged over $14 million per CEO. To add insult to injury, some of these health care profits are going directly into campaign contributions and into lobbying to make sure, in fact, the Congress does not move forward toward real health care reform, which, in my view, means a single-payer health care system.

That is where we are right now. We have the most inefficient, wasteful, bureaucratic system of any major country on Earth. Our health care outcomes, despite all the money we spend, are way below many other countries in the world. And we are not discussing the most important issue with regard to health care spending; that is, the role private health insurance companies are playing.

We are now in the beginning of the debate on health care. I am going to do my best to make sure that issue of the role private health insurance companies are playing in the system, the very negative role they are playing, is something that, in fact, we talk about.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I commend my friend, the junior Senator from Vermont, for his words, this critique about the health insurance system—what is right about it and what is wrong with it. We know, for those with insurance, we can get good medical care in this country. We know many people do not have any insurance. We know many others have inadequate insurance. And we know that so many Americans are in a situation where they are anxious about the future of their health and the quality of health care they have. Too many Americans have seen their health care premiums go up, their deductibles go up, and their copays go up. They end up with a private insurance company that finds ways to delay paying them, to in many cases not reimburse them at all for their health care expenses. It is insurance that does not really deliver, and that is really no insurance at all.

What Senator SANDERS said is exactly right. The behavior of health insurance companies has meant we have huge administrative costs.

More and more, we remember what the President of the United States said when he was a candidate for President. Senator SANDERS mentioned that story at the White House the other day to President Obama, how moved people in this country were when they heard the President talk about his own mother who was dying, who was fighting with insurance companies over paying for her cancer treatment while she was dying. She had to advocate for herself.

Her son was advocating for her, of course, too. But she went through the trauma and pain of cancer and the trauma and pain of dealing with insurance companies. We know that. Yet some in this body want to increase the role of private insurance and allow them to continue to game the system.

We also know that private insurance companies in many ways are simply a step ahead of the sheriff. They do not mind insuring someone who is 50 and healthy, but they would rather not insure someone who is 63 and unhealthy because they can make more money on someone who is healthy, but in somebody who has a preexisting condition, they will find a way not to insure them or not to pay off to them when they get sick. We know about the inefficiencies in the health care system, in private insurance. We know the difficulties with private insurance, the bureaucracy, and we know about the administrative costs of private insurance.

Private insurance administrative costs run anywhere from 15 percent to 30 percent, depending on whether you are in a big group plan, a smaller group plan, or an individual plan. We also know Medicare, which has delivered for 44 years—it was signed by President Johnson in July of 1965—we know Medicare has delivered very well in the great majority of cases for the American people, for the elderly, but we also know Medicare has about a 2-percent or 3-percent administrative cost—again, contrasted with 15 to 30 percent with private insurance companies.

We also know, interestingly, there is a statistic—there was a study several years ago of the richest industrial democracies—France, Germany, Japan, Israel, England, Spain, Italy, Canada, and the United States—and they rated all these countries according to several health care indices: life expectancy, infant mortality, maternal mortality, inoculation rates for children, all those things. Of the 13 countries they looked at, the United States ranked 12th. Even though we spent twice as much as any other country on Earth per capita, our outcomes were not as good. We were 12th out of 13. In one category, America ranked near the top, and that is life expectancy at 65.

If you get to be 65 in this country, the chances are you are going to live a longer, healthier life than almost any other country in the world. Why? Because we have a health care system, Medicare, that provides health insurance for everybody over 65. There are holes and gaps in coverage in Medicare; the premiums can be pretty hard for some to reach; the copay and deductibles can be a problem.

Overall people know when they have Medicare they are pretty darned well taken care of. That is not the case for people under 65. I came to the floor tonight for a few more moments, as I was listening to Senator SANDERS talk so eloquently, to share a couple stories.

Sherry, in Albany, OH, is not Medicare eligible. She is forced to consider borrowing from the equity in her home to pay her $1,070 premium through COBRA. She had a job. She lost her job. She has to pay the employer and employee side to pay for her health insurance. That is the way COBRA works. It is a good program but a bit of a cruel hoax. If you lose your job, it is pretty hard to pay your premium and your employer's premium at the same time.

She is considering borrowing against her house to pay for her health insurance for COBRA for 18 months. She will get a little bit of help now, because in the stimulus package, we took care of some of that. She has to find a way until she is 65 to cobble together insurance.

Terry, a small business owner nearby in Columbus, expects to pay 35 percent more this year to cover his employees. He wants to cover his employees, but he has a 30-percent increase. What is he supposed to do, especially when his business—I don't know a lot about his business, but so many small businesses are squeezed more and more because of the economy. So we know these stories, and that is why it is so important that we address health care reform this year.

We want to do several things. First of all, anybody who is in a health care plan they are happy with, they are satisfied with now, they can stay in that plan. If they want to make that choice, they stay in the plan. Second, we need to do something on costs, to stop the huge increase in premiums, copays, deductibles. We have to do a better job to constrain costs in the health care plan than this government or the private sector has been able to do for decades.

Third, we need to give people full choice. That means they can stay in their plan, as I mentioned earlier, No. 1, but they also will have a choice of private insurance plans and a public plan, a public option. So they can choose a private plan with Aetna or a private plan with United Health or a private plan with BlueCross BlueShield or they can decide to join a public plan, a public plan that might look similar to Medicare, which they can decide, perhaps they would save money or have better preventive care or a plan with lower copays or deductibles.

They can make the choice. A great majority of the Democratic caucus, and I hope Republicans will join us, an overwhelming sector wants that option, a public plan and a private plan they can choose, that might be similar to Medicare.

Anything we tried in health care, every time that health care reform was introduced, the cries of ''government takeover'' and ''socialized medicine'' were heard from by conservatives who do not think government should have a role in health care.

We are the only country in the world that thinks that, it seems like, because every other country has a major part of their health care plan, a major part is involved with the government, if not the whole plan.

We are not asking for a government takeover, we are not doing socialized medicine. That is what they always say. We heard it in 1948, when Harry Truman tried to push through Medicare. We heard it in 1965, when Lyndon Johnson and the overwhelmingly Democratic House and Senate passed the Medicare law. We heard it in 1993, my first term in the House, Senator SANDERS' second term in the House. And that is what insurers are claiming today. They are saying: Government takeover of medicine. That is not true. We want a government option plan. We want the government to provide a Medicare plan that people can choose from. You can choose a private plan or public plan.

Americans deserve no less. Our country can afford no less. The President asked us to move on this as quickly as we can and to do it right. This is our chance, and I think we are going to do it.

Mr. SANDERS. Would the Senator from Ohio yield?

Mr. BROWN. Yes.

Mr. SANDERS. I wish to thank him for his cogent remarks, talking about one of the most basic issues facing this country and that is health care. We are on the Veterans' Committee as well, and I know you spend a lot of time talking to veterans in Ohio. Has the Senator heard a veteran in Ohio tell you they want to privatize the VA?

Mr. BROWN. I have heard mostly conservative Republicans say they want to privatize the VA.

Mr. SANDERS. Every time that issue is raised, the veterans say no.

Mr. BROWN. One of the things we noticed about the Veterans' Administration is that the VA has found a way to buy, at the lowest cost possible, some of the least-expensive but good-quality prescription drugs. Because what the VA does—there are millions of veterans—they negotiate on behalf of veterans with individual drug companies for individual prescription drugs, individual pharmaceuticals, and they get a rate at about one-half of what you would pay if you went to Drug Mart or Rite Aid or any of the other stores.

The Medicare bill, when it came through the House and Senate—President Bush pushed that bill—they did not allow us to negotiate drug prices. We know what this is about. We know if we follow the lead of the drug industry and the insurance industry, which this Congress did through most of the first part of this decade with President Bush, we end up with special interest laws that protect the drug companies or insurance companies.

Or we can now pass health care with a public option plan, give the public the option of going to a Medicare-like plan instead of a private insurance company plan, if they want to, or stay in the plan they are in and then they decide on what kind of care they would like.

Mr. SANDERS. My friend from Ohio is exactly right. If you talk to the people of this country, if you talk to the veterans and say: Do you want VA

health care to be privatized? Overwhelmingly, no.

In recent years, the Senator from Ohio, I, and others, have worked to substantially increase funding for federally qualified community health care centers all over this country. These are the most cost-effective ways of providing quality health care, dental care, low-cost prescription drugs, mental health counseling.

The people of this country want those. I hope we have success in expanding that program. But I get a little bit tired of hearing from some of our friends on the other side who tell us: Oh, people do not want government involved in health care. Well, you tell that to seniors. Tell them you want to privatize Medicare. Tell that to the veterans, that you want to privatize the VA.

The fact is, as the Senator from Ohio indicated, we are wasting tens and tens of billions of dollars every year in bureaucracy, in billing, in excessive CEO salaries through private health insurance companies. At the very least, the people of this country are demanding, and we must bring forth, a strong—underline ''strong''—public option within any health care reform program we develop.

Mr. BROWN. I thank the Senator from Vermont. It is pretty clear, and I think this Congress is going to do the right thing. The President, when he met with us last week, as he promised in his campaign, was strongly in favor of purchasing insurance from the Medicare look-alike plan or private plans or either one or keeping what they already have.

The President has spoken strongly on it for months. The majority of this Congress wants to do the same. I am hopeful that is what we will do in the months ahead.

HONORING OUR ARMED FORCES

SERGEANT JUSTIN DUFFY

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SGT Justin J. Duffy, age 31, who was killed in Iraq on June 2, 2009.

Sergeant Duffy was born in Moline, IL. As a child, his family moved to Cozad, NE, where he graduated from high school in 1995. He earned a degree in criminal justice from the University of Nebraska-Kearney. Duffy worked at Eaton Corporation for 5 years, where he was recognized for his work ethic and leadership ability and promoted to a supervisor position. His colleagues and friends said Duffy was the kind of person who never missed a day on the job and was always on time and ready to work. This young man stood out among his peers and always sought a challenge, so it came as no surprise to his friends and family when he decided to join the Army, enlisting in May 2008.

Sergeant Duffy's father Joe said the U.S. Army had attracted his son because he wanted adventure and needed more of a challenge and he believed that desire would be fulfilled by serving in the military. His time with the U.S. Army was marked by success; one of his proudest accomplishments was his quick rise to Sergeant, beating the standard time it normally takes to achieve that rank. Sergeant Duffy was assigned to the 3rd Brigade Combat Team, 82nd Airborne Division. While in Iraq, Sergeant Duffy's team was responsible for escort security for high-ranking military leadership.

Sergeant Duffy passed away in eastern Baghdad after an improvised explosive device detonated near the humvee he was driving; three of his fellow soldiers were also wounded in the blast. Sergeant Duffy served his country honorably and made the ultimate sacrifice for his fellow Americans. His life and service represents an example we should all strive to emulate.

SGT Justin Duffy leaves behind his parents Joe and Janet Duffy of Cozad, NE; his grandfather LeRoy Hood of Moline, IL; and two sisters Jenny of Grand Island, NE, and Jackie of Yuma, AZ. He will forever be remembered by his family and friends as the kind of person who was quick to jump in wherever he was needed; some even labeled him a shepherd, as he always looked out for family, friends, and even strangers. I join all Nebraskans today in mourning the loss of Sergeant Duffy and offering our deepest condolences to his family.

SPECIALIST JEREMY R. GULLETT

Mr. BUNNING. Mr. President, I would like to invite my colleagues to join me in recognizing Greenup County, KY, for paying tribute to Army SPC Jeremy R. Gullett.

SPC Jeremy R. Gullett served in the 4th Battalion, 320th Field Artillery Regiment of the 101st Airborne Division based out of Fort Campbell. He lost his life in the line of duty on May 7, 2008, in the Sabari District of Afghanistan.

This evening Greenup County will have a dedication ceremony to name a local bridge after Specialist Gullett, honoring his life and service to our Nation. The bridge will serve as a reminder to all of those who live or travel through Greenup County of the sacrifice Specialist Gullett made for our freedom.

A member of the Greenup County High School Class of 2003, Specialist Gullett participated in his high school's Junior ROTC program and joined our Nation's Armed Forces soon after earning his diploma. In addition to serving under our Nation's armed services, Specialist Gullett was a member of Little Sandy Volunteer Fire Department and Veterans of Foreign Wars, dedicating his life to service domestically and internationally.

Specialist Gullett's sacrifice for our Nation will forever be a reminder that freedom comes at a high cost. We should never take for granted the sacrifice that men and women make daily in all branches of the Armed Forces.

As we commemorate the life and service of SPC Jeremy Gullett, my thoughts and prayers are with his friends and family. All Kentuckians and Americans are deeply indebted to Specialist Gullett.

DECEPTIVE MARKETING

Mr. LEVIN. Mr. President, last month the Senate passed and the President signed H. R. 627, the Credit CARD Act of 2009. Thanks to the hard work of Senator DODD, Senator SHELBY, Representative MALONEY, many other Members of Congress, and the multitude of fed-up citizens who protested unfair treatment by credit card companies, this landmark bill to protect consumers from abusive credit card practices was passed over the objections of powerful lobbies. Millions of Americans will benefit now that some balance of power is being restored between card holders and card issuers.

Today, I want to thank Senator DODD and Senator SHELBY for including in the Credit CARD Act a provision that I authored and that was cosponsored by Senator COLLINS and Senator MENENDEZ, to stop the deceptive marketing of free credit reports. I would also like to thank Senator PRYOR for working with me to address his concerns about the provision.

Credit reports are a record of an individual's history of receiving and repaying loans, and they frequently contain errors. At the same time, these credit reports are used to calculate the credit scores that have become so central to evaluating a person's creditworthiness. Credit scores are used to determine whether someone will qualify for a credit card, what interest rate they will get, and whether and when that rate will increase. Credit scores perform a similar function for home mortgages, car loans, and consumer lines of credit. Some companies use these scores to screen applicants for apartments, insurance, security clearances, and even jobs. The important role a credit score plays in our everyday lives makes it all the more critical that the reports used to calculate these scores are accurate and accessible to consumers.

In the United States, three large nationwide credit reporting companies, often called ''credit bureaus,'' compile and maintain credit reports for the vast majority of consumers. Until Congress passed the Fair and Accurate Credit Transactions, FACT, Act of 2003, consumers had to pay a fee in order to access or attempt to correct the information in their credit reports.

The FACT Act gave consumers the right to a free annual report from each of the nationwide consumer reporting companies. The FTC mandated the establishment of a website, AnnualCreditReport.com, to provide consumers access to their federally mandated free credit reports. In these difficult economic times, it is critical that consumers have a clear understanding of their right to get a free annual report, an easy way to obtain

those reports, and the ability to correct any mistakes since mistakes in a credit report could cost someone a loan or a job.

Today, however, television, radio, and the internet are awash in misleading advertisements for free credit reports. A cottage industry has sprung up of unscrupulous marketers who confuse or deceive consumers into buying products or services they may not need or want by tying the purchases to the offer of a so-called ''free credit report.'' Many of these marketers deliberately obscure the difference between the free reports to which consumers have a right under Federal law—which come with no strings attached—and the ''free reports'' that marketers condition on purchases of credit monitoring, credit scores, or other products.

Deceptive advertisements direct consumers to contact commercial sources unaffiliated with the government-authorized AnnualCreditReport.com. Consumers who request ''free'' credit reports from these sources often find they have unwittingly signed up for credit monitoring or other services they must pay for. Some of these offers include notice that they are not affiliated with the federally mandated free report, and that consumers who accept the offer will either have to pay for another product or cancel a ''trial membership'' within a short time to avoid being charged. These disclaimers, however, are often buried in fine print or appear in places where most consumers won't see them. They simply are not adequate to correct the overall impression that the offer is for the free, no-strings-attached credit report available under federal law. Deceptive advertisements using free credit reports as bait are particularly destructive, because they take advantage of a consumer's general knowledge that free credit reports are available under law, and subvert the law's intent to protect consumers.

The FTC has received hundreds of complaints from consumers who have been confused or deceived into paying for what they thought was their free report provided by law. The Better Business Bureau reports that just one prominent advertiser of free credit reports, FreeCreditReport.com, has been the subject of more than 9,600 complaints over the last 36 months. FreeCreditReport.com requires a potential customer to provide a credit card number in order to establish an account and request a credit report. Many consumers assume this information is necessary for the company to identify the correct credit file, because why else would you have to provide a valid credit card to receive a free report? In fact, buried in the small print it is revealed that customers that request a free credit report must also opt out of a credit monitoring service or else they will be charged $15 a month, indefinitely.

A 2007 study by Robert Mayer and Tyler Barrick of the University of Utah for Consumer Reports WebWatch analyzed 24 websites that market free credit reports and scores and revealed them to be rife with deceptive practices. Many of the websites studied had the word ''free'' in the domain name; others had names similar to the FTC-mandated AnnualCreditReport.com, such as NationalCreditReport.com. Of the 58 sales pitches for credit reports or scores across the 24 websites analyzed, 41 pitches were for ''free'' reports or scores that in fact required purchase of a product or enrollment in a credit monitoring service. The study concluded that the ''enticement of free credit reports and free credit scores is an integral part of marketing credit-related services.'' Interestingly, the study also revealed that of the 24 websites analyzed, nine were owned by, or closely connected to, the nationwide bureau TransUnion, and eight were owned by or closely connected to the nationwide credit bureau Experian.

The Federal Trade Commission has sued companies engaged in such misleading practices, but the deceptive advertisements have not stopped. Since 2005, for example, Experian has paid the government more than $1.2 million in settlements over deceptive marketing of ostensibly free credit reports through the website FreeCreditReport.com. And yet FreeCreditReport.com, through its seemingly ubiquitous advertisements, continues to deceptively peddle its product. At this very moment the Florida Attorney General's office has an active investigation into FreeCreditReport.com for ''Failure to adequately disclose negative option enrollment in credit monitoring with 'Free' credit report, deceptive advertising, misleading domain name, and failure to honor cancellations.''

Section 205 of the Credit CARD Act, which contains the Levin-Collins-Menendez provision, will shore up the consumer protection in the FACT Act by requiring simple, honest disclosure in advertisements for ''free'' credit reports. Mandatory disclosures will help ensure that consumers are given accurate information about how to obtain a free credit report with no strings attached. It is an effort to end the deceptive activities of companies that attempt to trick people into buying something that they are entitled by Federal law to receive for free.

Section 205 directs the Federal Trade Commission to issue a rule by February 2010, to require companies advertising free credit reports to disclose the availability of the government-mandated free credit report in all mediums—internet, television, radio and print. Under the statute, the rulemaking must require that all television and radio ads for free credit reports include the disclaimer that ''This is not the free credit report provided for by federal law.'' The rulemaking will also require that all internet advertisers of free credit reports prominently display on the advertiser's homepage and possibly the advertisement itself that consumers can order the free credit reports provided for by federal law from www.AnnualCreditReport.com.

Section 205 provides for FTC rulemaking to flesh out the disclosure requirements, such as what information should be provided, how it should be formatted, and where it should be displayed. This section will not achieve its purpose unless the mandated disclosure is made in a clear, prominent, and effective manner, a standard that disclosures in many current promotions do not achieve. The cleverly deemphasized disclosure currently on FreeCreditReport.com, for example, would not be sufficient.

The success of a disclosure in alleviating confusion and deception depends critically on the manner in which it is presented. Even seemingly minor differences in language or presentation can make the difference between effective and ineffective disclosures. Section 205 recognizes these challenges and the FTC's unique ability to meet them by giving the agency the authority to implement this new disclosure requirement by rule. I encourage the FTC to use consumer testing to identify the most effective disclosures and to design separate disclosure requirements for each type of medium: television, radio, internet, and print.

Section 205 (b)(2)(B) states that, ''for advertisements on the Internet,'' the FTC rulemaking shall determine ''whether the disclosure required under section 612(g)(1) of the Fair Credit Reporting Act (as added by this section) shall appear on the advertisement or the website on which the free credit report is made available.'' I want to be perfectly clear, as the Senator who authored this provision and ensured its inclusion in the final bill, that this provision is intended to allow the FTC to require disclosure on an internet ad, on the website to which the ad is linked, on the ''home'' website of the company advertising ''free'' credit reports, or on any combination of the three. In my view, most forms of internet advertising, such as banner ads and paid search engine links promising free credit reports, should include disclosures. It will be up to the FTC to determine the nature and extent of the disclosure on each form of internet advertising.

The goal of section 205 is to eliminate consumer confusion and deception by preventing commercial promotions from posing as the Federal free annual report program, and by ensuring that consumers know how to get their truly free annual reports. Although this provision does not prohibit the marketing of ''free credit reports'' per se, nothing in this section is intended to limit the FTC's authority under Section 5 of the FTC Act to prohibit unfair or deceptive practices in or affecting commerce, or its authority under the FACT Act to promulgate regulations regarding the

centralized source for free credit reports. In fact, I hope the FTC utilizes all of its authority to end the deceptive marketing of free credit reports.

Today, deceptive marketing of ''free'' credit reports is big business. Ads appear on television, the internet, and other media. One of the leading advertisers of ostensibly free credit reports that are, in fact, linked to paid services is Experian, which vigorously opposed the disclosure requirements in Section 205. Despite its best efforts to sugarcoat its marketing practices, Experian acknowledged that if it were required in its advertising to inform potential customers of their legal right to get a no-strings-attached free credit report, it would have a harder time selling a ''free'' credit report that also requires consumers to sign up for credit monitoring at $15 per month.

Experian spends tens of millions of dollars advertising FreeCreditReport.com, dwarfing government efforts to publicize the availability of free credit reports at AnnualCreditReport.com and effectively undermining the intent of the free credit report provision of the FACT Act. So it is no surprise that Experian defended its marketing practices with aggressive lobbying. I am confident that the FTC will stand up to that kind of pressure and issue strong pro-consumer regulations by the February 2010 deadline in the law.

If, however, the FTC has not issued final rules by the statutory deadline, Section 205 requires an interim disclosure, ''Free credit reports are available under Federal law at: AnnualCreditReport.com,'' to be included in any advertisement for free credit reports in any medium. That interim disclosure is intended to be required in all ads from February 2010, until the FTC rulemaking is finalized.

As chairman of the Permanent Subcommittee on Investigations, I have spent the last 4 years working to expose industry-wide credit card abuses. In 2007, my subcommittee held hearings which brought before the Senate not only consumers victimized by unfair practices, but also the credit card CEOs who approved those practices. In many cases, the card issuers that engaged in these practices relied upon information in a credit report.

Section 205 of the Credit CARD Act will help prevent the subversion of a key consumer protection. Again, I thank my colleagues for enacting Section 205 into law.

REMEMBERING TIANANMEN SQUARE

Mr. GRAHAM. Mr. President, today marks a somber anniversary. Twenty years ago today, months of peaceful protests throughout China culminated with the violent deaths of hundreds, if not thousands, of Chinese citizens advocating for democratic reforms. It is with sadness that we mark this occasion, but it is also an opportunity to renew our call for political reform in the People's Republic of China.

One of the first things you see when you walk into my office is a large poster depicting the iconic image of a lone man staring down a line of Chinese tanks. This image has come to symbolize the worldwide struggle for democracy, the rule of law, and the promotion of basic human rights. Unfortunately, a generation of students in China can't identify the image or tell you about the events leading up to June 3 and 4, 1989. This is because China has failed to acknowledge or account for the actions that led up to this event.

While the intervening years since the tragedy have seen China grow into a rapidly developing country, economically intertwined with the rest of the world, China's failure to deal with the Tiananmen events prevents the nation from making the political reforms necessary to truly become a respected member of the international community.

In the years following Tiananmen, leaders of the Communist Party of China including Jiang Zemin, declared, ''If we had not taken absolute measures at the time, we would not have the stability we enjoy today. A bad thing has turned out to be good.'' General Chi Haotian, the General in charge of the People's Liberation Army's response to the protest later stated that, ''I can tell you in a responsible and serious manner that at that time not a single person lost his life in Tiananmen Square.'' Leaders of the military crackdown such as Deng Xiaoping and Li Peng, have never been held accountable for the actions of the People's Liberation Army and there has never been an official acknowledgement of the number of protesters killed or put in prison. Some accounts have claimed that more than 20,000 people were arbitrarily arrested and held without trial. A number of these people remain in prison today.

Today would have been a landmark occasion for the Chinese government to announce that they were starting an independent and open investigation relating to the events of June 4, 1989. However, other than checkpoints set up in Tiananmen Square and efforts by the Chinese government to prevent international media outlets from filming in the square, there are no signs that today is anything other than an ordinary day in China.

While the events of 20 years ago by the Chinese government launched a coordinated effort to prevent further unrest, it also helped crystallize a movement that continues today. Democracy advocates in China have built upon the legacy of Tiananmen and have led various efforts to force accountability and political reforms. All who watch China applaud the tireless work of Ding Zilin, the leader of Tiananmen Mothers, Liu Xiaobo and the rest of Charter 08, as well as countless others such as Jiang Qisheng who continue to face intimidation and imprisonment, yet persist with their cause.

They can rest assured that ultimately their efforts will be successful. Today's world is increasingly interconnected. Communication and travel have gotten easier, and with the development of the internet, despite censorship efforts, information is becoming more readily available to the Chinese people. Every day it becomes more difficult for the Chinese government to keep its people in the dark. They will find out about Tiananmen, they will find out about how the outside world operates, they will demand changes at home.

SRI LANKA

Mr. LEAHY. Mr. President, the recent defeat of Sri Lanka's Tamil Tigers, otherwise known as the Liberation Tigers of Tamil Eelam, or LTTE, is a very welcome development. Led by a reclusive, cult-like figure who apparently saw no evil in forcibly recruiting and brainwashing young children to become suicide bombers, the LTTE long ago forfeited any legitimate claim to representing the interests of the Tamil population. This resounding victory offers the possibility—after 30 long years of conflict, including ruthless acts of terrorism by the LTTE and other atrocities against civilians by both sides—of lasting peace for all inhabitants of that small island nation.

I first became interested in Sri Lanka when a good friend, James Spain, was the U.S. Ambassador there. He often told me of the beauty of the country and its people, and it has been painful to observe the suffering that has befallen them. That suffering was further exacerbated by the tsunami which crashed ashore in December 2004, causing immense destruction and loss of life. A member of my staff was in Sri Lanka at that time, but far enough inland to escape harm.

I have strongly supported humanitarian aid for Sri Lanka, and 2 years ago, as chairman of the State and Foreign Operations Subcommittee, I included additional funding for economic development in the north eastern region of the island after the LTTE were forced to retreat from that area. I look forward to being able to support additional reconstruction aid, so the northern communities that have been trapped in poverty and devastated by the conflict can recover. But for that to occur, several things need to happen.

The war claimed the lives of tens of thousands of Sri Lankan soldiers, LTTE combatants, and civilians. The tremendous loss and grief suffered by the families of both sides needs to be acknowledged in order for reconciliation to occur.

The government should immediately account for all persons detained in the conflict. It should provide access by international humanitarian organizations and the media to affected areas

and to populations of internally displaced persons who remain confined in camps, which should be administered by civilian authorities. These people should be allowed to leave the camps as soon as possible so they can start to rebuild their lives.

As soon as possible, the government needs to begin implementing policies for the devolution of power to provincial councils in the north and east as provided for in Sri Lanka's Constitution. This and other steps are needed to demonstrate that all Sri Lankans can live without fear and participate freely in the political process. It must address the longstanding, legitimate grievances of the Tamil population so they can finally enjoy the equal rights and opportunities to which they, like other Sri Lankan citizens, are entitled.

There is also the issue of accountability for violations of the laws of war. The LTTE had a long history of flagrant violations of human rights, including kidnappings, extrajudicial killings, disappearances, and deliberately targeting civilians. The Sri Lankan military engaged in similar crimes. Although the Sri Lankan Government prevented access for journalists to the war zone in order to avoid scrutiny of the military's conduct, video footage was smuggled out. And as the smoke has lifted from the battlefield there are reports that thousands of Tamil civilians who were trapped in the so-called safe zone perished in the last months of the war. There is abundant evidence that they were deliberately targeted with relentless shelling and aerial bombardments, despite repeated appeals by the international community that they be spared. There are also growing fears of retaliatory attacks against those who criticized such tactics.

The recent decision of the United Nations Human Rights Council rejecting calls, including by Navi Pillay, the United Nations High Commissioner for Human Rights, for an international investigation of these violations is unfortunate but not surprising. Several of the Council's members routinely arbitrarily imprison and torture political opponents in their own countries. The Sri Lankan Government, which seeks international aid to rebuild, insists that what occurred there is an ''internal'' matter and that for outsiders to call for an independent investigation and justice for the victims is an ''infringement of sovereignty.'' To the contrary, the denial of basic rights and freedoms is a legitimate concern of people everywhere, whenever it occurs.

It is now incumbent on the Sri Lankan authorities to demonstrate that the rule of law is respected, that sweeping security measures that have been used to silence journalists, doctors, lawyers and other citizens who have criticized government policies are revised or repealed, that the government takes seriously its duty to defend the rights of all Sri Lankans irrespective of religious affiliation or ethnicity, and that those responsible for crimes against humanity or other violations of human rights are held accountable.

Thankfully, a long, bloody chapter of Sri Lanka's history has ended. But it is the next chapter that will determine whether justice and lasting peace can be achieved. If the Sri Lankan Government seizes this opportunity to unite the Sri Lankan people in support of an inclusive effort to address the causes of the conflict, the United States will be a strong partner in that effort.

HONORING AMERICA'S WORLD WAR II VETERANS

Mr. MARTINEZ. Mr. President, this week, we pay tribute to those who fought for freedom's cause during World War II. Two monumental efforts occurred that resulted in turning the war efforts in favor of the Allied Forces. These events are D-day and the Battle of Midway. Each was a demonstration of our nation's commitment to freedom, a blow against tyranny, and the tremendous sacrifice everyday Americans are willing to make for peace and security.

This Saturday marks the 65th anniversary of D-day, the day the tide began to turn against totalitarianism in World War II. On that day, Allied troops stormed a Normandy beachhead to claim a foothold on the edge of Nazi-occupied Europe. More than 1,400 Americans sacrificed their lives during the invasion, including 130 Floridians.

As the largest land, air, and sea invasion in history, D-day brought together Allied forces and unprecedented military resources, including more than 150,000 servicemen, 13,000 aircraft, and 5,000 ships. By the day's end, more than 9,000 Allied warriors had sacrificed life and limb so that others could begin the perilous journey into Europe to defeat the forces commanded by Adolf Hitler.

D-day tested the courage and character of every American involved in the invasion. Like those who came before them, the soldiers who fought that day fought courageously for a freedom the men and women of our military still fight to defend.

Coinciding with the anniversary D-day is the 67th anniversary of the Battle of Midway, another turning point in the war. The battle claimed the lives of more than 300 Americans and helped to slow Japan's advance across the Pacific. America's forces executed the mission with tremendous skill and helped deliver one of the war's most decisive and crucial victories.

On these anniversaries, let us remember and recognize the courage of those who sacrificed their lives to restore hope through the liberation of those in occupied territories. Let us honor and thank those veterans that continue to share their unique stories from these extraordinary battles. May God bless the men and women of the U.S. military, and continue to bless our great Nation.

ADDITIONAL STATEMENTS

COMMENDING MEHARRY MEDICAL COLLEGE

● Mr. ALEXANDER. Mr. President, before I became a member of this body, I was privileged to serve as the president of University of Tennessee and as Secretary of Education under President George H.W. Bush. Therefore, I know how important it is for our nonprofits to make investments in our system of higher education. That is why I am pleased to report that Meharry Medical College in Nashville is poised to receive the single largest endowment gift in the college's 130-year history.

The Robert Wood Johnson Foundation, the largest philanthropic organization in America devoted exclusively to health care, has selected Meharry to receive a multimillion-dollar endowment and other funding to establish the Robert Wood Johnson Center for Health Policy at Meharry Medical College to produce our country's next generation of health care policy experts. Meharry will be partnering with Vanderbilt University College of Arts and Science on this project.

This gift is especially timely as the Nation grapples with economic challenges and millions of uninsured citizens amid growing bipartisan support for reforming the U.S. health care system. The new center aims to serve as a think tank for the pressing health care issues of the day; to increase the diversity of health policy scholars with doctors who are formally trained in sociology and economics; and to provide students and faculty with new curricula, research and academic offerings in health policy. The center seeks to reshape the future of America's health policies by creating a more inclusive pool of experts trained in health policy and allied disciplines.

Meharry Medical College is the Nation's largest private, independent, historically Black academic health center. It produces over 20 percent of the Nation's African-American physicians and 33 percent of the Nation's African-American dentists. These health professionals take care of those most in need: the underserved in our rural and urban communities across the country.

I know Meharry is pleased to be selected to receive this gift and produce scholars who will make a real impact on our health policy at this critical time. Though their graduates may serve the country, we Tennesseans are especially proud of Meharry and its many contributions to our State and the Nation.●

COMMENDING KATHLEEN L. ''KATIE'' WOLF

● Mr. BAYH. Mr. President, today I wish to honor my fellow Hoosier, Kathleen L. ''Katie'' Wolf. Today we recognize the many accomplishments of Katie, a distinguished public servant and a model citizen who over the years

has contributed much to her community in Monticello and to the Hoosier State.

A native of Princeton Township, IN, Katie Wolf has long been a pillar of her community. In 1967, she served as the secretary on the founding board of the White County United Fund, now known as the United Way of White County.

In 1968, Katie ran and was elected to the position of clerk of the White County Circuit Court, a role she filled for over a decade before being nominated to the Judiciary Committee for the Democratic National Committee. In 1984, Katie became the first woman to run for and win a position in her district in the Indiana House of Representatives, and during her first term she was elected Outstanding Freshman Legislator. In 1986, Katie was appointed senator for District Seven in the Indiana State Senate.

Throughout her career, Katie has been the recipient of numerous awards and designations, a testament to her stature as a model Hoosier and as a leader in public life in Indiana. She has received the Director's Award from the National Federation of Independent Businesses, the Director's Award from the Purdue University Cooperative Extension, and Legislator of the Year from the Indiana Trial Lawyers Association. Former Indiana Governor Frank O'Bannon presented Katie with the Sagamore of the Wabash Award, which is the highest honor that the Governor of Indiana can bestow. It is an award reserved for those who have made outstanding contributions to the Hoosier State. Last month, she received an honorary doctor of laws from Saint Joseph's College in Rensselaer.

Next week, Katie will receive an award from the local chapter of Women Giving Together, an organization committed to strengthening the communities of White County. I am proud to have this opportunity to recognize her for the remarkable service she has rendered on behalf of the people of Indiana and congratulate her on receiving another well-deserved distinction.●

125TH ANNIVERSARY OF THE FOUNDING OF STOCKHOLM, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to pay tribute to the community of Stockholm on reaching its 125th year. The people who make up this community are proud of their heritage and will be celebrating both their resilient history and their promising future June 13 to 14, 2009.

This strong rural community in northeast South Dakota was primarily founded by Scandinavian homesteaders who named the town after Stockholm, Sweden. Also in this area was Brown Earth, an Indian settlement of 52 families. These communities were closely intertwined and shared churches and a post office. In 1896, the town joined together to construct a creamery, financed at $25 a share.

In celebration of reaching this historic milestone, the town has painted 24 Dala Hasten, traditional Swedish wooden horses. There will also be a parade, races, and musical events to commemorate Stockholm's notable occasion.

The welcoming spirit of Stockholm's citizens helped sculpt this town's unique history, and I am confident that this strength of character will help them continue through the coming years. I am proud to represent this community, and I commend this town on reaching this historic anniversary.●

125TH ANNIVERSARY OF THE FOUNDING OF MOUND CITY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of Mound City, SD. This rural community is the seat of Campbell County in northern South Dakota. This town was built on hard work and a spirit of community 125 years ago, and those same values sustain it today.

Edward C. and his father E.H. McIntosh were the first settlers, arriving in the area on June 10, 1884. They called the town Mound City because of the small hills to the north. Soon after, an elegant hotel and post office were constructed. The first newspaper, the Mound City Journal, was started in 1886. Mound City also had a flour mill, built in 1893 by contributions by the town's citizens. After it burned down the first night of operations, the town rallied and raised enough money to again build the mill.

This perseverance and dedication illustrates what has gotten Mound City to this monumental anniversary, and I am proud to recognize them on their achievements. The citizens of this town are dedicated and hard working, demonstrating what a great State South Dakota is.●

COMMENDING ELMET TECHNOLOGIES

● Ms. SNOWE. Mr. President, as we are all aware, the lengthy process of globalization has made it necessary for many American businesses to promote their goods in international markets. And despite the present economic recession, Maine businesses exported a record $3 billion in goods last year. I wish to highlight Elmet Technologies, a shining company that has been a part of that historic figure and has excelled in growing its customer base by marketing to overseas firms.

Elmet Technologies was founded in Lewiston in 1929, at the beginning of the Great Depression. At that time, the company had 50 employees and 13,400 square feet of manufacturing space. The firm now employs over 230 people and occupies a 220,000-square-foot facility. Elmet makes top-quality, high-performance advanced materials and specialized refractory metal products, such as wire, filaments, and rods. Its products have numerous applications for a variety of industries. For instance, the company's components and materials are used in electronic devices such as GPS units and digital music players and medical equipment like x-ray tubes.

Elmet supplies a wide range of customers, from IBM and Philips Lighting, to Veeco, which produces process equipment and metrology tools, and Varian, producers of medical equipment. These firms have turned to Elmet because of its high-quality products, attention to customer detail and specification, and its employees' stellar Maine work ethic. Additionally, what makes Elmet's production method so effective is that the company uses raw materials instead of base materials, allowing employees to easily customize products based on consumer specifications. The company has also earned two critical certifications for quality and environmental standards from the International Organization for Standardization, ISO.

Though an 80-year-old company, Elmet Technologies is relatively new to global trade. It began only recently promoting its products abroad and now has clients in places as far away as Europe, Israel, and China. Elmet's strategy is paying off and earning the company much-deserved recognition. Last Thursday, the Maine International Trade Center presented Elmet Technologies with its 2009 Exporter of the Year Award. The award demonstrates the determination and commitment of Elmet's leaders in forging new international marketplaces for its extensive variety of products that serve a wide range of high-tech and emerging industries—from electronics and lighting, to aircraft and automotive.

The Maine International Trade Center is Maine's small business link to the rest of the world. It is a public-private partnership between the State of Maine and its businesses. The center's goal is to increase international trade in Maine and in particular to assist Maine's businesses in exporting goods and services. Clearly it sees in Elmet Technologies the entrepreneurial spirit and innovation that make Maine's small businesses so unique and successful.

Elmet Technologies' president and CEO, Jack Jensen, has summed up his company's philosophy quite simply: ''Listen. Create. Delight.'' Based on the company's record of success and customer satisfaction, this motto has served the company well in any language. I congratulate everyone at Elmet Technologies on their recent recognition and wish them new and exciting export opportunities in the years to come.●

130TH ANNIVERSARY OF WORTHING, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Worthing, SD. Founded in

1879, the town of Worthing will celebrate its 130th anniversary this year.

Located in Lincoln County, Worthing possesses the strong sense of community that makes South Dakota such an outstanding place to live and work. Throughout its rich history, Worthing has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Worthing has much to be proud of, and I am confident that Worthing's success will continue well into the future.

I would like to offer my congratulations to the citizens of Worthing on this milestone anniversary and wish them continued prosperity in the years to come.●

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 11:32 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills and concurrent resolution, in which it requests the concurrence of the Senate:

H.R. 31. An act to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

H.R. 1385. An act to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

H.R. 2090. An act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building.''

H.R. 2173. An act to designate the facility of the United States Postal Service located at 1009 Crystal Road in Island Falls, Maine, as the ''Carl B. Smith Post Office.''

H. Con. Res. 109. Concurrent resolution honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1385. An act to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

H.R. 2090. An act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2173. An act to designate the facility of the United States Postal Service located at 1009 Crystal Road in Island Falls, Maine, as the ''Carl B. Smith Post Office''; to the Committee on Homeland Security and Governmental 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–1787. A communication from the Director of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Headstone and Marker Application Process'' (RIN2900-AM53) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Veterans' Affairs.

EC–1788. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds'' (Docket No. BPD GSRS 09–01) received on May 29, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1789. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the country of origin and sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors for calendar year 2008; to the Committee on Energy and Natural Resources.

EC–1790. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to using private contributions to acquire land adjacent to a designated wilderness area in Marin County, California; to the Committee on Energy and Natural Resources.

EC–1791. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision 6'' (RIN3150–AI60) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Environment and Public Works.

EC–1792. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's 2009 Annual Report on the Supplemental Security Income Program; to the Committee on Finance.

EC–1793. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures for FY 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–1794. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to animal drug user fees and related expenses for Fiscal Year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–1795. A communication from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period ending March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1796. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1797. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1798. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1799. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1800. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1801. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1802. A communication from the Secretary of Labor, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1803. A communication from the Chairman, Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Semiannual Report on the Audit, Investigative, and Security Activities of the U.S. Postal Service for the period of October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1804. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance Budget for Fiscal Year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–1805. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–74, ''Health Occupations Revision General Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1806. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–79, ''KIPP DC-Douglass Property Tax Exemption Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1807. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 18–80, ''Newborn Safe Haven Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1808. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–81, ''Department of Parks and Recreation Term Employee Appointment Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1809. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–82, ''Rent Administrator Hearing Authority Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1810. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–83, ''Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1811. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–84, ''Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1812. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–85, ''Closing of an Alley in Square 5872, S.O. 07-2225, Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1813. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–86, ''Retail Service Station Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1814. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–87, ''Closing of a Portion of a Public Alley in Square 4488, S.O. 07–7333, Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1815. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-88, ''Kenilworth-Parkside Partial Street Closure, S.O. 07–1213, S.O. 07–1214 and Building Restriction Line Elimination, S.O. 07–1212 Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1816. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–89, ''Mortgage Lender and Broker Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1817. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–90 ''Closing, Dedication and Designation of Public Streets at The Yards Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1818. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–98, ''CEMI-Ridgecrest, Inc.-Walter Washington Community Center Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–1819. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to a final rule revising the NASA FAR Supplement to update NASA's Mentor-Protégé Program (RIN 2700–AD41); to the Committee on Commerce, Science, and Transportation.

EC–1820. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the 2008 Report on Apportionment of Membership on the Regional Fishery Management Councils; to the Committee on Commerce, Science, and Transportation.

EC–1821. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Beatty and Goldfield, Nevada)'' (MB Docket No. 08–68) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1822. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Williston, South Carolina)'' (MB Docket No. 08–201) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1823. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Nevada City and Mineral, California)'' (MB Docket No. 09–9) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1824. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Commercial Fishery for Tilefishes'' (RIN 0648–XO64) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1825. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XN95) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1826. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish Pacific Ocean Perch, and Pelagic Shelf Rockfish in the Western Regulatory Area and West Yakutat District of the Gulf of Alaska'' (RIN0648–XN93) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1827. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XO93) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1828. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of Northeastern United States; Summer Flounder Fishery; Quota Transfers (NC to VA and VA to NJ)'' (RIN0648–XO65) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1829. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels'' (RIN0648–XP03) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1830. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Gulf of Mexico; Closure of the 2009 Gulf of Mexico Recreational Fishery for Red Snapper'' (RIN0648–XO98) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1831. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009 Commercial Fishery for Black Sea Bass in the South Atlantic'' (RIN0648–XP20) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1832. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2009 Management Measures'' (RIN0648–AX81) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1833. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Guideline Harvest Levels for Charter Halibut Fisheries in International Pacific Halibut Commission Regulatory Area 2C'' (RIN0648–AX17) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1834. A communication from the Acting Assistant Administrator for Fisheries, transmitting, pursuant to law, ''Magnuson-Stevens Act Provisions; Fisheries Off West

Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures'' (RIN0648–AX24) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1835. A communication from the Acting Assistant Administrator for Fisheries, transmitting, pursuant to law, ''Fisheries of the Northeastern United States: Atlantic Bluefish Fishery; 2009 Atlantic Bluefish Specifications'' (RIN0648–AX49) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1836. A communication from the Acting Assistant Administrator for Fisheries, transmitting, pursuant to law, ''Fisheries of the Northeastern United States; 2009 Specifications for the Spiny Dogfish Fishery'' (RIN0648–AX57) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1837. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Use of Force Training Flights, San Pablo Bay, CA'' ((RIN1625–AA00)(Docket No. USCG–2009–0300)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1838. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Copper Canyon Clean Up'' ((RIN1625–AA00)(Docket No. USCG–2009–0242)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1839. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sea World May Fireworks; Mission Bay, San Diego, California'' ((RIN1625–AA00)(Docket No. USCG–2009–0266)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1840. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Paradise Point Fourth of July Fireworks; Mission Bay, San Diego, CA'' ((RIN1625–AA00)(Docket No. USCG–2009–0125)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1841. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; June and July Northwest Harbor Safety Zone; Northwest Harbor, San Clemente Island, CA'' ((RIN1625–AA00)(Docket No. USCG–2009–0330)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1842. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; ESL Air and Water Show, Lake Ontario, Ontario Beach Park, Rochester, NY'' ((RIN1625–AA00)(Docket No. USCG–2009–0343)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1843. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Red Bull Air Race, Detroit River, Detroit, MI'' ((RIN1625–AA00)(Docket No. USCG–2009–0089)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1844. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; F/V PATRIOT, Massachusetts Bay, MA'' ((RIN1625–AA00)(Docket No. USCG–2009–0424)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1845. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Allegheny River Mile Marker 0.4 to Mile Marker 0.6, Pittsburgh, PA'' ((RIN1625–AA00)(Docket No. USCG–2009–0016)) received in the Office of the President of the Senate on June 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1846. A communication from the Acting Assistant Administrator for Fisheries, transmitting, pursuant to law, ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico Gulf of Reef Fish Longline Restriction'' (RIN0648–AX68) received in the Office of the President of the Senate on May 29, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 407. A bill to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes (Rept. No. 111–24).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary:

David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit;

Andre M. Davis, of Maryland, to be United States Circuit Judge for the Fourth Circuit; and

Thomas E. Perez, of Maryland, to be an Assistant Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN (for himself, Mr. NELSON of Nebraska, Mr. MCCONNELL, Mr. SHELBY, Mr. VITTER, Mr. ROBERTS, Mr. GRAHAM, Mr. BROWNBACK, Mr. GRASSLEY, Mr. INHOFE, Mr. VOINOVICH, Mr. WICKER, Mr. BUNNING, Mr. COCHRAN, Mr. CORNYN, Mr. THUNE, and Mr. CHAMBLISS):

S. 1179. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 1180. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN:

S. 1181. A bill to provide for a demonstration project to examine whether community-level public health interventions can result in lower rates of chronic disease for individuals entering the Medicare program; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 1182. A bill to amend the Chinese Student Protection Act of 1992 to eliminate the offset in per country numerical level required under that Act; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 1183. A bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Mr. ENSIGN, Mr. THUNE, Mr. DEMINT, Mr. BUNNING, Mr. ENZI, Mr. ROBERTS, and Mr. BARRASSO):

S. 1184. A bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1185. A bill to amend titles XVIII and XIX of the Social Security Act to ensure that low-income beneficiaries have improved access to health care under the Medicare and Medicaid programs; to the Committee on Finance .

By Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. HARKIN):

S. 1186. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Finance.

By Mrs. MURRAY:

S. 1187. A bill to amend the Homeland Security Act of 2002 to authorize grants for use in response to homeland security events of national and international significance; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED (for himself, Ms. MURKOWSKI, and Mr. WHITEHOUSE):

S. 1188. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself and Mr. BROWN):

S. 1189. A bill to require the Secretary of Energy to conduct a study of the impact of energy and climate policy on the competitiveness of energy-intensive manufacturing and measures to mitigate those effects; to

the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 1190. A bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH:

S. 1191. A bill to require the Secretary of Energy to prepare a report on climate change and energy policy in the People's Republic of China and in the Republic of India; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. MURRAY, Mr. MENENDEZ, Mr. MCCAIN, Mrs. GILLIBRAND, and Mr. ENSIGN):

S. 1192. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on mobile wireless communications services, providers, or property; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. KLOBUCHAR):

S. 1193. A bill to amend title 49, United States Code, to enhance aviation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. ROCKEFELLER, and Mrs. HUTCHISON):

S. 1194. A bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1195. A bill to require the Secretary of Agriculture to carry out the Philadelphia universal feeding pilot program until the last day of the 2012–2013 school year of the School District of Philadelphia; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 168. A resolution commending the University of Washington women's softball team for winning the 2009 NCAA Women's College World Series; considered and agreed to.

By Mr. MENENDEZ (for himself, Ms. SNOWE, Mrs. SHAHEEN, and Ms. MIKULSKI):

S. Res. 169. A resolution expressing the sense of the Senate that the Government of the former Yugoslav Republic of Macedonia should work within the framework of the United Nations process with Greece to achieve longstanding United States and United Nations policy goals of finding a mutually acceptable composite name, with a geographical qualifier and for all international uses for the former Yugoslav Republic of Macedonia; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. BURR, the name of the Senator from Tennessee (Mr. ALEXANDER) 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. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 255

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 255, a bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 554

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 554, a bill to improve the safety of motorcoaches, and for other purposes.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 581

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Virginia (Mr. WARNER) 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. 653

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 718

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 758

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 758, a bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 823

At the request of Ms. SNOWE, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 883

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) 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. 908

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

At the request of Mr. BAYH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 908, supra.

S. 947

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 947, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 962

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Montana (Mr. TESTER) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors 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. 1050

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors 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. 1099

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1099, a bill to provide comprehensive solutions for the health care system of the United States, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. BURRIS) 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. 1157

At the request of Mr. CONRAD, the names of the Senator from Utah (Mr. HATCH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1158

At the request of Ms. STABENOW, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors 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. 1160

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S.J. RES. 14

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S.J. Res. 14, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 167

At the request of Mr. INHOFE, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Florida (Mr. MARTINEZ), the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. Res. 167, a bill commending the people who have sacrificed their personal freedoms to bring about democratic change in the People's Republic of China and expressing sympathy for the families of the people who were killed, wounded, or imprisoned, on the occasion of the 20th anniversary of the Tiananmen Square Massacre in Beijing, China from June 3 through 4, 1989.

AMENDMENT NO. 1242

At the request of Mr. BAYH, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1242 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1245

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1245 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1180. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to join my colleague in the House of Representatives, Congressman DANNY K. DAVIS, to reintroduce the Senior Executive Service Diversity Assurance Act of 2009. This legislation promotes greater diversity among the Federal Government's elite corps of senior executives and establishes a central office of management for these top-level Federal executives. Last year, we introduced this bill. Unfortunately, the Senate was not able to pass the bill before the adjournment of the 110th Congress.

The Senior Executive Service, SES, is the most senior level of career civil servants in the Federal Government. Senior executives are essential to an efficient and effective Federal Government in management and operations. Over the next ten years, ninety percent of the career SES will be eligible to retire. As agencies begin to consider employees for SES positions, it is important that they develop pipelines into highly qualified candidate pools that represent diverse backgrounds, and ensure that applicants of all races, ethnicities, genders, and abilities be equally considered. According to reports by the Government Accountability Office, a diverse SES can bring a greater variety of perspectives and approaches to policy development, strategic planning, problem solving, and decision making.

A 2007 Federal Equal Opportunity Recruitment Program report by the Office of Personnel Management, OPM, showed that the percentage of minorities and women at senior pay levels in the Federal Government, including SES, is lower than in the total civilian labor force and the Federal workforce as a whole. According to a 2007 GAO report, only 15.8 percent of the SES was minorities compared to 32.8 percent of the entire workforce. The Senior Executive Service Diversity Assurance Act directly addresses this gap.

This legislation would require Federal agencies to submit a plan to OPM on how the agency is removing barriers to minorities, women, and individuals with disabilities to obtain appointments in the SES.

The bill encourages agencies, to the extent practicable, to include minorities, women, and individuals with disabilities on their Executive Resource Boards as well as other qualification review boards that evaluate SES candidates.

Furthermore, the legislation re-establishes the Senior Executive Service Resource Office, SESRO, at OPM, which was dissolved during an internal reorganization of OPM in 2003. This bill would restore SESRO's responsibilities of overseeing and managing the corps of senior executives. SESRO would serve as a central resource for agencies and provide oversight of agency recruitment and candidate development. Additionally, it would be responsible for ensuring diversity within the SES through strategic partnerships, mentorship programs, and more stringent reporting requirements. For too long, ethnic minorities, women, and persons with disabilities have been under-represented and this bill attempts to reform shortcomings in the system.

In America's workforce, we need leadership that reflects its varied cultures and backgrounds. A more diverse SES will better ensure that the executive management of the Federal Government is responsive to the needs, policies, and goals of the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1180

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senior Executive Service Diversity Assurance Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1) according to the most recent findings from the Government Accountability Office—

(A) minorities made up 22.5 percent of the individuals serving at the GS–15 and GS–14 levels and 15.8 percent of the Senior Executive Service in 2007;

(B) women made up 34.3 percent of the individuals serving at the GS–15 and GS–14 levels and 29.1 percent of the Senior Executive Service in 2007; and

(C) although the number of career Senior Executive Service members increased from 6,110 in 2,000 to 6,555 in 2007, the representation of African American men in the career Senior Executive Service declined during that same period from 5.5 percent to 5.0 percent; and

(2) according to the Office of Personnel Management—

(A) black employees represented 6.1 percent of employees at the Senior Pay levels and 17.9 percent of the permanent Federal workforce compared to 10 percent in the civilian labor force in 2008;

(B) Hispanic employees represented 4.0 percent of employees at the Senior Pay levels and 7.9 percent of the permanent Federal workforce compared to 13.2 percent of the civilian labor force in 2008; and

(C) women represented 29.1 percent of employees at the Senior Pay levels and 44.2 percent of the permanent Federal workforce compared to 45.6 percent of the civilian labor force in 2008.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''Director'' means the Director of the Office of Personnel Management;

(2) the term ''Senior Executive Service'' has the meaning given under section 2101a of title 5, United States Code;

(3) the terms ''agency'', ''career appointee'', and ''career reserved position'' have the meanings given under section 3132 of title 5, United States Code; and

(4) the term ''SES Resource Office'' means the Senior Executive Service Resource Office established under section 4.

SEC. 4. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish within the Office of Personnel Management an office to be known as the Senior Executive Service Resource Office.

(b) MISSION.—The mission of the SES Resource Office shall be to—

(1) improve the efficiency, effectiveness, and productivity of the Senior Executive Service through policy formulation and oversight;

(2) advance the professionalism of the Senior Executive Service; and

(3) ensure that, in seeking to achieve a Senior Executive Service reflective of the Nation's diversity, recruitment is from qualified individuals from appropriate sources.

(c) FUNCTIONS.—

(1) IN GENERAL.—The functions of the SES Resource Office are to—

(A) make recommendations to the Director with respect to regulations; and

(B) provide guidance to agencies, concerning the structure, management, and diverse composition of the Senior Executive Service.

(2) SPECIFIC FUNCTIONS.—In order to carry out the purposes of this section, the SES Resource Office shall—

(A) take such actions as the SES Resource Office considers necessary to manage and promote an efficient, elite, and diverse corps of senior executives by—

(i) creating policies for the management and improvement of the Senior Executive Service;

(ii) providing oversight of the performance, structure, and composition of the Senior Executive Service; and

(iii) providing guidance and oversight to agencies in the management of senior executives and candidates for the Senior Executive Service;

(B) be responsible for the policy development, management, and oversight of the Senior Executive Service pay and performance management system;

(C) develop standards for certification of each agency's Senior Executive Service performance management system and evaluate all agency applications for certification;

(D) be responsible for coordinating, promoting, and monitoring programs for the advancement and training of senior executives, including the Senior Executive Service Federal Candidate Development Program;

(E) provide oversight of, and guidance to, agency executive resources boards;

(F) be responsible for the administration of the qualifications review board;

(G) establish and maintain annual statistics (in a form that renders such statistics useful to appointing authorities and candidates) on—

(i) the total number of career reserved positions at each agency;

(ii) the total number of vacant career reserved positions at each agency;

(iii) of the positions under clause (ii), the number for which candidates are being sought;

(iv) the amount of time a career reserved position is vacant;

(v) the amount of time it takes to hire a candidate into a career reserved position;

(vi) the number of individuals who have been certified in accordance with section 3393(c) of title 5, United States Code, and the composition of that group of individuals with regard to race, ethnicity, sex, age, and individuals with disabilities;

(vii) the composition of the Senior Executive Service with regard to race, ethnicity, sex, age, and individuals with disabilities;

(viii) the composition of executive resources boards with regard to race, ethnicity, sex, and individuals with disabilities; and

(ix) the composition of qualifications review boards with regard to race, ethnicity, sex, and individuals with disabilities;

(H) make available to the public through the official public internet site of the Office of Personnel Management, the data collected under subparagraph (G);

(I) establish and promote mentoring programs for potential candidates for the Senior Executive Service, including candidates who have been certified as having the executive qualifications necessary for initial appointment as a career appointee under a program established under to section 3396(a) of title 5, United States Code;

(J) conduct a continuing program for the recruitment of women, members of racial and ethnic minority groups, and individuals with disabilities for Senior Executive Service positions, with special efforts directed at recruiting from educational institutions, professional associations, and other sources;

(K) advise agencies on the best practices for an agency in utilizing or consulting with an agency's equal employment or diversity office or official (if the agency has such an office or official) with regard to the agency's Senior Executive Service appointments process; and

(L) evaluate and implement strategies to ensure that agencies conduct appropriate outreach to other agencies to identify candidates for Senior Executive Service positions.

(d) PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION.—For purposes of subsection (c)(2)(H), the SES Resource Office shall combine data for any agency that is not named in section 901(b) of chapter 31, United States Code, to protect individually identifiable information.

(e) COOPERATION OF AGENCIES.—The head of each agency shall provide the Office of Personnel Management with such information as the SES Resource Office may require in order to carry out subsection (c)(2)(G).

(f) STAFFING.—The Director of the Office of Personnel Management shall make such appointments as necessary to staff the SES Resource Office.

SEC. 5. CAREER APPOINTMENTS.

(a) PROMOTING DIVERSITY IN THE CAREER APPOINTMENTS PROCESS.—Section 3393(b) of title 5, United States Code, is amended by inserting after the first sentence the following: ''In establishing an executive resources board, the head of the agency shall, to the extent practicable, ensure diversity of the board and of any subgroup thereof or other evaluation panel related to the merit staffing process for career appointees, by including members of racial and ethnic minority groups, women, and individuals with disabilities.''.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Director shall promulgate regulations to implement subsection (a).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report evaluating agency efforts to improve diversity in executive resources boards based on the information collected by the SES Resource Office under section 4(c)(2)(G) (viii) and (ix).

SEC. 6. ENCOURAGING A MORE DIVERSE SENIOR EXECUTIVE SERVICE.

(a) SENIOR EXECUTIVE SERVICE DIVERSITY PLANS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each agency, in consultation with the Office of Personnel Management and the Chief Human Capital Officers Council, shall submit to the Office of Personnel Management a plan to enhance and maximize opportunities for the advancement and appointment of minorities, women, and individuals with disabilities in the agency to the Senior Executive Service. Agency plans shall be reflected in the strategic human capital plan.

(2) CONTENTS.—Agency plans shall address how the agency is identifying and eliminating barriers that impair the ability of minorities, women, and individuals with disabilities to obtain appointments to the Senior Executive Service and any actions the agency is taking to provide advancement opportunities, including—

(A) conducting outreach to minorities, women, and individuals within the agency and outside the agency;

(B) establishing and maintaining training and education programs to foster leadership development;

(C) identifying career enhancing opportunities for agency employees;

(D) assessing internal availability of candidates for Senior Executive Service positions; and

(E) conducting an inventory of employee skills and addressing current and potential gaps in skills and the distribution of skills.

(3) UPDATE OF AGENCY PLANS.—Agency plans shall be updated at least every 2 years during the 10 years following enactment of this Act. An agency plan shall be reviewed by the Office of Personnel Management and, if determined to provide sufficient assurances, procedures, and commitments to provide adequate opportunities for the advancement and appointment of minorities, women, and individuals with disabilities to the Senior Executive Service, shall be approved by such Office. An agency may, in updating its plan, submit to the Office of Personnel Management an assessment of the impacts of the plan.

(b) SUMMARY AND EVALUATION.—Not later than 180 days after the deadline for the submission of any report or update under subsection (a), the Director shall transmit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing and evaluating the agency plans or updates (as the case may be) so submitted.

(c) COORDINATION.—The Office of Personnel Management shall, in carrying out subsection (a), evaluate existing requirements under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) and section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and determine how agency reporting can be performed so as to be consistent with, but not duplicative of, such sections and any other similar requirements.

By Mr. WYDEN:

S. 1181. A bill to provide for a demonstration project to examine whether community-level public health interventions can result in lower rates of chronic disease for individuals entering the Medicare program; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing the Healthy Living, Healthy Aging Demonstration Project Act of 2009. This act will provide for a demonstration project to examine whether community-level public health interventions can result in lower rates of chronic disease for individuals who are about to enter the Medicare program. Prevention is a key to health at any age, but especially later in life. I am proud to be introducing a cornerstone of health care reform today.

American people and the U.S. Government need this prevention act for two main reasons. Health care costs continue to rise exponentially and chronic diseases are the number one cause of death and disability in the U.S. One hundred thirty-three million Americans, representing 45 percent of the total population, have at least one chronic disease. Chronic diseases kill more than 1.7 million Americans each year, and are responsible for 7 out of every 10 deaths in the U.S. Furthermore, the vast majority of cases of chronic disease could be better prevented or managed.

The World Health Organization has estimated that if the major risk factors for chronic disease were eliminated, at least 80 percent of all heart disease, stroke, and type 2 diabetes would be prevented, and that more than 40 percent of cancer cases would be prevented. In addition, depressive disorders are common, chronic, and costly. The World Health Organization identified major depression as the fourth leading cause of worldwide disease in 1990, causing more disability than even certain types of heart disease. Research shows that mental health screenings after disease diagnosis for diabetic patients can be cost effective and improve health.

The Healthy Living, Healthy Aging Demonstration Project Act of 2009 will address these costly and chronic health problems before people enter the Medicare program. It calls for the Secretary of Health and Human Services to provide 5-year grants to community partnerships that include the state or local public health department and other community stakeholders such as health centers, providers, small businesses, and rural health clinics to fund evidence-based community-level prevention and wellness strategies. The types of community-based prevention strategies we are looking at in this program include walking programs, group exercise classes, anti-smoking programs, programs to highlight healthy dining options at restaurants, and expanding access to farmer's markets, nutritious foods, and other programs and services recommended by the Task Force on Community Preventive Services.

The Secretary, acting through the Administrator of the Centers for Medicare and Medicaid Services, CMS and in partnership with the Director of the Centers for Disease Control and Prevention, CDC would implement the demonstration program to test whether these public health interventions targeting 55–64 year olds result in lower rates of chronic disease and reduce costs for the Medicare program. One assessment level of the act will measure the effects of adopting healthy lifestyle strategies on specific individuals who enroll in prevention programs in their communities.

More specifically, program requirements in this act include an individual

health screening conducted by the state or local public health department or its designee. An individual health screening will include the appropriate test for diabetes, high blood pressure, high cholesterol, obesity, and tobacco use. Insured individuals who screen positive for chronic disease will be referred for treatment and for mental health screening and treatment to their existing providers or in-network providers. Individuals identified with chronic disease risk factors, such as high blood pressure or obesity, would be engaged in the community health interventions funded through the demonstration, such as walking programs, group exercise classes, or anti-smoking programs. Uninsured individuals who screen positive for chronic disease would be referred to the pre-selected clinical referral source for the demonstration site. Uninsured individuals who do not screen positive for chronic disease will receive information on healthy lifestyle choices and may also enroll in community level prevention interventions.

This program will not only conduct community-based prevention strategies, screenings and health assessments, but also help support follow-up care for uninsured individuals identified with chronic diseases, including determining eligibility for public programs.

I would like to thank Dr. Mary Polce-Lynch from Randolph-Macon College, who has been working in my office through the American Psychological Association and the American Association for the Advancement of Science, and Daniella Gratale from Trust for America's Health, for their work on this important prevention bill.

I urge all of my colleagues to support this important legislation to help Americans adopt the healthiest lifestyles possible and to prevent chronic diseases in later life.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1181

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healthy Living and Health Aging Demonstration Project Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Chronic diseases are the leading cause of death and disability in the United States. 7 in every 10 deaths are attributable to chronic disease, with more than 1,700,000 Americans dying each year. Approximately 133,000,000 Americans, representing 45 percent of the Nation's population, have at least 1 chronic disease.

(2) In 2007, the United States spent over $2,200,000,000,000 on health care, with 75 cents out of every dollar spent going towards treatment of individuals with 1 or more chronic disease. In public programs, treatment for chronic diseases constitutes an even higher percentage of total spending, with 83 cents of every dollar spent by Medicaid programs and more than 95 cents of every dollar spent by the Medicare program going towards costs related to chronic disease.

(3) Since 1987, the rate of obesity in the United States has doubled, accounting for a 20 to 30 percent increase in health care spending. Additionally, the percentage of young Americans who are overweight has tripled since 1980. If the prevalence of obesity was at the same level as it was in 1987, health care spending would be nearly 10 percent lower per person, for a total savings of nearly $200,000,000,000.

(4) The vast majority of cases of chronic disease could be better prevented or managed. The World Health Organization has estimated that if the major risk factors for chronic diseases were eliminated, at least 80 percent of all cases of heart disease, stroke, and type 2 diabetes could be prevented, while also averting more than 40 percent of cancer cases.

(5) Depressive disorders are also becoming increasingly common, chronic, and costly. In 1990, the World Health Organization identified major depression as the fourth leading cause of disease worldwide, leading to more cases of disability than ischemic heart disease or cerebrovascular disease. Research has shown that mental health screenings following disease diagnosis for diabetic patients can improve health while remaining cost-effective.

(6) A report by the Trust for America's Health found that an annual investment of $10 per person in proven community-based programs to increase physical activity, improve nutrition, and prevent tobacco use and smoking could, within 5 years, save the United States more than $16,000,000,000 annually, with savings of more than $5,000,000,000 for Medicare and $1,900,000,000 for Medicaid, as well as over $9,000,000,000 in savings for private health insurance payers.

SEC. 3. DEMONSTRATION PROJECT FOR COMMUNITY-LEVEL PUBLIC HEALTH INTERVENTIONS.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Centers for Medicare & Medicaid Services.

(2) CHRONIC DISEASE OR CONDITION.—The term ''chronic disease or condition'' means diabetes, hypertension, pulmonary diseases (including asthma), hyperlipidemia, obesity, and any other disease or condition as determined by the Secretary of Health and Human Services.

(3) COMMUNITY-BASED PREVENTION AND INTERVENTION STRATEGY.—The term ''community-based prevention and intervention strategy'' means programs and services intended to prevent and reduce the incidence of chronic disease, including walking programs, group exercise classes, anti-smoking programs, healthy eating programs, increased access to nutritious and organic foods, programs and services that have been recommended by the Task Force on Community Preventive Services, and any programs or services that have been proposed by an eligible partnership and certified by the Director of the Centers for Disease Control and Prevention as evidence-based.

(4) DIRECTOR.—The term ''Director'' means the Director of the Centers for Disease Control and Prevention.

(5) MEDICARE.—The term ''Medicare'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) PRE-MEDICARE ELIGIBLE INDIVIDUAL.—The term ''pre-Medicare eligible individual'' means an individual who has attained age 55, but not age 65.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(8) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, acting through the Administrator and in consultation with the Director, shall establish a demonstration project under which eligible partnerships, as described in subsection (d)(1), are awarded grants to examine whether community-based prevention and intervention strategies, targeted towards pre-Medicare eligible individuals, result in—

(A) lower rates of chronic diseases and conditions after such individuals become eligible for benefits under Medicare; and

(B) lower costs under Medicare.

(2) FEDERAL AGENCY RESPONSIBILITIES.—

(A) CENTERS FOR MEDICARE & MEDICAID SERVICES.—The Administrator shall have primary responsibility for administering and evaluating the demonstration project established under this section.

(B) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Director shall—

(i) certify that community-based prevention and intervention strategies proposed by eligible partnerships are evidence-based;

(ii) administer and provide grants for health screenings and risk assessments and community-based prevention and intervention strategies conducted by eligible partnerships; and

(iii) provide grants to designated clinical referral sites (as described in subsection (d)(1)(B)(ii)(I)) for reimbursement of administrative costs associated with their participation in the demonstration project.

(c) DURATION AND SELECTION OF PARTNERSHIPS.—

(1) DURATION.—The demonstration project shall be conducted for a 5-year period, beginning not later than 2010.

(2) NUMBER OF PARTNERSHIPS.—The Administrator, in consultation with the Director, shall select not more than 6 eligible partnerships.

(3) SELECTION OF PARTNERSHIPS.—Eligible partnerships shall be selected by the Administrator in a manner that—

(A) ensures such partnerships represent racially, ethnically, economically, and geographically diverse populations, including urban, rural, and underserved areas; and

(B) gives priority to such partnerships that include employers (as described in subsection (d)(1)(C)).

(d) ELIGIBLE PARTNERSHIPS.—

(1) DESCRIPTION.—

(A) IN GENERAL.—Subject to subparagraph (C), for purposes of this section, an eligible partnership is a partnership that submits an approved application to participate in the demonstration project under this section and includes both of the entities described in subparagraph (B).

(B) REQUIRED ENTITIES.—An eligible partnership shall consist of a partnership between the following:

(i) A State or local public health department that shall—

(I) serve as the lead organization for the eligible partnership;

(II) develop appropriate community-based prevention and intervention strategies and present such strategies to the Director for certification; and

(III) administer certified community-based prevention and intervention strategies and conduct such strategies in association with local community organizations.

(ii) A medical facility as deemed appropriate by the Administrator, including health centers (as described under section 330 of the Public Health Service Act (42 U.S.C. 254b)) and rural health clinics (as described in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2))), that shall—

(I) serve as the designated clinical referral site for medical services, as described in subsection (e)(4)(B)(i);

(II) provide assistance to the designated public health department with organization and administration of individual health screenings and risk assessments, as described in subsection (e)(3);

(III) collect payment for medical treatment and services that have been provided to individuals under the demonstration project in a manner that is consistent with State law and applicable clinic policy; and

(IV) provide mental health services or obtain an agreement with a designated mental health provider for referral and provision of such services.

(C) OPTIONAL ENTITIES.—An eligible partnership may include other organizations as practicable and necessary to assist in community outreach activities and to engage health care providers, insurers, employers, and other community stakeholders in meeting the goals of the demonstration project.

(2) APPLICATIONS.—An eligible partnership that desires to participate in the demonstration project shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible partnership shall use funds received under this section to conduct community-based prevention and intervention strategies and health screenings and risk assessments for pre-Medicare eligible individuals from a diverse selection of ethnic backgrounds and income levels.

(2) COMMUNITY-BASED PREVENTION AND INTERVENTION STRATEGY.—An eligible partnership, acting through the State or local health department, shall promote healthy lifestyle choices among pre-Medicare eligible individuals by implementing and conducting a certified community-based prevention and intervention strategy that shall be made available to all such individuals.

(3) INDIVIDUAL HEALTH SCREENINGS AND RISK ASSESSMENTS.—An eligible partnership, acting through the State or local public health department (or an appropriately designated facility), shall agree to provide the following:

(A) SCREENINGS FOR CHRONIC DISEASES AND CONDITIONS.—Individual health screenings for chronic diseases or conditions, which shall include appropriate tests for—

(i) diabetes;

(ii) high blood pressure;

(iii) high cholesterol;

(iv) body mass index;

(v) physical inactivity;

(vi) poor nutrition;

(vii) tobacco use; and

(viii) any other chronic disease or condition as determined by the Director.

(B) MENTAL HEALTH SCREENINGS.—A mental health screening and, if appropriate, referral for additional mental health services, for any individual who has been screened and diagnosed with a chronic disease or condition.

(4) CLINICAL TREATMENT FOR CHRONIC DISEASES.—The eligible partnership shall agree to provide the following:

(A) TREATMENT AND PREVENTION REFERRALS FOR INSURED INDIVIDUALS.—To refer an individual determined to be covered under a health insurance program who has been screened and diagnosed with a chronic disease or chronic disease risk factors (including high blood pressure, high cholesterol, obesity, or tobacco use)—

(i) to a provider under such program for further medical or mental health treatment; and

(ii) for enrollment in an appropriate community-based prevention and intervention strategy program.

(B) TREATMENT AND PREVENTION REFERRALS FOR UNINSURED INDIVIDUALS.—To refer an individual determined to be without coverage under a health insurance program who has been screened and diagnosed with a chronic disease or chronic disease risk factors (including high blood pressure, high cholesterol, obesity, or tobacco use) to the designated clinical referral site—

(i) for determination of eligibility for public health programs, or appropriate treatment (including mental health services) pursuant to the facility's existing authority and funding and in accordance with applicable fees and payment collection as described in subsection (d)(1)(B)(ii)(III); and

(ii) for enrollment in an appropriate community-based prevention and intervention strategy program.

(C) HEALTHY INDIVIDUALS.—To provide an individual who is not diagnosed with a chronic disease and does not exhibit any chronic disease risk factors with appropriate information on healthy lifestyle choices and available community-based prevention and intervention strategy programs.

(5) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as entitling an individual who participates in the demonstration project to benefits under Medicare.

(f) MONITORING.—The Secretary shall develop and administer a program to evaluate the effectiveness of the demonstration project by collecting the following:

(1) HEALTH RISK ASSESSMENT RESULTS.—Each eligible partnership shall maintain records of medical information and results obtained during each individual's health screening and risk assessment to establish baseline data for continued monitoring and assessment of such individuals.

(2) MEDICARE EXAMINATION RESULTS.—The Secretary shall collect medical information obtained during the initial preventive physical examination under Medicare (as defined in section 1861(ww) of the Social Security Act (42 U.S.C. 1395x(ww))) for those individuals who received health screenings and risk assessments through the demonstration project.

(g) EVALUATION.—

(1) INDEPENDENT RESEARCH.—The Secretary, in consultation with the Director and the Administrator, shall enter into a contract with an independent entity or organization that has demonstrated—

(A) prior experience in population-based assessment of public health interventions designed to prevent or treat chronic diseases and conditions; and

(B) knowledge and prior study of the general health and lifestyle behaviors of pre-Medicare eligible individuals.

(2) EVALUATION DESIGNS.—The entity or organization selected by the Secretary under paragraph (1) shall, using the information and data collected pursuant to subsection (f), conduct an assessment of the demonstration project through—

(A) a population-based design that compares those populations targeted under the demonstration project with a matched control group; and

(B) a pre-post design that measures changes in health indicators (including improved diet or increased physical activity) and health outcomes in the targeted populations for those individuals who participated in individual health risk assessments and, prior to completion of the demonstration project, became eligible for benefits under Medicare.

(h) REPORTING.—

(1) PROGRESS REPORT.—Not later than 3 years after implementation of the demonstration project, the Secretary shall prepare and submit a report on the status of the project to Congress, including—

(A) the progress and results of any activities conducted under the demonstration project; and

(B) identification of health indicators (such as improved diet or increased physical activity) that have been determined to be associated with controlling or reducing the level of chronic disease for pre-Medicare eligible individuals.

(2) FINAL REPORT.—Not later than 18 months after completion of the demonstration project, the Secretary shall prepare and submit a final report and evaluation of the project to Congress, including—

(A) the results of the assessment conducted under subsection (g)(2);

(B) a description of community-based prevention and intervention strategies that have been determined to be effective in controlling or reducing the level of chronic disease for pre-Medicare eligible individuals;

(C) calculation of potential savings under Medicare based upon a comparison of chronic disease rates between the populations targeted under the demonstration project and the matched control group; and

(D) recommendations for such legislation and administrative action as the Secretary determines appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the demonstration project established under this section, there is authorized to be appropriated $200,000,000 for the period of fiscal years 2010 through 2016.

By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 1183. A bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1183

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Haiti Reforestation Act of 2009''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the established policy of the Federal Government is to support and seek protection of tropical forests around the world;

(2) tropical forests provide a wide range of benefits by—

(A) harboring a major portion of the biological and terrestrial resources of Earth and providing habitats for an estimated 10,000,000 to 30,000,000 plant and animal species, including species essential to medical research and agricultural productivity;

(B) playing a critical role as carbon sinks that reduce greenhouse gases in the atmosphere, as 1 hectare of tropical forest can absorb up to approximately 3 tons of carbon dioxide per year, thus moderating potential global climate change; and

(C) regulating hydrological cycles upon which agricultural and coastal resources depend;

(3) tropical forests are also a key factor in reducing rates of soil loss, particularly on hilly terrain;

(4) while international efforts to stem the tide of tropical deforestation have accelerated during the past 2 decades, the rapid rate of tropical deforestation continues unabated;

(5) in 1923, over 60 percent of the land of Haiti was forested but, by 2006, that percentage had decreased to less than 2 percent;

(6) during the period beginning in 2000 and ending in 2005, the deforestation rate in Haiti accelerated by more than 20 percent over the deforestation rate in Haiti during the period beginning in 1990 and ending in 1999;

(7) as a result, during the period described in paragraph (6), Haiti lost—

(A) nearly 10 percent (approximately 11,000 hectares) of the forest cover of Haiti; and

(B) approximately 22 percent of the total forest and woodland habitat of Haiti;

(8) poverty and economic pressures are—

(A) two factors that underlie the tropical deforestation of Haiti; and

(B) manifested particularly through the clearing of vast areas of forest for conversion to agricultural uses;

(9) the unemployment rate of Haiti is approximately 80 percent;

(10) the per capita income of Haiti is $450 per year, which is barely one-tenth of the per capita income of Latin America and the Caribbean;

(11) two-thirds of the population of Haiti depend on the agricultural sector, which consists mainly of small-scale subsistence farming;

(12) 60 percent of the population of Haiti relies on charcoal produced from cutting down trees for cooking fuel;

(13) soil erosion represents the most direct effect of the deforestation of Haiti, as the erosion has—

(A) lowered the productivity of the land due to the poor soils underlying the tropical forests;

(B) worsened the severity of droughts;

(C) led to further deforestation;

(D) significantly decreased the quality and, as a result, quantity of freshwater and clean drinking water available to the population of Haiti; and

(E) increased the pressure on the remaining land and trees in Haiti;

(14) tropical forests provide forest cover to soften the effect of heavy rains and reduce erosion by anchoring the soil with their roots;

(15) when trees are cleared, rainfall runs off the soil more quickly and contributes to floods and further erosion;

(16) in 2004, Hurricane Jeanne struck Haiti, killing approximately 3,000, and affecting over 200,000, people, partly because deforestation had resulted in the clearing of large hillsides, which enabled rainwater to run off directly to settlements located at the bottom of the slopes;

(17) research conducted by the United Nations Environmental Programme has revealed a direct (89 percent) correlation between the extent of the deforestation of a country and the incidence of victims per weather event in the country;

(18) finding economic benefits for local communities from sustainable uses of tropical forests is critical for the long-term protection of the tropical forests in Haiti; and

(19) tropical reforestation efforts would provide new sources of jobs, income, and investments in Haiti by—

(A) providing employment opportunities in tree seedling programs, contract tree planting and management, sustainable agricultural initiatives, sustainable and managed timber harvesting, and wood products milling and finishing services; and

(B) enhancing community enterprises that generate income through the trading of sustainable forest resources, many of which exist on small scales in Haiti and in the rest of the region.

(b) PURPOSE.—The purpose of this Act is to provide assistance to the Government of Haiti to develop and implement, or improve, nationally appropriate policies and actions—

(1) to reduce deforestation and forest degradation in Haiti; and

(2) to increase annual rates of afforestation and reforestation in a measurable, reportable, and verifiable manner—

(A) to eliminate within 5 years after the date of enactment of this Act any further net deforestation of Haiti; and

(B) to restore within 30 years after the date of enactment of this Act the forest cover of Haiti to the surface area that the forest cover had occupied in 1990.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AFFORESTATION.—

(A) IN GENERAL.—The term ''afforestation'' means the establishment of a new forest through the seeding of, or planting of tress on, a parcel of nonforested land.

(B) INCLUSION.—The term ''afforestation'' includes the introduction of a tree species to a parcel of nonforested land of which the species is not a native species.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—FORESTATION ASSISTANCE TO GOVERNMENT OF HAITI

SEC. 101. FORESTATION ASSISTANCE.

(a) AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary, in consultation with the Administrator, may offer to enter into agreements with the Government of Haiti to provide financial assistance, technology transfers, or capacity building assistance for the conduct of activities to develop and implement 1 or more forestation proposals under paragraph (2)—

(A) to reduce the deforestation of Haiti; and

(B) to increase the rates of afforestation and reforestation in Haiti.

(2) PROPOSALS.—

(A) IN GENERAL.—To be eligible for assistance under paragraph (1), the Government of Haiti shall submit to the Secretary 1 or more proposals that contain—

(i) a description of each policy and initiative to be carried out using the assistance; and

(ii) adequate documentation to ensure, as determined by the Secretary, that—

(I) each policy and initiative will be—

(aa) carried out and managed in accordance with widely-accepted environmentally sustainable forestry and agricultural practices; and

(bb) designed and implemented in a manner by which to improve the governance of forests by building governmental capacity to be more transparent, inclusive, accountable, and coordinated in decisionmaking processes and the implementation of the policy or initiative; and

(II) the Government of Haiti will establish and enforce legal regimes, standards, and safeguards—

(aa) to prevent violations of human rights and the rights of local communities and indigenous people;

(bb) to prevent harm to vulnerable social groups; and

(cc) to ensure that members of local communities and indigenous people in affected areas, as partners and primary stakeholders, will be engaged in the design, planning, implementation, monitoring, and evaluation of the policies and initiatives.

(B) DETERMINATION OF COMPATIBILITY WITH CERTAIN PROGRAMS.—In evaluating each proposal under subparagraph (A), the Secretary shall ensure that each policy and initiative described in the proposal submitted by the Government of Haiti under that subparagraph is compatible with—

(i) broader development, poverty alleviation, and natural resource conservation objectives and initiatives in Haiti; and

(ii) the development, poverty alleviation, disaster risk management, and climate resilience programs of the Department of Agriculture.

(b) ELIGIBLE ACTIVITIES.—Any assistance received by the Government of Haiti under subsection (a)(1) shall be used to implement a proposal developed under subsection (a)(2), which may include—

(1) the provision of technologies and associated support for activities to reduce deforestation or increase afforestation and reforestation rates, including—

(A) fire reduction initiatives;

(B) forest law enforcement initiatives;

(C) the development of timber tracking systems;

(D) the development of cooking fuel substitutes;

(E) initiatives to increase agricultural productivity;

(F) tree-planting initiatives; and

(G) programs that are designed to focus on market-based solutions, including programs that leverage the international carbon-offset market;

(2) the enhancement and expansion of governmental and nongovernmental institutional capacity to effectively design and implement a proposal developed under subsection (a)(2) through initiatives, including—

(A) the establishment of transparent, accountable, and inclusive decisionmaking processes relating to all stakeholders (including affected local communities);

(B) the promotion of enhanced coordination among ministries and agencies responsible for agroecological zoning, mapping, land planning and permitting, sustainable agriculture, forestry, and law enforcement; and

(C) the clarification of land tenure and resource rights of affected communities, including local communities and indigenous peoples; and

(3) the development and support of institutional capacity to measure, verify, and report the activities carried out by the Government of Haiti to reduce deforestation and increase afforestation and reforestation rates through the use of appropriate methods, including—

(A) the use of best practices and technologies to monitor any change in the forest cover of Haiti;

(B) the monitoring of the impacts of policies and initiatives on—

(i) affected communities;

(ii) the biodiversity of the environment of Haiti; and

(iii) the health of the tropical forests of Haiti; and

(C) independent and participatory forest monitoring.

(c) DEVELOPMENT OF PERFORMANCE METRICS.—

(1) IN GENERAL.—If the Secretary provides assistance under subsection (a)(1), in accordance with paragraph (2), the Secretary, in cooperation with the Government of Haiti and, if necessary, in consultation with the Administrator, shall develop appropriate performance metrics to measure, verify, and report—

(A) the conduct of each policy and initiative to be carried out by the Government of Haiti;

(B) the results of each policy and initiative with respect to the tropical forests of Haiti; and

(C) each impact of each policy and initiative on the local communities and indigenous people of Haiti.

(2) REQUIREMENTS.—Performance metrics developed under paragraph (1) shall, to the maximum extent practicable, include short-term and long-term metrics to evaluate the implementation of each policy and initiative contained in each proposal developed under subsection (a)(2).

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the actions that the Secretary has taken, and plans to take—

(A) to engage with the Government of Haiti, nongovernmental stakeholders, and public and private nonprofit organizations to implement this section; and

(B) to enter into agreements with the Government of Haiti under subsection (a)(1).

(2) BIENNUAL REPORTS.—Not later than 2 years after the date on which the Secretary first provides assistance to the Government of Haiti under subsection (a)(1) and biennially thereafter, the Secretary shall submit to Congress a report that describes the progress of the Government of Haiti in implementing each policy and initiative contained in the proposal submitted under subsection (a)(2).

(e) ADDITIONAL ASSISTANCE.—The Secretary may provide financial and other assistance to nongovernmental stakeholders to ensure—

(1) the access by local communities and indigenous people to information relating to each policy and initiative to be carried out by the Government of Haiti through funds made available under subsection (a)(1); and

(2) that the groups described in paragraph (1) have an appropriate opportunity to participate effectively in the design, implementation, and independent monitoring of each policy and initiative.

(f) NONGOVERNMENTAL ORGANIZATION.—At the election of the Government of Haiti, or on the determination of the Secretary, in cooperation with the Government of Haiti, the Government of Haiti may enter into an agreement with a private, nongovernmental conservation organization authorizing the organization to act on behalf of the Government of Haiti for the purposes of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE II—GRANTS FOR REFORESTATION

SEC. 201. REFORESTATION GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall establish a grant program to carry out the purposes of this Act, including reversing deforestation and improving reforestation and afforestation in Haiti.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants and contracts to public and private nonprofit organizations to carry out projects that, in the aggregate, reverse deforestation and improve reforestation and afforestation.

(2) MAXIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not award a grant under this section in an amount greater than $500,000 per year.

(B) EXCEPTION.—The Secretary may award a grant under this section in an amount greater than $500,000 per year if the Secretary determines that the recipient of the grant has demonstrated success with respect to a project that was the subject of a grant under this section.

(3) DURATION.—The Secretary shall award grants under this section for a period not to exceed 3 years.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded pursuant to subsection (b) may be used for activities such as—

(A) providing a financial incentive to protect trees;

(B) providing hands-on management and oversight of replanting efforts;

(C) focusing on sustainable income-generating growth;

(D) providing seed money to start cooperative reforestation and afforestation efforts and providing subsequent conditional funding for such efforts contingent upon required tree care and maintenance activities;

(E) promoting widespread use of improved cooking stove technologies and the development of liquid biofuels, to the extent that neither results in the harvesting of tropical forest growth; and

(F) securing the involvement and commitment of local communities and indigenous peoples—

(i) to protect tropical forests in existence as of the date of enactment of this Act; and

(ii) to carry out afforestation and reforestation activities.

(2) CONSISTENCY WITH PROPOSALS.—To the maximum extent practicable, a project carried out using grant funds shall support and be consistent with the proposal developed under section 101(a)(2) that is the subject of the project.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall prepare and submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENT.—Each application submitted under paragraph (1) shall include—

(A) a description of the objectives to be attained;

(B) a description of the manner in which the grant funds will be used;

(C) a plan for evaluating the success of the project based on verifiable evidence; and

(D) to the extent that the applicant intends to use nonnative species in afforestation efforts, an explanation of the benefit of the use of nonnative species over native species.

(3) PREFERENCE FOR CERTAIN PROJECTS.—In awarding grants under this section, the Secretary shall give preference to applicants that propose—

(A) to develop market-based solutions to the difficulty of reforestation in Haiti, including the use of conditional cash transfers and similar financial incentives to protect reforestation efforts;

(B) to partner with local communities and cooperatives; and

(C) to focus on efforts that build local capacity to sustain growth after the completion of the underlying grant project.

(e) DISSEMINATION OF INFORMATION.—The Secretary shall collect and widely disseminate information about the effectiveness of the demonstration projects assisted under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 202. FOREST PROTECTION GRANTS.

Chapter 7 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2281 et seq.) is amended by inserting after section 466 the following new section:

"SEC. 467. PILOT PROGRAM FOR HAITI.

''(a) SUBMISSION OF LIST OF AREAS OF SEVERELY DEGRADED NATURAL RESOURCES.—The Administrator of the Agency for International Development, in cooperation with nongovernmental conservation organizations, shall invite the Government of Haiti to submit a list of areas within the territory of Haiti in which tropical forests are seriously degraded or threatened.

''(b) REVIEW OF LIST.—The Administrator shall assess the list submitted by the Government of Haiti under subsection (a) and shall seek to reach agreement with the Government of Haiti for the restoration and future sustainable use of those areas.

''(c) GRANT PROGRAM.—

''(1) GRANTS AUTHORIZED.—The Administrator of the Agency for International Development is authorized to make grants, in consultation with the International Forestry Division of the Department of Agriculture and on such terms and conditions as may be necessary, to nongovernmental organizations for the purchase on the open market of discounted commercial debt of the Government of Haiti in exchange for commitments by the Government of Haiti to restore tropical forests identified by the Government under subsection (a) or for commitments to develop plans for sustainable use of such tropical forests.

''(2) MANAGEMENT OF PROTECTED AREAS.—Each recipient of a grant under this subsection shall participate in the ongoing management of the area or areas protected pursuant to such grant.

''(3) RETENTION OF PROCEEDS.—Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

By Mr. BINGAMAN:

S. 1185. A bill to amend titles XVIII and XIX of the Social Security Act to ensure that Low-income beneficiaries have improved access to health care under the Medicare and Medicaid programs; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Medicare Financial Stability for Beneficiaries Act of 2009.

This legislation would ensure that low-income Medicare beneficiaries can access the benefits to which they are entitled through one of the Medicare Savings Programs, MSP, and/or the Part D Low-Income Subsidy, LIS.

More than 13 million Medicare beneficiaries have incomes below 150 percent of the Federal Poverty Level,

FPL, and are eligible for assistance with their Medicare costs. Another 6 million have incomes under 200 percent FPL. These nearly 20 million beneficiaries are poorer than other Medicare beneficiaries. They also tend to be sicker, more isolated and have limited educations. These populations are more in need of medical and other health-related services, and they benefit in both access and health outcomes from financial assistance with their out-of-pocket costs.

Although seniors and younger people with disabilities would benefit tremendously from greater access to needed health care services and financial savings, the Congressional Budget Office has estimated that about 67 percent to 87 percent of individuals eligible for various MSP services do not receive benefits. Additionally, the Centers for Medicare & Medicaid Services state that more than 13 million individuals are eligible for Part D LIS but only about 9 million are enrolled. Most of those 9 million get the subsidy automatically without having to apply, due to their eligibility for other programs.

The lives of low-income beneficiaries would improve significantly with improved access to the financial assistance provided by these important programs. Barriers to enrollment in MSP and LIS include: lack of effective outreach, lack of knowledge of the programs, language issues, social and physical isolation, restrictive assets limits, income and asset documentation complexities, and other daunting application requirements. Another major barrier is the lack of alignment of eligibility rules and application processes between MSP and LIS, although both programs serve the same general population.

The Medicare Financial Stability for Beneficiaries Act of 2009 decreases these barriers through:

1. Stabilizing programs by eliminating the recurring short-term re authorizations of one of the MSPs—the Qualified Individual, QI, program and the roller-coaster eligibility/loss of eligibility some beneficiaries face due to the effects of the subsidies on eligibility for other benefits.

2. Increasing access to financial assistance for low-income beneficiaries. Research supports the conclusion that financial assistance results in greater access and better health outcomes for low-income beneficiaries. Currently full assistance is available only for those beneficiaries with incomes up to 135 percent of the Federal Poverty Level, 135 percent FPL is $1218/month for an individual, and very limited assets, about $8,000 for an individual); much more limited assistance is available for those with incomes up to 150 percent of FPL. People with low incomes but some savings may be disqualified altogether. Our bill increases income eligibility to 150 percent of FPL for full benefits and 200 percent FPL for partial benefits and uses a single asset standard for all programs of $27,500 for an individual. Increasing the asset test for both MSP and LIS and increasing income eligibility levels will improve health outcomes for millions more seniors and younger people with disabilities.

3. Aligning the rules for MSP and LIS programs and authorizing cross-deeming so that qualifying for one program would automatically qualify an individual for the other programs. Currently, income and asset eligibility rules for MSP and LIS are similar, but not identical. Individuals eligible for MSP benefits are deemed eligible for LIS, without having to apply or take any other action. The reverse, however, is not true. Greater alignment of the rules of both programs makes cross-deeming sensible, and ensures that individuals will receive both benefits regardless of where they first seek assistance. The legislation will also assist LIS beneficiaries in receiving Supplemental Nutritional Assistance Program, SNAP, food stamp, and vice versa.

4. Simplifying outreach and enrollment for low-income Medicare programs by authorizing the Social Security Administration to have access to Internal Revenue Service records to identify potentially eligible beneficiaries; by making more materials, including applications, available in additional languages; and by other simplifications of the application process. These provisions will benefit the millions of Americans who desperately need assistance, and will cut down on unnecessary and duplicative work for the Social Security Administration and for State Medicaid agencies.

There is strong support for this important legislation from many organizations including the American Association of Retired Persons, National Senior Citizens Law Center, Medicare Rights Center, Center for Medicare Advocacy, Inc, Families USA, National Council on Aging, National Patient Advocate Foundation, American Federation of Labor and Congress of Industrial Organizations, AFL–CIO, and the National Committee to Preserve Social Security and Medicare.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1185

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Financial Stability for Beneficiaries Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. ELIGIBILITY FOR OTHER PROGRAMS.

(a) LIS.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)), as amended by section 116 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (F)'' and inserting ''subparagraphs (F) and (H)''; and

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

''(H) DISREGARD OF PREMIUM AND COST-SHARING SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium or cost-sharing subsidy with respect to a subsidy-eligible individual under this section shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other public benefit provided under Federal law or the law of any State or political subdivision thereof.''.

(b) MSP.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

''(6) Notwithstanding any other provision of law, any medical assistance for some or all medicare cost-sharing under this title shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other public benefit provided under Federal law or the law of any State or political subdivision thereof''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligibility for benefits on or after January 1, 2010.

SEC. 3. COST-SHARING PROTECTIONS FOR LOW-INCOME SUBSIDY-ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(1) in paragraph (1)(D), by adding at the end the following new clause:

''(iv) OVERALL LIMITATION ON COST-SHARING.—In the case of all such individuals, a limitation on aggregate cost-sharing under this part for a year not to exceed 2.5 percent of income.''; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(F) OVERALL LIMITATION ON COST-SHARING.—A limitation on aggregate cost-sharing under this part for a year not to exceed 2.5 percent of income.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as of January 1, 2010.

SEC. 4. MODIFICATION OF RESOURCE STANDARDS FOR DETERMINATION OF ELIGIBILITY FOR LIS; NO CONSIDERATION OF PENSION OR RETIREMENT PLAN IN DETERMINATION OF RESOURCES.

(a) ELIMINATING THE BIFURCATION OF RESOURCE STANDARDS.—

(1) IN GENERAL.—Section 1860D–14(a)(3)(A)(iii) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(A)(iii)) is amended by striking ''meets the'' and all that follows through the period at the end and inserting ''meets—

''(I) in the case of determinations made before January 1, 2011, the resource requirement described in subparagraph (D) or (E); and

''(II) in the case of determinations made on or after January 1, 2011, the resource requirement described in subparagraph (E).''.

(2) CONFORMING AMENDMENT.—Section 1860D–14(a)(3)(D)(ii) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(D)(ii)) is amended by inserting ''(before 2011)'' after ''a subsequent year''.

(b) INCREASING THE APPLICABLE RESOURCE STANDARD.—Section 1860D–14(a)(3)(E) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(E)(i)) is amended—

(1) in the heading, by striking ''ALTERNATIVE'' and inserting ''APPLICABLE'';

(2) in clause (i)—

(A) in subclause (I), by striking ''and'' at the end;

(B) in subclause (II)—

(i) by inserting ''(before 2011)'' after ''a subsequent year'';

(ii) by striking the period at the end and inserting a semicolon; and

(iii) by inserting before the flush sentence at the end the following new subclauses:

''(III) for 2011, $27,500 (or $55,000 in the case of the combined value of the individual's assets or resources and the assets or resources of the individual's spouse); and

''(IV) for a subsequent year the dollar amounts specified in this subclause (or subclause (III)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.''; and

(C) in the flush sentence at the end, by inserting ''or (IV)'' after ''subclause (II)''.

(c) EXCLUSION OF PENSION AND RETIREMENT BENEFITS FROM RESOURCES.—

(1) IN GENERAL.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)), as amended by section 2, is amended—

(A) in subparagraph (E)(i), in the matter preceding subclause (I), by inserting ''and the pension or retirement plan exclusion provided under subparagraph (I)'' after ''(G)''; and

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

''(I) PENSION AND RETIREMENT BENEFITS EXCLUSION.—In determining the resources of an individual (and the eligible spouse of the individual, if any) under section 1613 for purposes of subparagraph (E) no balance in, or benefits received under, an employee pension benefit plan (as defined in section 3 of the Employee Retirement Income Security Act of 1974) shall be taken into account.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(d) APPLICATION OF APPLICABLE RESOURCE STANDARD UNDER MEDICARE SAVINGS PROGRAM AND EXEMPTIONS FROM INCOME AND RESOURCES.—

(1) APPLICATION OF APPLICABLE RESOURCE STANDARD AND EXEMPTIONS FROM RESOURCES.—Section 1905(p)(1)(C) of the Social Security Act (42 U.S.C. 1396d(p)(1)(C)) is amended—

(A) by inserting ''without taking into account any part of the value of any life insurance policy or any balance in, or benefits received under, an employee pension benefit plan (as defined in section 3 of the Employee Retirement Income Security Act of 1974)'' after ''(as so determined''; and

(B) by striking ''subparagraph (D)'' and all that follows through ''section)'' and inserting ''section 1860D–14(a)(3)(E)''.

(2) EXEMPTION OF IN-KIND SUPPORT AND MAINTENANCE.—

(A) IN GENERAL.—Section 1905(p)(1)(B) of the Social Security Act (42 U.S.C. 1396d(p)(1)(B)) is amended by inserting ''and except that support and maintenance furnished in kind shall not be counted as income'' after ''(2)(D)''.

(B) CONFORMING AMENDMENT.—Section 1860D–14(a)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(C)(i)) is amended by striking ''and except that support and maintenance furnished in kind shall not be counted as income''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(e) CLARIFICATION RELATING TO INCLUDING RETIREMENT BENEFITS AS INCOME.—Nothing in subparagraph (I) of section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)), as added by subsection (c)(1), or section 1905(p)(1)(C) of such Act (42 U.S.C. 1396d(p)(1)(C)), as amended by subsection (d)(1), shall be construed as affecting the inclusion of retirement benefits as income under section 1612(a)(2)(B) of such Act (42 U.S.C. 1382a(a)(2)(B)).

SEC. 5. INCREASE IN INCOME LEVELS FOR ELIGIBILITY.

(a) LIS.—

(1) IN GENERAL.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in the subsection heading, by striking ''150'' and inserting ''200'';

(B) in paragraph (1)—

(i) in the heading, by striking ''135'' and inserting ''150''; and

(ii) in the matter preceding subparagraph (A), by striking ''135'' and inserting ''150'';

(C) in paragraph (2)—

(i) in the heading, by striking ''150'' and inserting ''200''; and

(ii) in subparagraph (A)—

(I) by striking ''135'' and inserting ''150''; and

(II) by striking ''150'' and inserting ''200''; and

(D) in paragraph (3)(A)(ii), by striking ''150'' and inserting ''200''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to determinations made on or after January 1, 2011.

(b) MSP.—

(1) INCREASE TO 150 PERCENT OF FPL FOR QUALIFIED MEDICARE BENEFICIARIES.—

(A) IN GENERAL.—Section 1905(p)(2) of the Social Security Act (42 U.S.C. 1396d(p)(2)) is amended—

(i) in subparagraph (A), by striking ''100 percent'' and inserting ''150 percent'';

(ii) in subparagraph (B)—

(I) by striking ''and'' at the end of clause (ii);

(II) by striking the period at the end of clause (iii) and inserting '', and''; and

(III) by adding at the end the following:

''(iv) January 1, 2011, is 150 percent.''; and

(iii) in subparagraph (C)—

(I) by striking ''and'' at the end of clause (iii);

(II) by striking the period at the end of clause (iv) and inserting '', and''; and

(III) by adding at the end the following:

''(v) January 1, 2011, is 150 percent.''.

(B) APPLICATION OF INCOME TEST BASED ON FAMILY SIZE.—Section 1905(p)(2)(A) of such Act (42 U.S.C. 1396d(p)(2)(A)) is amended by adding at the end the following: ''For purposes of this subparagraph, family size means the applicant, the spouse (if any) of the applicant if living in the same household as the applicant, and the number of individuals who are related to the applicant (or applicants), who are living in the same household as the applicant (or applicants), and who are dependent on the applicant (or the applicant's spouse) for at least one-half of their financial support.''.

(2) EXPANSION OF SPECIFIED LOW-INCOME MEDICARE BENEFICIARY (SLMB) PROGRAM.—

(A) ELIGIBILITY OF INDIVIDUALS WITH INCOMES BELOW 200 PERCENT OF FPL.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396b(a)(10)(E)) is amended—

(i) by adding ''and'' at the end of clause (ii);

(ii) in clause (iii)—

(I) by striking ''and 120 percent in 1995 and years thereafter'' and inserting '', or 120 percent in 1995 and any succeeding year before 2011, or 200 percent beginning in 2011''; and

(II) by striking ''and'' at the end; and

(iii) by striking clause (iv).

(B) REVISION TO DESCRIPTION.—Section 1902(a)(10)(E)(iii) of the Social Security Act (42 U.S.C. 1396b(a)(10)(E)(iii)) is amended by striking ''who would be qualified medicare'' and all that follows through ''but is less than'' and inserting ''whose income (as determined in accordance with subparagraphs (B) and (C) of section 1905(p)(1)) is less than''.

(C) REFERENCES.—Section 1905(p)(1) of such Act (42 U.S.C. 1396d(p)(1)) is amended by adding at and below subparagraph (C) the following: ''The term 'specified low-income medicare beneficiary' means an individual described in section 1902(a)(10)(E)(iii).''.

(3) PROVIDING 100 PERCENT FEDERAL FINANCING.—The third sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting before the period at the end the following: '', with respect to medical assistance for medicare cost-sharing provided under clause (i) of section 1902(a)(10)(E) for individuals with incomes greater than 100 percent of the official poverty line described in subsection (p)(2)(A) and less than or equal to 150 percent of such official poverty line, and with respect to medical assistance for medicare cost-sharing provided under clause (iii) of such section''.

(4) EFFECTIVE DATE.—

(A) Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on January 1, 2011, and, with respect to title XIX of the Social Security Act, shall apply to calendar quarters beginning on or after January 1, 2011.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this subsection,

the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. EFFECTIVE DATE OF MSP BENEFITS.

(a) IN GENERAL.—

(1) EFFECTIVE DATE OF MSP BENEFITS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter preceding paragraph (1), by striking ''assistance or, in the case of medicare cost-sharing'' and all that follows through ''beneficiary)'' and inserting ''assistance)''.

(2) CONFORMING AMENDMENTS.—(A) Section 1902(e)(8) of the Social Security Act (42 U.S.C. 1396a(e)(8)) is amended by striking the first sentence.

(B) Section 1848(g)(3) of such Act (42 U.S.C. 1395w–4(g)(3)) is amended by adding at the end the following new subparagraph:

''(C) TREATMENT OF RETROACTIVE ELIGIBILITY.—In the case of an individual who is determined to be eligible for medical assistance described in subparagraph (A) retroactively, the Secretary shall provide a process whereby claims which are submitted for services furnished during the period of retroactive eligibility and during a month in which the individual otherwise would have been eligible for such assistance and which were not submitted in accordance with such subparagraph are resubmitted and re-processed in accordance with such subparagraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, but shall not result in eligibility for benefits for medicare cost-sharing for months before January 2010.

SEC. 7. EXPANDING SPECIAL ENROLLMENT PROCESS TO INDIVIDUALS ELIGIBLE FOR AN INCOME-RELATED SUBSIDY.

(a) IN GENERAL.—Section 1860D–1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(C)) is amended—

(1) by striking ''a full-benefit dual eligible individual (as defined in section 1935(c)(6))'' and inserting ''a subsidy-eligible individual (as defined in section 1860D–14(a)(3))''; and

(2) by striking ''1860D–14(a)(1)(A)'' and inserting ''subsection (a)(1)(A) or (b)(1)(A) of section 1860D–14, as applicable''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to enrollments on or after January 1, 2010.

SEC. 8. ENHANCED COST-SHARING PROTECTIONS FOR FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS AND QUALIFIED MEDICARE BENEFICIARIES.

(a) ELIMINATION OF PART D COST-SHARING FOR CERTAIN NON-INSTITUTIONALIZED FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—Section 1860D–14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)(i)) is amended—

(1) in the heading, by striking ''INSTITUTIONALIZED INDIVIDUALS.—In'' and inserting ''ELIMINATION OF COST-SHARING FOR CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

''(I) INSTITUTIONALIZED INDIVIDUALS.—In''; and

(2) by adding at the end the following new subclause:

''(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual who is a full-benefit dual eligible individual who is receiving home and community based care (whether under section 1915 or under a waiver under section 1115), the elimination of any beneficiary coinsurance described in section 1860D–2(b)(2) (for all amounts through the total amount of expenditures at which benefits are available under section 1860D–2(b)(4)).''.

(b) REPEAL OF AUTHORITY FOR STATES TO PAY MEDICARE COST-SHARING AT MEDICAID RATES AND PROVISION OF MEDICAL ASSISTANCE TO DUAL ELIGIBLES IN MA PLANS.—

(1) REPEAL OF AUTHORITY FOR STATES TO PAY MEDICARE COST-SHARING AT MEDICAID RATES.—Section 1902(n) of the Social Security Act (42 U.S.C. 1396a(n)) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2);

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''In the case in which a State's payment for'' and inserting ''With respect to''; and

(II) by striking ''with respect to an item or service is reduced or eliminated through the application of paragraph (2)'' and inserting ''for an item or service''; and

(ii) in subparagraph (A), by striking ''(if any)''; and

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

''(3) Each State shall establish procedures for receiving and processing claims for payment for medicare cost-sharing with respect to items or services furnished to qualified medicare beneficiaries by providers of services and suppliers under title XVIII who are not participating providers under the State plan.''.

(2) PROVISION OF MEDICAL ASSISTANCE TO DUAL ELIGIBLES IN MA PLANS.—Section 1902(n) of the Social Security Act (42 U.S.C. 1396a(n)), as amended by paragraph (1), is amended by adding at the end the following new paragraph:

''(4)(A) Each State shall—

''(i) identify those individuals who are eligible for medical assistance for medicare cost-sharing and who are enrolled with a Medicare Advantage plan under part C of title XVIII; and

''(ii) for the individuals so identified, provide for payment of medical assistance for the medicare cost-sharing (including cost-sharing under a Medicare Advantage plan) to which they are entitled.

''(B)(i) The Inspector General of the Department of Health and Human Services shall examine, not later than one year after the date of the enactment of this paragraph and every 3 years thereafter, whether States are providing for medical assistance for medicare cost-sharing for individuals enrolled in Medicare Advantage plans in accordance with this title. The Inspector General shall submit to the Secretary a report on such examination and a finding as to whether States are failing to provide such medical assistance.

''(ii) If a report under clause (i) includes a finding that States are failing to provide such medical assistance, not later than 60 days after the date of receiving such report the Secretary shall submit to Congress a report that includes a plan of action on how to enforce such requirement.''.

(3) CONFORMING AMENDMENTS.—

(A) PROVIDER AGREEMENTS.—Section 1866(a)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(A)(ii)) is amended by striking ''1902(n)(3)'' and inserting ''1902(n)(2)''.

(B) NONPARTICIPATING PROVIDERS.—Section 1848(g)(3)(A) of the Social Security Act (42 U.S.C. 1395w–4(g)(3)(A)) is amended by striking ''1902(n)(3)(A)'' and inserting ''1902(n)(2)(A)''.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on the date of enactment of this Act.

(B) EXCEPTION.—The amendment made by paragraph (2) shall be effective and apply as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

SEC. 9. TWO-WAY DEEMING BETWEEN MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM.

(a) LOW-INCOME SUBSIDY PROGRAM.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–104(a)(3)), as amended by section 4, is amended by adding at the end the following new subparagraph:

''(J) DEEMED TREATMENT FOR QUALIFIED MEDICARE BENEFICIARIES AND SPECIFIED LOW-INCOME MEDICARE BENEFICIARIES.—

''(i) QMBS ELIGIBLE FOR FULL SUBSIDY.—A part D eligible individual who has been determined for purposes of title XIX to be a qualified medicare beneficiary is deemed, for purposes of this part and without the need to file any additional application, to be a subsidy eligible individual described in paragraph (1).

''(ii) SLMBS ELIGIBLE FOR PARTIAL SUBSIDY.—A part D eligible individual who has been determined to be a specified low-income medicare beneficiary (as defined in section 1905(p)(1)) and who is not described in paragraph (1) is deemed, for purposes of this part and without the need to file any additional application, to be a subsidy eligible individual who is not described in paragraph (1).''.

(b) MEDICARE SAVINGS PROGRAM.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), as amended by section 4, is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

''(8) An individual who has been determined eligible for premium and cost-sharing subsidies under—

''(A) section 1860D–14(a)(1) is deemed, for purposes of this title and without the need to file any additional application, to be a qualified medicare beneficiary for purposes of this title; or

''(B) section 1860D–14(a)(2) is deemed, for purposes of this title and without the need to file any additional application, to qualify for medical assistance as a specified low-income medicare beneficiary (described in section 1902(a)(10)(E)(iii)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligibility for months beginning on or after January 2010.

SEC. 10. IMPROVING LINKAGES BETWEEN HEALTH PROGRAMS AND SNAP.

(a) LOW-INCOME PART D SUBSIDY PROGRAM.—Section 1144(c) of the Social Security Act (42 U.S.C. 1320b–14(c)) is amended—

(1) in paragraph (1)(C) by striking ''an application for benefits under the Medicare Savings Program.'' and inserting ''applications for benefits under the Medicare Savings Program and the supplemental nutrition assistance program.'';

(2) by striking paragraph (3) and inserting the following:

''(3) TRANSMITTAL OF DATA TO STATES.—

''(A) IN GENERAL.—Beginning on January 1, 2010, with the consent of an individual completing an application for benefits described in paragraph (1)(B), the Commissioner shall electronically transmit data from such application—

''(i) to the appropriate State Medicaid agency, as determined by the Commissioner, which transmittal shall initiate an application of the individual for benefits under the

Medicare Savings Program with the State Medicaid agency; and

''(ii) to the appropriate State agency which administers benefits under the supplemental nutrition assistance program, as determined by the Commissioner, which transmittal shall initiate an application of the individual for benefits under the supplemental nutrition assistance program with the State agency that administers that program.

''(B) CONSULTATION REGARDING CONTENT, TIME, FORM, FREQUENCY AND MANNER OF TRANSMISSION.—In order to ensure that such data transmittal provides effective assistance for purposes of State adjudication of applications for benefits under the Medicare Savings Program and the supplemental nutrition assistance program, the Commissioner shall consult with the Secretary after the Secretary has consulted with the States, regarding the content, form, frequency, and manner in which data (on a uniform basis for all States) shall be transmitted under this paragraph.'';

(3) in paragraph (5), by adding at the end the following new subparagraph:

''(D) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ADMINISTRATIVE COSTS.—The costs of the Social Security Administration's work related to the supplemental nutrition assistance program under this subsection shall be eligible for reimbursement under section 11(j)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(j)(2)(C)). To the extent necessary the Commissioner and the Secretary of Agriculture shall revise any memoranda of understanding in effect under such section.''; and

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

''(8) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM DEFINED.—For purposes of this subsection, the term 'supplemental nutrition assistance program' means the program of temporary benefits authorized under section 11(v) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(v)).''.

(b) TEMPORARY SUPPLEMENTAL NUTRITION ASSISTANCE BENEFITS.—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by adding at the end the following:

''(v) TEMPORARY BENEFITS FOR MEDICARE PART D LOW INCOME SUBSIDY APPLICANTS.—

''(1) DEFINITION OF MEDICARE PART D LOW INCOME SUBSIDY APPLICANT.—In this subsection, the term 'Medicare part D low income subsidy applicant' means an individual, along with any other family members, whose low income subsidy application information has been electronically transmitted to the State agency under section 1144(c)(3) of the Social Security Act (42 U.S.C. 1320b–14(c)(3)).

''(2) PROVISION OF TEMPORARY BENEFITS.—A State agency shall provide temporary supplemental nutrition assistance program benefits to a Medicare part D low income subsidy applicant whose—

''(A) income does not exceed 150 percent of the poverty line (as determined in accordance with section 5(c)(1)); and

''(B) financial resources do not exceed the limit in effect in the State for such households under section 5.

''(3) DETERMINATION BASED ON MEDICARE INFORMATION.—For purposes of determining eligibility under paragraph (2) and the amount of temporary benefits under paragraph (5), information on household members, household income, and household resources from the Medicare part D low income subsidy application as transmitted to the State agency under section 1144(c)(3) of the Social Security Act (42 U.S.C. 1320b–14(c)(3)) shall satisfy the requirements of this Act with regard to—

''(A) the members of the household under section 3(n); and

''(B) the gross income and financial resources of the household under section 5.

''(4) TEMPORARY BENEFIT PERIOD.—A household shall receive temporary supplemental nutrition assistance benefits under this subsection for a period of not more than 2 months.

''(5) TEMPORARY BENEFIT AMOUNT.—

''(A) IN GENERAL.—During the temporary benefit period under paragraph (4), except as provided in subparagraph (B), a household shall receive a monthly amount of supplemental nutrition assistance program benefits calculated under section 8(a).

''(B) CALCULATION.—In calculating benefits under subparagraph (A)—

''(i) the benefits shall be determined based on the gross income of the household rather than net income; and

''(ii) the minimum allotment described in the proviso in section 8(a) shall be equal to 40 percent of the cost of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3, rounded to the nearest whole dollar increment.

''(6) DETERMINATION OF FUTURE ELIGIBILITY.—During the temporary benefit period under paragraph (4), the State agency shall provide to the household—

''(A) an application to apply for benefits under the other provisions of this Act; and

''(B) an opportunity to complete the application process by the month immediately following the temporary benefit period, without a delay or suspension in the benefits of the household.

''(7) LIMITATION.—This subsection shall not apply to individuals who—

''(A) are members of households that currently receive benefits under this Act; or

''(B) have received benefits under this subsection in the preceding 12-month period.''.

(c) MEDICARE SAVINGS PROGRAM APPLICATIONS.—

(1) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (72), by striking ''and'' at the end;

(B) in paragraph (73), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (73) the following new paragraph:

''(74) provide that the State coordinates with the State agency that administers benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to ensure that individuals applying for medical assistance provided under section 1902(a)(10)(E), as described in sections 1905(p) and 1933, have the opportunity to apply for, establish eligibility for, and, if eligible, receive supplemental nutrition assistance program benefits.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by paragraph (1) take effect on the date that is 1 year after the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (1), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the process each State uses to meet the requirements under section 1902(a)(74) of the Social Security Act, as added by subsection (c).

SEC. 11. EXPEDITING LOW-INCOME SUBSIDIES UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) TARGETED OUTREACH FOR LOW-INCOME SUBSIDIES.—

(1) IN GENERAL.—Section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114) is amended by adding at the end the following new subsection:

''(e) TARGETED OUTREACH FOR LOW-INCOME SUBSIDIES.—

''(1) TARGETED IDENTIFICATION OF SUBSIDY-ELIGIBLE INDIVIDUALS.—

''(A) IN GENERAL.—The Commissioner of Social Security shall provide for the identification of individuals who are potentially eligible for low-income assistance under this section through requests to the Secretary of the Treasury in accordance with the criterion established under section 6103(l)(21) of the Internal Revenue Code of 1986 for information indicating whether the individual involved is likely eligible for such assistance.

''(B) INITIATION OF IDENTIFICATIONS.—Not later than 90 days after the date of the enactment of this subsection, the Commissioner of Social Security shall begin the identification of individuals through the process described in subparagraph (A) and shall, by such date and through such process, submit to the Secretary of the Treasury requests for part D eligible individuals who the Commissioner has identified as potentially eligible for low-income subsidies under this section before such date of enactment.

''(2) NOTIFICATION OF POTENTIALLY ELIGIBLE INDIVIDUALS.—In the case of each individual identified under paragraph (1) who has not otherwise applied for, or been determined eligible for, benefits under this section (or who has applied for and been determined ineligible for such benefits based on excess income, resources, or both), the Commissioner shall transmit by mail to the individual a letter including the information and application required to be provided under subparagraphs (A), (B), and (D) of section 1144(c)(1).

''(3) FOLLOW-UP COMMUNICATIONS.—If an individual to whom a letter is transmitted under paragraph (2) does not affirmatively respond to such letter either by making an enrollment, completing an application, or declining either or both, the Commissioner shall make additional attempts to contact the individual to obtain such an affirmative response.

''(4) USE OF PREFERRED LANGUAGE IN SUBSEQUENT COMMUNICATIONS.—In the case an application is completed by an individual pursuant to this subsection in which a language other than English is specified, the Commissioner shall provide that subsequent communications under this part to the individual shall be in such language as needed.

''(5) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding the Commissioner from taking additional outreach efforts to enroll eligible individuals under this part and to provide low-income subsidies to eligible individuals.

''(6) MAINTENANCE OF EFFORT WITH RESPECT TO OUTREACH.—In no case shall the level of effort with respect to outreach to and enrollment of individuals who are potentially eligible for low-income assistance under this

section after the date of the enactment of this subsection be less than such level of effort before such date of enactment until at least 90 percent of such potentially eligible individuals have affirmatively responded.

''(7) GAO REPORT TO CONGRESS.—Not later than 2 years after the date of the first submission to the Secretary of the Treasury described in paragraph (1)(B), the Comptroller General of the United States shall submit to Congress a report, with respect to the 18-month period following the establishment of the process described in paragraph (1)(A), on—

''(A) the extent to which the percentage of individuals who are eligible for low-income assistance under this section but not enrolled under this part has decreased during such period;

''(B) how the Commissioner of Social Security has used any savings resulting from the implementation of this section and section 6103(l)(21) of the Internal Revenue Code of 1986 to improve outreach to individual described in subparagraph (A) to increase enrollment of such individuals under this part;

''(C) the effectiveness of using information from the Secretary of the Treasury in accordance with section 6103(l)(21) of the Internal Revenue Code of 1986 for purposes of indicating whether individuals are eligible for low-income assistance under this section; and

''(D) the effectiveness of the outreach conducted by the Commissioner of Social Security based on the data described in subparagraph (C).''.

(2) CONFORMING AMENDMENT.—Section 1144(c)(1) of the Social Security Act (42 U.S.C. 1320b–14(c)(1)) is amended by inserting ''(including through request to the Secretary of the Treasury pursuant to section 1860D–14(e))'' before '', the Commissioner shall''.

(b) IMPROVEMENTS TO THE LOW-INCOME SUBSIDY APPLICATIONS.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)) is amended—

(1) in subparagraph (E), by striking clauses (ii) and (iii) and redesignating clause (iv) as clause (ii);

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) SIMPLIFIED LOW-INCOME SUBSIDY APPLICATION AND PROCESS.—

''(i) IN GENERAL.—The Secretary, jointly with the Commissioner of Social Security, shall—

''(I) develop a model, simplified application form and process consistent with clause (ii) for the determination and verification of a part D eligible individual's assets or resources under this paragraph; and

''(II) provide such form to States.

''(ii) DOCUMENTATION AND SAFEGUARDS.—Under such process—

''(I) the application form shall consist of an attestation under penalty of perjury regarding the level of assets or resources (or combined assets and resources in the case of a married part D eligible individual) and valuations of general classes of assets or resources;

''(II) such form shall not require the submittal of additional documentation regarding income or assets;

''(III) matters attested to in the application shall be subject to appropriate methods of administrative verification;

''(IV) the applicant shall be permitted to authorize another individual to act as the applicant's personal representative with respect to communications under this part and the enrollment of the applicant into a prescription drug plan (or MA–PD plan) and for low-income subsidies under this section; and

''(V) the application form shall allow for the specification of a language (other than English) that is preferred by the individual for subsequent communications with respect to the individual under this part.

''(iii) NO RECOVERY FOR CERTAIN SUBSIDIES IMPROPERLY PAID.—If an individual in good faith and in the absence of fraud is provided low-income subsidies under this section, and if the individual is subsequently found not eligible for such subsidies, there shall be no recovery made against the individual because of such subsidies improperly paid.''.

(c) DISCLOSURES TO FACILITATE IDENTIFICATION OF INDIVIDUALS LIKELY TO BE ELIGIBLE FOR THE LOW-INCOME ASSISTANCE UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.—

(1) IN GENERAL.—

Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE OF RETURN INFORMATION TO FACILITATE IDENTIFICATION OF INDIVIDUALS LIKELY TO BE ELIGIBLE FOR LOW-INCOME SUBSIDIES UNDER MEDICARE PRESCRIPTION DRUG PROGRAM.—

''(A) IN GENERAL.—The Secretary, upon written request from the Commissioner of Social Security, shall disclose to officers and employees of the Social Security Administration, with respect to any individual identified by the Commissioner—

''(i) whether, based on the criterion determined under subparagraph (B), such individual is likely to be eligible for low-income assistance under section 1860D–14 of the Social Security Act, or

''(ii) that, based on such criterion, there is insufficient information available to the Secretary to make the determination described in clause (i).

''(B) CRITERION.—Not later than 90 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Commissioner of Social Security, shall develop the criterion by which the determination under subparagraph (A)(i) shall be made (and the criterion for determining that insufficient information is available to make such determination). Such criterion may include analysis of information available on such individual's return, the return of such individual's spouse, and any information related to such individual or such individual's spouse which is available on any information return.''.

(2) PROCEDURES AND RECORDKEEPING RELATED TO DISCLOSURES.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (17)'' each place it appears and inserting ''(17), or (21)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures made after the date of the enactment of this Act.

SEC. 12. ENHANCED OVERSIGHT AND ENFORCEMENT RELATING TO REIMBURSEMENTS FOR RETROACTIVE LIS ENROLLMENT.

(a) IN GENERAL.—In the case of a retroactive LIS enrollment beneficiary (as defined in subsection (e)(4)) who is enrolled under a prescription drug plan under part D of title XVIII of the Social Security Act (or an MA–PD plan under part C of such title)—

(1) the beneficiary (or any eligible third party) is entitled to reimbursement by the plan for covered drug costs (as defined in subsection (e)(1)) incurred by the beneficiary during the retroactive coverage period of the beneficiary in accordance with subsection (b) and in the case of such a beneficiary described in subsection (e)(4)(A)(i), such reimbursement shall be made automatically by the plan upon receipt of appropriate notice the beneficiary is eligible for assistance described in such subsection (e)(4)(A)(i) without further information required to be filed with the plan by the beneficiary;

(2) the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall not make payment to the plan—

(A) in the case that the beneficiary is described in subsection (e)(4)(A)(i), for premium subsidies and cost sharing subsidies under section 1860D–14 of the Social Security Act (42 U.S.C. 1395w-114) with respect to the provision of prescription drug coverage to the beneficiary during such retroactive period; and

(B) in the case that the beneficiary is described in subsection (e)(4)(A)(ii), for direct subsidies under section 1860D–15(a)(1) of such Act and premium subsidies and cost-sharing subsidies under section 1860D–14 of such Act with respect to the provision of prescription drug coverage to the beneficiary during such retroactive period;

unless the plan demonstrates to the Secretary that the plan has provided timely and accurate reimbursement to the beneficiary (or eligible third party) in accordance with paragraph (1);

(3) the Secretary shall not make any payment described in paragraph (2) to the plan with respect to such beneficiary for any month of the retroactive enrollment period during which no expenses for covered part D drugs (as defined in section 1860D–2(e) of the Social Security Act (42 U.S.C. 1395w-102(e)) were incurred by such beneficiary (or eligible third party on behalf of such beneficiary); and

(4) any payment owed the plan pursuant to this section, taking into account paragraphs (2) and (3), shall be made at the time the Centers for Medicare & Medicaid Services reconciles payments for the entire plan year following the end of the plan year, and not before such time.

(b) ADMINISTRATIVE REQUIREMENTS RELATING TO REIMBURSEMENTS.—

(1) LINE-ITEM DESCRIPTION.—Each reimbursement made by a prescription drug plan or MA–PD plan under subsection (a)(1) shall include a line-item description of the items for which the reimbursement is made.

(2) TIMING OF REIMBURSEMENTS.—A prescription drug plan or MA–PD plan must make a reimbursement under subsection (a)(1) to a retroactive LIS enrollment beneficiary, with respect to a claim, not later than 30 days after—

(A) in the case of a beneficiary described in subsection (e)(4)(A)(i), the date on which the plan receives notice from the Secretary that the beneficiary is eligible for assistance described in such subsection; or

(B) in the case of a beneficiary described in subsection (e)(4)(A)(ii), the date on which the beneficiary files the claim with the plan.

(c) NOTICE REQUIREMENTS.—

(1) BY SECRETARY OF HHS AND COMMISSION OF THE SOCIAL SECURITY ADMINISTRATION.—The Secretary, jointly with the Commissioner of the Social Security Administration, shall ensure that each retroactive LIS enrollment beneficiary receives, with any letter or notification of eligibility for a low-income subsidy under section 1860D–14 of the Social Security Act, a notice of their right to reimbursement described in subsection (a)(1) for covered drug costs incurred during the retroactive coverage period of the beneficiary. Such notice shall—

(A) with respect to a beneficiary described in subsection (e)(4)(A)(i), inform the beneficiary of the beneficiary's right to automatic reimbursement as described in subsection (a)(1); and

(B) with respect to a beneficiary described in subsection (e)(4)(A)(ii), include a description of a clear process that the beneficiary should follow to seek such reimbursement.

(2) BY PRESCRIPTION DRUG PLANS.—

(A) IN GENERAL.—Each prescription drug plan under part D of title XVIII of the Social Security Act (and MA–PD plan under part C of such title) shall include in a notice from the plan to a retroactive LIS enrollment beneficiary described in subsection (e)(4)(A)(ii) a model notice developed under subparagraph (B) describing the process the beneficiary must follow to seek retroactive reimbursement. Such notice shall include any form required by the plan to complete such reimbursement and shall indicate the period of retroactive coverage for which the beneficiary is eligible for such reimbursement.

(B) MODEL NOTICE.—The Secretary, jointly with the Commissioner of Social Security, shall develop a model notice for purposes of subparagraph (A) and shall make such model notice available to all prescription drug plans under part D of title XVIII of the Social Security Act (and MA–PD plans under part C of such title).

(d) PUBLIC POSTING TO TRACK PAYMENTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall post (and annually update) on the public Internet website of the Department of Health and Human Services information on the total amount of payments made by the Secretary under subsection (a)(2) to prescription drug plans during the most recent plan year for which plan data is available.

(2) SPECIFIC INFORMATION.—Such information posted—

(A) in 2010 or in a subsequent year before 2016, shall include information on payments made for years beginning with 2006 and ending with the year for which the most current information is available; and

(B) in 2016 or a subsequent year, shall include information on payments made for at least the 10 previous years.

(e) DEFINITIONS.—In this section:

(1) COVERED DRUG COSTS.—The term ''covered drug costs'' means, with respect to a retroactive LIS enrollment beneficiary enrolled under a prescription drug plan under part D of title XVIII of the Social Security Act (or an MA–PD plan under part C of such title), the amount by which—

(A) the costs incurred by such beneficiary during the retroactive coverage period of the beneficiary for covered part D drugs, premiums, and cost-sharing under such title; exceeds

(B) such costs that would have been incurred by such beneficiary during such period if the beneficiary had been both enrolled in the plan and recognized by such plan as qualified during such period for the low income subsidy under section 1860D–14 of the Social Security Act to which the individual is entitled.

(2) ELIGIBLE THIRD PARTY.—The term ''eligible third party'' means, with respect to a retroactive LIS enrollment beneficiary, an organization or other third party that paid on behalf of such beneficiary for covered drug costs incurred by such beneficiary during the retroactive coverage period of such beneficiary.

(3) RETROACTIVE COVERAGE PERIOD.—The term ''retroactive coverage period'' means—

(A) with respect to a retroactive LIS enrollment beneficiary described in paragraph (4)(A)(i), the period—

(i) beginning on the effective date of the assistance described in such paragraph for which the individual is eligible; and

(ii) ending on the date the plan effectuates the status of such individual as so eligible; and

(B) with respect to a retroactive LIS enrollment beneficiary described in paragraph (4)(A)(ii), the period—

(i) beginning on the date the individual is both entitled to benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act and eligible for medical assistance under a State plan under title XIX of such Act; and

(ii) ending on the date the plan effectuates the status of such individual as a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act).

(4) RETROACTIVE LIS ENROLLMENT BENEFICIARY.—

(A) IN GENERAL.—The term ''retroactive LIS enrollment beneficiary'' means an individual who—

(i) is enrolled in a prescription drug plan under part D of title XVIII of the Social Security Act (or an MA–PD plan under part C of such title) and subsequently becomes eligible as a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act), an individual receiving a low-income subsidy under section 1860D–14 of such Act, an individual receiving assistance under the Medicare Savings Program implemented under clauses (i), (ii), (iii), and (iv) of section 1902(a)(10)(E) of such Act, or an individual receiving assistance under the supplemental security income program under section 1611 of such Act; or

(ii) subject to subparagraph (B)(i), is a full-benefit dual eligible individual (as defined in section 1935(c)(6) of such Act) who is automatically enrolled in such a plan under section 1860D–1(b)(1)(C) of such Act.

(B) EXCEPTION FOR BENEFICIARIES ENROLLED IN RFP PLAN.—

(i) IN GENERAL.—In no case shall an individual described in subparagraph (A)(ii) include an individual who is enrolled, pursuant to a RFP contract described in clause (ii), in a prescription drug plan offered by the sponsor of such plan awarded such contract.

(ii) RFP CONTRACT DESCRIBED.—The RFP contract described in this section is a contract entered into between the Secretary and a sponsor of a prescription drug plan pursuant to the Centers for Medicare & Medicaid Services' request for proposals issued on February 17, 2009, relating to Medicare part D retroactive coverage for certain low income beneficiaries, or a similar subsequent request for proposals.

(f) GAO REPORT.—Not later than 24 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the extent to which the provisions of this section improve reimbursement for covered drug costs to retroactive LIS enrollment beneficiaries and lower the amounts of payments made by the Secretary, with respect to such beneficiaries, to prescription drug plans under part D of title XVIII of the Social Security Act (and MA–PD plans under part C of such title).

(g) REPORT TO CONGRESS.—In the case that an RFP contract described in subsection (e)(4)(B)(ii) is awarded, not later than two years after the effective date of such contract, the Secretary of Health and Human Services shall submit to Congress a report evaluating the program carried out through such contract.

(h) EFFECTIVE DATE.—Paragraphs (2) and (3) of subsection (a) and subsections (b) and (c) shall apply to subsidy determinations made on or after the date that is 3 months after the date of the enactment of this Act.

SEC. 13. INTELLIGENT ASSIGNMENT IN ENROLLMENT.

(a) IN GENERAL.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1), as amended by section 7(b), is amended—

(1) in the second sentence of subparagraph (C), by striking ''on a random basis among all such plans'' and inserting '', subject to subparagraph (E), in the most appropriate plan for such individual''; and

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

''(E) INTELLIGENT ASSIGNMENT.—In the case of any auto-enrollment under subparagraph (C), no part D eligible individual described in such subparagraph shall be enrolled in a prescription drug plan which does not meet requirements established by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to enrollments effected on or after November 15, 2010.

SEC. 14. MEDICARE ENROLLMENT ASSISTANCE.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall use amounts made available under subparagraph (B) to make grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(B) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $14,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2011, to remain available until expended.

(2) AMOUNT OF GRANTS.—The amount of a grant to a State under this subsection from the total amount made available under paragraph (1) shall be equal to the sum of the amount allocated to the State under paragraph (3)(A) and the amount allocated to the State under subparagraph (3)(B).

(3) ALLOCATION TO STATES.—

(A) ALLOCATION BASED ON PERCENTAGE OF LOW-INCOME BENEFICIARIES.—The amount allocated to a State under this subparagraph from ⅔ of the total amount made available under paragraph (1) shall be based on the number of individuals who meet the requirement under subsection (a)(3)(A)(ii) of section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114) but who have not enrolled to receive a subsidy under such section 1860D–14 relative to the total number of individuals who meet the requirement under such subsection (a)(3)(A)(ii) in each State, as estimated by the Secretary.

(B) ALLOCATION BASED ON PERCENTAGE OF RURAL BENEFICIARIES.—The amount allocated to a State under this subparagraph from ⅓ of the total amount made available under paragraph (1) shall be based on the number of part D eligible individuals (as defined in section 1860D–1(a)(3)(A) of such Act (42 U.S.C. 1395w–101(a)(3)(A))) residing in a rural area relative to the total number of such individuals in each State, as estimated by the Secretary.

(4) PORTION OF GRANT BASED ON PERCENTAGE OF LOW-INCOME BENEFICIARIES TO BE USED TO PROVIDE OUTREACH TO INDIVIDUALS WHO MAY BE SUBSIDY ELIGIBLE INDIVIDUALS OR ELIGIBLE FOR THE MEDICARE SAVINGS PROGRAM.—Each grant awarded under this subsection with respect to amounts allocated under paragraph (3)(A) shall be used to provide outreach to individuals who may be subsidy eligible individuals (as defined in section 1860D–14(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(A)) or eligible for the Medicare Savings Program (as defined in subsection (f)).

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Aging, shall make grants to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and Native American programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(B) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $10,000,000 to the Administration on Aging for fiscal year 2011, to remain available until expended.

(2) AMOUNT OF GRANT AND ALLOCATION TO STATES BASED ON PERCENTAGE OF LOW-INCOME AND RURAL BENEFICIARIES.—The amount of a grant to a State under this subsection from the total amount made available under paragraph (1) shall be determined in the same manner as the amount of a grant to a State under subsection (a), from the total amount made available under paragraph (1) of such subsection, is determined under paragraph (2) and subparagraphs (A) and (B) of paragraph (3) of such subsection.

(3) REQUIRED USE OF FUNDS.—

(A) ALL FUNDS.—Subject to subparagraph (B), each grant awarded under this subsection shall be used to provide outreach to eligible Medicare beneficiaries regarding the benefits available under title XVIII of the Social Security Act.

(B) OUTREACH TO INDIVIDUALS WHO MAY BE SUBSIDY ELIGIBLE INDIVIDUALS OR ELIGIBLE FOR THE MEDICARE SAVINGS PROGRAM.—Subsection (a)(4) shall apply to each grant awarded under this subsection in the same manner as it applies to a grant under subsection (a).

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program that are established centers under such program on the date of the enactment of this Act.

(B) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $10,000,000 to the Administration on Aging for fiscal year 2011, to remain available until expended.

(2) REQUIRED USE OF FUNDS.—Each grant awarded under this subsection shall be used to provide outreach to individuals regarding the benefits available under the Medicare prescription drug benefit under part D of title XVIII of the Social Security Act and under the Medicare Savings Program.

(d) COORDINATION OF EFFORTS TO INFORM OLDER AMERICANS ABOUT BENEFITS AVAILABLE UNDER FEDERAL AND STATE PROGRAMS.—

(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Aging, in cooperation with related Federal agency partners, shall make a grant to, or enter into a contract with, a qualified, experienced entity under which the entity shall—

(A) maintain and update web-based decision support tools, and integrated, person-centered systems, designed to inform older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) about the full range of benefits for which the individuals may be eligible under Federal and State programs;

(B) utilize cost-effective strategies to find older individuals with the greatest economic need (as defined in such section 102) and inform the individuals of the programs;

(C) develop and maintain an information clearinghouse on best practices and the most cost-effective methods for finding older individuals with greatest economic need and informing the individuals of the programs; and

(D) provide, in collaboration with related Federal agency partners administering the Federal programs, training and technical assistance on the most effective outreach, screening, and follow-up strategies for the Federal and State programs.

(2) FUNDING.—For purposes of making a grant or entering into a contract under paragraph (1), the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $10,000,000 to the Administration on Aging for fiscal year 2011, to remain available until expended.

(e) MEDICARE SAVINGS PROGRAM DEFINED.—For purposes of this section, the term ''Medicare Savings Program'' means the program of medical assistance for payment of the cost of medicare cost-sharing under the Medicaid program pursuant to sections 1902(a)(10)(E) and 1933 of the Social Security Act (42 U.S.C. 1396a(a)(10)(E), 1396u–3).

SEC. 15. QMB BUY-IN OF PART A AND PART B PREMIUMS.

(a) REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 10, is amended—

(1) in paragraph (73), by striking ''and'' at the end;

(2) in paragraph (74), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (74) the following new paragraph:

''(75) provide that the State enters into a modification of an agreement under section 1818(g).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on the date that is 6 months after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 16. INCREASING AVAILABILITY OF MSP APPLICATIONS THROUGH AVAILABILITY ON THE INTERNET AND DESIGNATION OF PREFERRED LANGUAGE.

(a) REQUIREMENT FOR STATES.—

(1) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 15, is amended—

(A) in paragraph (74), by striking ''and'' at the end;

(B) in paragraph (75), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (75) the following new paragraph:

''(76) provide—

''(A) that the application for medical assistance for medicare cost-sharing under this title used by the State allows an individual to specify a preferred language for subsequent communication and, in the case in which a language other than English is specified, provide that subsequent communications under this title to the individual shall be in such language; and

''(B) that the State makes such application available through an Internet website and provides for such application to be completed on such website.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection take effect on the date that is 2 years after the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this subsection, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(b) REQUIREMENT FOR THE SECRETARY.—Section 1905(p)(5) of the Social Security Act (42 U.S.C. 1396d(p)(5)) is amended by adding at the end the following new sentence: ''Such form shall allow an individual to specify a preferred language for subsequent communication.''.

SEC. 17. STATE MEDICAID AGENCY CONSIDERATION OF LOW-INCOME SUBSIDY APPLICATION AND DATA TRANSMITTAL.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 1144(c)(3)(A)(i) of the Social Security Act (42 U.S.C. 1320b–14(c)(3)(A)(i)), as amended by section 10, is amended—

(A) by striking ''transmittal''; and

(B) by inserting ''(as specified in section 1935(a)(4))'' before the semicolon at the end.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 113(a) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275).

(b) CLARIFICATION OF STATE MEDICAID AGENCY CONSIDERATION OF LOW-INCOME SUBSIDY APPLICATION.—Section 1935(a)(4) of the Social Security Act (42 U.S.C. 1396u-5(a)(4)), as added by section 113(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) by striking ''PROGRAM.—The State'' and inserting ''PROGRAM.—

''(A) IN GENERAL.—The State'';

(2) in subparagraph (A), as inserting by paragraph (1), by striking the second sentence; and

(3) by adding at the end the following new subparagraphs:

''(B) For purposes of a State's obligation under section 1902(a)(8) to furnish medical assistance with reasonable promptness, the date of the electronic transmission by the Commissioner of Social Security to the State Medicaid agency of data under section 1144(c)(3) shall be the date of the filing of such application for benefits under the Medicare Savings Program.

''(C) For the purpose of determining when medical assistance shall be made available for medicare cost-sharing under this title, the State shall consider the date of the application for low-income subsidies under section 1860D–14 to be the date of the filing of an application for benefits under the Medicare Savings Program.''.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. HARKIN):

S. 1186. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today along with Senators COLLINS, LIEBERMAN and HARKIN to introduce the Medicare Independent Living Act of 2009. This legislation would eliminate Medicare's ''in the home'' restriction for the coverage of mobility devices, including wheelchairs and scooters, for those with disabilities and expected long-term needs. This includes people with multiple sclerosis, paraplegia, osteoarthritis, and cerebrovascular disease including acute stroke and conditions like aneurysms.

As currently interpreted by the Centers for Medicare and Medicaid Services, CMS, the ''in the home'' restriction only permits beneficiaries to obtain wheelchairs that are necessary for use inside the home. As a result, seriously disabled beneficiaries who would primarily utilize a wheelchair outside the home are prevented from receiving this critical and basic equipment through Medicare. For example, this restriction prevents beneficiaries from receiving wheelchairs to access their work, the community-at-large, place of worship, school, physician's offices, or pharmacies.

As the Medicare Rights Center in a report entitled ''Forced Isolation: Medicare's 'In The home' Coverage Standards for Wheelchairs'' in March 2004 notes, ''This effectively disqualifies you from leaving your home without the assistance of others.''

Furthermore, in a Kansas City Star article dated July 3, 2005, Mike Oxford with the National Council on Independent Living noted, ''You look at mobility assistance as a way to liberate yourself.'' He added that the restriction ''is just backward.''

In fact, policies such as these are not only backward but directly contradict numerous initiatives aimed at increasing community integration of people with disabilities, including the Americans with Disabilities Act, the Ticket-to-Work Program, the New Freedom Initiative, and the Olmstead Supreme Court decision.

According to the Medicare Rights Center update dated March 23, 2006, ''This results in arbitrary denials. People with apartments too small for a power wheelchair are denied a device that could also get them down the street. Those in more spacious quarters get coverage, allowing them to scoot from room to room and to the grocery store. People who summon all their willpower and strength to hobble around a small apartment get no help for tasks that are beyond them and their front door.''

In New Mexico, I have heard this complaint about the law repeatedly from our State's most vulnerable disabled and senior citizens. People argue the provision is being misinterpreted by the administration and results in Medicare beneficiaries being trapped in their home.

The Independence Through Enhancement of Medicare and Medicaid, ITEM, Coalition adds in a letter to CMS on this issue in November 25, 2005, ''There continues to be no clinical basis for the 'in the home' restriction and by asking treating practitioners to document medical need only within the home setting, CMS is severely restricting patients from receiving the most appropriate devices to meet their mobility needs.''

My legislation would clarify that this restriction does not apply to mobility devices, including wheelchairs, for people with disabilities in the Medicare Program. The language change is fairly simple and simply clarifies that the ''in the home'' restriction for durable medical equipment does not apply in the case of mobility devices needed by Medicare beneficiaries with expected long-term needs for use ''in customary settings such as normal domestic, vocational, and community activities.''

This legislation is certainly not intended to discourage CMS from dedicating its resources to reducing waste, fraud, and abuse in the Medicare system, as those efforts are critical to ensuring that Medicare remains financially viable and strong in the future. However, it should be noted that neither Medicaid nor the Department of Veterans Affairs impose such ''in the home'' restrictions on mobility devices.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1186

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Independent Living Act of 2009''.

SEC. 2. ELIMINATION OF IN THE HOME RESTRICTION FOR MEDICARE COVERAGE OF MOBILITY DEVICES FOR INDIVIDUALS WITH EXPECTED LONG-TERM NEEDS.

(a) IN GENERAL.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n) is amended by inserting ''or, in the case of a mobility device required by an individual with expected long-term need, used in customary settings for the purpose of normal domestic, vocational, or community activities'' after ''1819(a)(1))''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after the date of enactment of this Act.

By Mr. REED (for himself, Ms. MURKOWSKI, and Mr. WHITEHOUSE):

S. 1188. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce, along with Senators MURKOWSKI and WHITEHOUSE, the Community Mental Health Services Improvement Act. For decades, we have known that people suffering from mental illness die sooner—on average 25 years sooner—and have higher rates of disability than the general population. People with mental illness are at greater risk of preventable health conditions such as heart disease and diabetes. With this legislation, we are taking steps to address these disturbing trends.

We know that mental health and physical health are inter-related. Yet historically mental health and physical health have been treated separately. This legislation would integrate care in one setting.

In a recent survey, 91 percent of community mental health centers said that improving the quality of health care is a priority. However, only one-third have the capacity to provide health care on site, and only one-fifth provide medical referrals off site. The centers identified a lack of financial resources as the biggest barrier to integrating treatment.

Accordingly, this legislation provides grants to integrate treatment for mental health, substance abuse, and primary and specialty care. Grantees can use the funds for screenings, basic health care services on site, referrals, or information technology.

This legislation also comprehensively responds to the well identified mental health workforce crisis by providing grants for a wide range of innovative recruitment and retention efforts, including loan forgiveness and repayment programs, to placement and support for new mental health professionals, and expanded mental health education and training programs.

Finally, this legislation provides grants for tele-mental health in medically-underserved areas, and invests in health IT for mental health providers. These proposals address the twin goals of improving the quality of mental

health treatment while expanding access to that treatment in rural and underserved areas.

This bipartisan legislation has the overwhelming support of the mental health community. It has been endorsed by the National Council for Community Behavioral Healthcare, the National Alliance on Mental Illness, Mental Health America, the Campaign for Mental Health Reform, and the American Psychological Association. I am especially grateful for the support of the Rhode Island Council of Community Mental Health Organizations, whose members treat close to 15,000 Rhode Islanders of all ages.

As a member of the Senate Committee on Health, Education, Labor, and Pensions, I look forward to our upcoming work on reforming our nation's health care system—and including important improvements to prevent and treat mental and physical illnesses and conditions. It is my hope that this year we can truly begin to address the challenge of comprehensively improving and expanding access to mental health services.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1188

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Mental Health Services Improvement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) almost 60,000,000 Americans, or one in four adults and one in five children, have a mental illness that can be diagnosed and treated in a given year;

(2) mental illness costs our economy more than $80,000,000,000 annually, accounting for 15 percent of the total economic burden of disease;

(3) alcohol and drug abuse contributes to the death of more than 100,000 people and costs society upwards of half a trillion dollars a year;

(4) individuals with serious mental illness die on average 25 years sooner than individuals in the general population; and

(5) community mental and behavioral health organizations provide cost-efficient and evidence-based treatment and care for millions of Americans with mental illness and addiction disorders.

SEC. 3. CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

''SEC. 520K. GRANTS FOR CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a qualified community mental health program defined under section 1913(b)(1).

''(2) SPECIAL POPULATIONS.—The term 'special populations' refers to the following 3 groups:

''(A) Children and adolescents with mental and emotional disturbances who have co-occurring primary care conditions and chronic diseases.

''(B) Adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

''(C) Older adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

''(b) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration and in coordination with the Director of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of coordinated and integrated services to special populations through the co-location of primary and specialty care services in community-based mental and behavioral health settings.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require. Each such application shall include—

''(1) an assessment of the primary care needs of the patients served by the eligible entity and a description of how the eligible entity will address such needs; and

''(2) a description of partnerships, cooperative agreements, or other arrangements with local primary care providers, including community health centers, to provide services to special populations.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—For the benefit of special populations, an eligible entity shall use funds awarded under this section for—

''(A) the provision, by qualified primary care professionals on a reasonable cost basis, of—

''(i) primary care services on site at the eligible entity;

''(ii) diagnostic and laboratory services; or

''(iii) adult and pediatric eye, ear, and dental screenings;

''(B) reasonable costs associated with medically necessary referrals to qualified specialty care professionals as well as to other coordinators of care or, if permitted by the terms of the grant, for the provision, by qualified specialty care professionals on a reasonable cost basis on site at the eligible entity;

''(C) information technology required to accommodate the clinical needs of primary and specialty care professionals; or

''(D) facility improvements or modifications needed to bring primary and specialty care professionals on site at the eligible entity.

''(2) LIMITATION.—Not to exceed 15 percent of grant funds may be used for activities described in subparagraphs (C) and (D) of paragraph (1).

''(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(f) EVALUATION.—Not later than 3 months after a grant or cooperative agreement awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

''(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section. The report shall include an evaluation of the impact of co-locating primary and specialty care in community mental and behavioral health settings on overall patient health status and recommendations on whether or not the demonstration program under this section should be made permanent.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,0000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.''.

SEC. 4. INTEGRATING TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE CO-OCCURRING DISORDERS.

Section 520I of the Public Health Service Act (42 U.S.C. 290bb–40) is amended—

(1) by striking subsection (i) and inserting the following:

''(j) FUNDING.—The Secretary shall make available to carry out this section, $14,000,000 for fiscal year 2010, $20,000,000 for fiscal year 2011, and such sums as may be necessary for each of fiscal years 2012 through 2014. Such sums shall be made available in equal amount from amounts appropriated under sections 509 and 520A.''; and

(2) by inserting before subsection (j), the following:

''(i) COMMUNITY MENTAL HEALTH PROGRAM.—For purposes of eligibility under this section, the term 'private nonprofit organization' includes a qualified community mental health program as defined under section 1913(b)(1).''.

SEC. 5. IMPROVING THE MENTAL HEALTH WORKFORCE.

(a) NATIONAL HEALTH SERVICE CORPS.—Paragraph (1) of section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended by inserting ''and community mental health centers meeting the criteria specified in section 1913(c)'' after ''Social Security Act (42 U.S.C. 1395x(aa)),''.

(b) RECRUITMENT AND RETENTION OF MENTAL HEALTH PROFESSIONALS.—Subpart X of part D of title III of the Public Health Service Act (42 U.S.C. 256f et seq.) is amended by adding at the end the following:

''SEC. 340H. GRANTS FOR RECRUITMENT AND RETENTION OF MENTAL HEALTH PROFESSIONALS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to States, territories, and Indian tribes or tribal organizations for innovative programs to address the behavioral and mental health workforce needs of designated mental health professional shortage areas.

''(b) USE OF FUNDS.—An eligible entity shall use grant funds awarded under this section for—

''(1) loan forgiveness and repayment programs (to be carried out in a manner similar to the loan repayment programs carried out under subpart III of part D) for behavioral and mental health professionals who—

''(A) agree to practice in designated mental health professional shortage areas;

''(B) are graduates of programs in behavioral or mental health;

''(C) agree to serve in community-based non-profit entities, or as public mental health professionals for the Federal, State or local government; and

''(D) agree to—

''(i) provide services to patients regardless of such patients' ability to pay; and

''(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

''(2) behavioral and mental health professional recruitment and retention efforts, with a particular emphasis on candidates

from racial and ethnic minority and medically-underserved communities;

''(3) grants or low-interest or no-interest loans for behavioral and mental health professionals who participate in the Medicaid program under title XIX of the Social Security Act to establish or expand practices in designated mental health professional shortage areas, or to serve in qualified community mental health programs as defined in section 1913(b)(1);

''(4) placement and support for behavioral and mental health students, residents, trainees, and fellows or interns; or

''(5) continuing behavioral and mental health education, including distance-based education.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to an eligible entity under this section unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the activities for which the grant was awarded, the entity will provide non-Federal contributions in an amount equal to not less than 35 percent of Federal funds provided under the grant. The entity may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services, and may provide the contributions from State, local, or private sources.

''(e) SUPPLEMENT NOT SUPPLANT.—A grant awarded under this section shall be expended to supplement, and not supplant, the expenditures of the eligible entity and the value of in-kind contributions for carrying out the activities for which the grant was awarded.

''(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(g) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(h) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.''.

(c) BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''SEC. 506C. GRANTS FOR BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.

''(a) DEFINITION.—For the purposes of this section, the term 'related mental health personnel' means an individual who—

''(1) facilitates access to a medical, social, educational, or other service; and

''(2) is not a mental health professional, but who is the first point of contact with persons who are seeking mental health services.

''(b) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a program to increase the number of trained behavioral and mental health professionals and related mental health personnel by awarding grants on a competitive basis to mental and behavioral health nonprofit organizations or accredited institutions of higher education to enable such entities to establish or expand accredited mental and behavioral health education programs.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that—

''(1) demonstrate a familiarity with the use of evidenced-based methods in behavioral and mental health services;

''(2) provide interdisciplinary training experiences; and

''(3) demonstrate a commitment to training methods and practices that emphasize the integrated treatment of mental health and substance abuse disorders.

''(e) USE OF FUNDS.—Funds awarded under this section shall be used to—

''(1) establish or expand accredited behavioral and mental health education programs, including improving the coursework, related field placements, or faculty of such programs; or

''(2) establish or expand accredited mental and behavioral health training programs for related mental health personnel.

''(f) REQUIREMENTS.—The Secretary may award a grant to an eligible entity only if such entity agrees that—

''(1) any behavioral or mental health program assisted under the grant will prioritize cultural competency and the recruitment of trainees from racial and ethnic minority and medically-underserved communities; and

''(2) with respect to any violation of the agreement between the Secretary and the entity, the entity will pay such liquidated damages as prescribed by the Secretary.

''(g) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(h) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(i) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,0000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.''.

SEC. 6. IMPROVING ACCESS TO MENTAL HEALTH SERVICES IN MEDICALLY-UNDERSERVED AREAS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3, is amended by inserting after section 520A the following:

''SEC. 520B. GRANTS FOR TELE-MENTAL HEALTH IN MEDICALLY-UNDERSERVED AREAS.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants to eligible entities to provide tele-mental health in medically-underserved areas.

''(b) ELIGIBLE ENTITY.—To be eligible for assistance under the program under subsection (a), an entity shall be a qualified community mental health program (as defined in section 1913(b)(1)).

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) USE OF FUNDS.—An eligible entity shall use funds received under a grant under this section for—

''(1) the provision of tele-mental health services; or

''(2) infrastructure improvements for the provision of tele-mental health services.

''(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(f) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.''.

SEC. 7. IMPROVING HEALTH INFORMATION TECHNOLOGY FOR MENTAL HEALTH PROVIDERS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 5(c), is further amended by adding at the end the following:

''SEC. 506D. IMPROVING HEALTH INFORMATION TECHNOLOGY FOR MENTAL HEALTH PROVIDERS.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Veterans Affairs, shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration and the National Coordinator for Health Information Technology to—

''(1) develop and implement a plan for ensuring that various components of the National Health Information Infrastructure, including data and privacy standards, electronic health records, and community and regional health networks, address the needs of mental health and substance abuse treatment providers; and

''(2) finance related infrastructure improvements, technical support, personnel training, and ongoing quality improvements.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.''.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. MURRAY, Mr. MENENDEZ, Mr. MCCAIN, Mrs. GILLIBRAND, and Mr. ENSIGN):

S. 1192. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on mobile wireless communications services, providers, or property; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to join my colleague Senator WYDEN in reintroducing legislation that will stop the increasing financial burden being placed on wireless consumers by discriminatory taxes. On average, the typical consumer pays 15.2 percent of his/her total wireless bill in Federal, State, and local taxes, fees and surcharges—this is compared to the 7.07 percent average tax rate for other goods and services.

The Mobile Wireless Tax Fairness Act of 2009 would ensure that these tax rates don't increase further by prohibiting States and local governments from imposing any new discriminatory tax on mobile services, mobile service providers, or mobile service property for a period of 5 years. The bill defines ''new discriminatory tax'' as a tax imposed on mobile services, providers, or property that is not generally imposed on other types of services or property, or that is generally imposed at a lower rate.

The wireless era has changed the way the world communicates. To date, there are more than 270 million wireless subscribers in the United States, and consumers used more than 2.2 trillion minutes of airtime from July 2007 to June 2008—that is more than 6 billion minutes per day! And with this growth, more people are using the cell phone as a primary communication device as well as for data and Internet services—approximately 20 percent of households have ''cut the cord'' and use cell phones exclusively. The increased mobility and access wireless communications provide have improved our lives, our safety, and the efficiency of our work and businesses. It is estimated that the productivity value of all mobile wireless services was worth $185 billion in 2005 alone.

However, as more consumers and businesses embrace wireless technologies and applications, more States and local governments are embracing it as a revenue source and applying these excessive and discriminatory taxes, which show up on consumers' bills each month. In fact, the effective rate of taxation on wireless services has increased four times faster than the rate on other taxable goods and services between January 2003 and January 2007.

These excessive and discriminatory taxes discourage wireless adoption and use, primarily with low-income individuals and families that still view a cellular phone as a luxury when many Americans consider it a necessity. By banning these taxes, we can equalize the taxation of the wireless industry with that of other goods and services and protect the wireless consumer from the weight of exorbitant fees, surcharges, and general business taxes. We cannot allow this essential and innovative industry as well as the consumers who benefit from its amazing services and applications to suffer excessive tax rates.

Placing a moratorium on new discriminatory wireless taxes will ensure that consumers continue to reap the benefits of wireless services. Congress took similar action with the Internet—passing the Internet Tax Freedom Act Amendments Act of 2007 last session—because of the incredible impact the Internet will continue to have on consumers and businesses alike. The future of wireless is just as bright and that is why we must ensure its continued growth.

It is confounding that telecommunications, one of the most essential components of our economy and our daily lives, is one of the most highly taxed sectors. That is why I sincerely hope that my colleagues join Senator WYDEN and me in supporting this critical bipartisan legislation so we can continue our efforts to curtail discriminatory taxes on these vital services so that all Americans can leverage the benefits they offer. I would like to thank Senator MCCAIN for his past leadership on this issue and for cosponsoring this consumer-friendly legislation.

By Ms. SNOWE (for herself and Ms. KLOBUCHAR):

S. 1193. A bill to amend title 49, United States Code, to enhance aviation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to join with my colleague, Senator KLOBUCHAR, to introduce legislation that I believe continues to be crucial in the effort to improve aviation safety. Before I begin, I want to recognize the deliberate and unflagging efforts of Senator KLOBUCHAR, whose commitment to improve the safety of commercial aviation in this country is so admirable.

We all remember last spring's news: a U.S. carrier continued flying aircraft even though critical safety checks involving cracks in their fuselages had not been performed on approximately 50 jets. In fact, an independent review concluded that these flights potentially endangered over six million passengers. What was the punitive or disciplinary action taken against the inspector who condoned—in fact, encouraged—those aircraft to continue flying? Nothing. The PMI, or supervising inspector, continued in his role. Also, as many of you will recall, last April, American Airlines cancelled nearly 2,000 flights in order to catch up on inspections of aircraft wiring—inspections that should have been performed previously under its agreement with the FAA.

This startling news was compounded by a Department of Transportation Inspector General's report in June disclosing so-called safety inspectors are turning a blind eye to violations. Now, according to a New York Times article dated June 4, an inspector reported to his superiors that Colgan Air had been having trouble with their most recent purchase, the Bombardier Q400. The same aircraft that crashed outside of Buffalo, New York this past March. What did his superiors do with this information? They transferred the inspector to a different job, and reportedly buried the report.

The FAA's overarching role is to serve as a protector of the public trust; not as a public relations and management tool for the commercial airlines. What I find most offensive throughout these reports is the willingness by the FAA to ignore safety concerns or inspection violations, to presume that due to the tremendous level of success regarding safety protections for so long, they no longer are required to follow the procedures that created that high level of safety, instead, as the Inspector General's report indicated, they want to ''avoid a negative effect on the FAA'' by enforcing those measures.

That is why Senator KLOBUCHAR and I are committed to closing the revolving door between the airlines and the FAA. We need to codify our safety expectations into law and hold anyone who tries to undermine the integrity of the safety process accountable. By establishing a cooling-off period so that FAA inspectors cannot immediately go to work for an airline they used to inspect, and demanding that the FAA establish a national review team of experienced inspectors to conduct periodic, unannounced audits of FAA air carrier inspection facilities will guarantee that aircraft inspections are carried out in a rigorous and timely fashion. The American people, not the airlines, are the primary responsibility of the FAA. It is my hope that these provisions will assist in returning the FAA to their core mission: safety.

Ms. CANTWELL (for herself, Ms. SNOWE, Mr. ROCKEFELLER, and Mrs. HUTCHISON):

S. 1194. A bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, for countless communities around the country, our oceans are the heartbeat of their histories and economies. In fact, according to a report by the Joint Oceans Commission, healthy oceans and coasts are an important means of transportation, trade, and national security. Ocean-dependent industries generate about $138 billion and support millions of jobs in the United States' economy.

According to the National Ocean Economic Project, 30 U.S. coastal States accounted for 82 percent of total population and 81 percent of all U.S. jobs in 2006. In my home State of Washington, the Port of Seattle's facilities and activities alone support 190,000 jobs, and the State has 3,000 fishing vessels that employ 10,000 fishermen.

There is no group that is more important to the health and safety of our ports, fishing industry, and maritime community than the U.S. Coast Guard. The brave men and women of the U.S. Coast Guard are charged with many missions—from serving as our environmental stewards, performing search and rescue missions, and protecting us from terrorism, to helping clean up oil spills and enforcing fisheries laws. They are largely responsible for keeping these coastal economic engines running, and have proved time and time again that they are, as their motto says, ''Always ready.''

But for the Coast Guard to do its job Congress needs to support those who serve in its ranks. We have a responsibility to ensure the Coast Guard has the tools it needs to carry out the missions of today, while looking ahead to the challenges of tomorrow.

The bill I am introducing today, The Coast Guard Authorization Act for fiscal years 2010 and 2011, is designed to help the Coast Guard move toward the future, and ensure our maritime industries remain the clean and safe economic engine our nation's coastal communities have depended on for generations.

As the U.S. experiences major oil spills, tropical storms, hurricanes, and terrorism, our maritime economy faces ever-present threats. Congress needs to uphold its end of the bargain and provide the legislative backing the Coast Guard needs to do its job, and do its job well.

This bill gives the Coast Guard greater authority to work with international maritime authorities, get better access to global safety and security information, and work more cooperatively with other nations on law enforcement; allows the Coast Guard to rework its command structure and increase its alignment with other armed forces; better supports the men and women who serve in the U.S. Coast Guard by allowing greater reimbursement for medical-related expenses and allowing Coast Guard service-members to participate in the Armed Forces Retirement Home system; and directs the Coast Guard to conduct a thorough cost-benefit analysis for recapitalizing its polar icebreaker fleet so the service can prepare for future mission demands in the Arctic.

This bill also contains the most ambitious reform of its acquisitions program in the Coast Guard's history. The Coast Guard is struggling right now to replace their rapidly aging fleet of ships, aircraft, and facilities. At a cost of $24 billion, the Deepwater program is the Coast Guard's largest and most complex acquisition program ever. Congress has a responsibility to ensure there is transparency and oversight so this program is as efficient and effective as possible.

Unfortunately, the Coast Guard's Deepwater program has experienced major failures and setbacks. The program utilized a private sector lead systems integrator, LSI, know as Integrated Coast Guard Systems, ICGS, to oversee acquisition of a ''system of systems.'' When the Deepwater contract was originally awarded in 2002, the Coast Guard did not have the personnel within their ranks to manage such a large contract. Congress was told that outsourcing that role to industry would save the Coast Guard time and money over the long run.

That approach, which may have seemed innovative at the time, has not produced the promised results. Instead of cost and time savings, we have seen cost overruns, schedule delays, less competition and inadequate technical oversight.

The Department of Homeland Security Inspector General, IG, released three reports in 2006 and early 2007 detailing some of the problems with Deepwater, including problems with electronics equipment, crucial design flaws and cost overruns created by a faulty contract structure and lack of oversight, and serious issues with the 123–foot cutter conversion project.

This legislation wipes the slate clean and makes fundamental changes to the Coast Guard's acquisition program. It requires the Coast Guard to abandon the industry-led Lead Systems Integrator and get back to basics—full and open competition for all future assets.

It requires a completely new ''analysis of alternatives'' for all future Deepwater acquisitions to ensure that the Coast Guard is getting the assets best-suited for their needs.

It requires the Coast Guard to follow a rigorous acquisitions process to make sure taxpayer dollars are spent wisely.

And, it gives the Coast Guard the tools it needs to manage acquisitions effectively, including requiring the Coast Guard to make internal management changes to ensure open competition, increase technical oversight and improve reporting to Congress.

This legislation takes major steps towards getting the Coast Guard the assets they need while ensuring responsible management of taxpayer dollars. I look forward to working with my colleagues to enact the changes I am proposing today so we can get this program back on track and help the Coast Guard accomplish its missions.

If we fail to pass legislation, we are doing a major disservice to those very people we depend on. We will do so as they continue to place their lives at risk while they perform the mission of the Coast Guard.

This bill is good for taxpayers, good for the Coast Guard, and good for every American depending on them to be, ''Always ready.''

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1194

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act for Fiscal Years 2010 and 2011''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for each of fiscal years 2010 and 2011 as follows:

(1) For the operation and maintenance of the Coast Guard, $6,556,188,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,383,980,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended; such funds appropriated for personnel compensation and benefits and related costs of acquisition, construction, and improvements shall be available for procurement of services necessary to carry out the Integrated Deepwater Systems program.

(3) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,361,245,000.

(4) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $13,198,000.

(5) For research, development, test, and evaluation programs related to maritime technology, $19,745,000.

(6) For operation and maintenance of the Coast Guard reserve program, $133,632,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 49,954 as of September 30, 2010, and 52,452 as of September 30, 2011.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years for fiscal year 2010, and 2,625 student years for fiscal year 2011.

(2) For flight training, 170 student years for fiscal year 2010 and 179 student years for fiscal year 2011.

(3) For professional training in military and civilian institutions, 350 student years for fiscal year 2010 and 368 student years for fiscal year 2011.

(4) For officer acquisition, 1,300 student years for fiscal year 2010 and 1,365 student years for fiscal year 2011.

TITLE II—ADMINISTRATION

SEC. 201. AUTHORITY TO DISTRIBUTE FUNDS THROUGH GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS TO MARITIME AUTHORITIES AND ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

''(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—The Commandant may, after consultation with the Secretary of State, make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety and environmental requirements, classification, and port state or flag state law enforcement or oversight.''.

SEC. 202. ASSISTANCE TO FOREIGN GOVERNMENTS AND MARITIME AUTHORITIES.

Section 149 of title 14, United States Code, as amended by section 201, is further amended by adding at the end the following:

''(d) AUTHORIZED ACTIVITIES.—

''(1) The Commandant may transfer or expend funds from any appropriation available to the Coast Guard for—

''(A) the activities of traveling contact teams, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

''(B) the activities of maritime authority liaison teams of foreign governments making reciprocal visits to Coast Guard units, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

''(C) seminars and conferences involving members of maritime authorities of foreign governments;

''(D) distribution of publications pertinent to engagement with maritime authorities of foreign governments; and

''(E) personnel expenses for Coast Guard civilian and military personnel to the extent that those expenses relate to participation in an activity described in subparagraph (C) or (D).

''(2) An activity may not be conducted under this subsection with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.''.

SEC. 203. COOPERATIVE AGREEMENTS FOR INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''All orders''; and

(2) by adding at the end the following:

''(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense and the Department of Homeland Security.''.

SEC. 204. DEFINING COAST GUARD VESSELS AND AIRCRAFT.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 638 the following new section:

''§ 638a. Coast Guard vessels and aircraft defined

''For the purposes of sections 637 and 638 of this title, the term Coast Guard vessels and aircraft means—

''(1) any vessel or aircraft owned, leased, transferred to, or operated by the Coast Guard and under the command of a Coast Guard member; or

''(2) any other vessel or aircraft under the tactical control of the Coast Guard on which one or more members of the Coast Guard are assigned and conducting Coast Guard missions.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 17 of such title is amended by inserting after the item relating to section 638 the following:

''638a. Coast Guard vessels and aircraft defined.''.

TITLE III—ORGANIZATION

SEC. 301. VICE COMMANDANT; VICE ADMIRALS.

(a) VICE COMMANDANT.—The fourth sentence of section 47 of title 14, United States Code, is amended by striking ''vice admiral'' and inserting ''admiral''.

(b) VICE ADMIRALS.—Section 50 of such title is amended to read as follows:

''§ 50. Vice admirals

''(a)(1) The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who—

''(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

''(B) shall perform such duties as the Commandant may prescribe.

''(2) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for such appointments.

''(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

''(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

''(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

''(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

''(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

''(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

''(2) An officer serving in a grade above rear admiral who holds the permanent grade

of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

''(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.''.

(c) REPEAL.—Section 50a of such title is repealed.

(d) CONFORMING AMENDMENTS.—Section 51 of such title is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) An officer, other than the Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

''(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

''(c) An officer, other than the Commandant, who, after serving less than 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.''; and

(2) by striking ''Area Commander, or Chief of Staff'' in subsection (d)(2) and inserting ''or Vice Admiral''.

(e) CLERICAL AMENDMENTS.—

(1) The section caption for section 47 of such title is amended to read as follows:

''§ 47. Vice commandant; appointment''.

(2) The table of contents for chapter 3 of such title is amended—

(A) by striking the item relating to section 47 and inserting the following:

''47. Vice Commandant; appointment.'';

(B) by striking the item relating to section 50a; and

(C) by striking the item relating to section 50 and inserting the following:

''50. Vice admirals.''.

(f) TECHNICAL CORRECTION.—Section 47 of such title is further amended by striking ''subsection'' in the fifth sentence and inserting ''section''.

(g) TREATMENT OF INCUMBENTS; TRANSITION.—

(1) Notwithstanding any other provision of law, the officer who, on the date of enactment of this Act, is serving as Vice Commandant—

(A) shall continue to serve as Vice Commandant;

(B) shall have the grade of admiral with pay and allowances of that grade; and

(C) shall not be required to be reappointed by reason of the enactment of that Act.

(2) Notwithstanding any other provision of law, an officer who, on the date of enactment of this Act, is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral; and

(B) for the purposes of transition, may continue, for not more than 1 year after the date of enactment of this Act, to perform the duties of the officer's former position and any other such duties that the Commandant prescribes.

SEC. 302. NUMBER AND DISTRIBUTION OF COMMISSIONED OFFICERS ON THE ACTIVE DUTY PROMOTION LIST.

(a) IN GENERAL.—Section 42 of title 14, United States Code, is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 7,200. This total number may be temporarily increased up to 2 percent for no more than the 60 days that follow the commissioning of a Coast Guard Academy class.

''(b) The total number of commissioned officers authorized by this section shall be distributed in grade not to exceed the following percentages:

''(1) 0.375 percent for rear admiral.

''(2) 0.375 percent for rear admiral (lower half).

''(3) 6.0 percent for captain.

''(4) 15.0 percent for commander.

''(5) 22.0 percent for lieutenant commander. The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce any of the percentages set forth in paragraphs (1) through (5) and apply that total percentage reduction to any other lower grade or combination of lower grades.

''(c) The Secretary shall, at least once a year, compute the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages of this section to the total number of commissioned officers listed on the current active duty promotion list. In making such calculations, any fraction shall be rounded to the nearest whole number. The number of commissioned officers on the active duty promotion list serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 324(d) of title 49, shall not be counted against the total number of commissioned officers authorized to serve in each grade.'';

(2) by striking subsection (e) and inserting the following:

''(e) The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.''; and

(3) by striking the caption of such section and inserting the following:

''§ 42. Number and distribution of commissioned officers on the active duty promotion list''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

''42. Number and distribution of commissioned officers on the active duty promotion list.''.

TITLE IV—PERSONNEL

SEC. 401. LEAVE RETENTION AUTHORITY.

Section 701(f)(2) of title 10, United States Code, is amended by inserting ''or a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93–288, 42 U.S.C. 5121 et seq.)'' after ''operation''.

SEC. 402. LEGAL ASSISTANCE FOR COAST GUARD RESERVISTS.

Section 1044(a)(4) of title 10, United States Code, is amended—

(1) by striking ''(as determined by the Secretary of Defense),'' and inserting ''(as determined by the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service of the Navy),''; and

(2) by striking ''prescribed by the Secretary of Defense,'' and inserting ''prescribed by Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service of the Navy,''.

SEC. 403. REIMBURSEMENT FOR CERTAIN MEDICAL-RELATED TRAVEL EXPENSES.

Section 1074i(a) of title 10, United States Code, is amended—

(1) by striking ''IN GENERAL.—In'' and inserting ''IN GENERAL.—(1) In''; and

(2) by adding at the end the following:

''(2) In any case in which a covered beneficiary resides on an INCONUS island that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider on the mainland who provides services less than 100 miles from the location in which the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary, and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.''.

SEC. 404. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

''(a) The President may appoint temporary commissioned officers—

''(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine; and

''(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.''.

SEC. 405. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

(a) Section 253(a) of title 14, United States Code, is amended—

(1) by inserting ''and'' after ''considered,''; and

(2) by striking ''consideration, and the number of officers the board may recommend for promotion'' and inserting ''consideration''.

(b) Section 258 of such title is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

''(1) specific direction relating to the needs of the service for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

''(2) such other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions. Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.''.

(c) Section 259(a) of such title is amended by striking ''board'' the second place it appears and inserting ''board, giving due consideration to the needs of the service for officers with particular skills so noted in the specific direction furnished pursuant to section 258 of this title,''.

(d) Section 260(b) of such title is amended by inserting ''to meet the needs of the service (as noted in the specific direction furnished the board under section 258 of this title)'' after ''qualified for promotion''.

SEC. 406. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) APPOINTMENT OF JUDGES.—The Secretary may appoint civilian employees of the Department of Homeland Security as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10, United States Code.''.

SEC. 407. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME SYSTEM.

(a) ELIGIBILITY UNDER THE ARMED FORCES RETIREMENT HOME ACT.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking ''does not include the Coast Guard when it is not operating as a service of the Navy.'' in paragraph (4) and inserting ''has the meaning given such term in section 101(4) of title 10.'';

(2) by striking ''and'' in paragraph (5)(C);

(3) by striking ''Affairs.'' in paragraph (5)(D) and inserting ''Affairs; and'';

(4) by adding at the end of paragraph (5) the following:

''(E) the Assistant Commandant of the Coast Guard for Human Resources.''; and

(5) by adding at the end of paragraph (6) the following:

''(E) The Master Chief Petty Officer of the Coast Guard.''.

(b) DEDUCTIONS.—

(1) Section 2772 of title 10, United States Code, is amended—

(A) by striking ''of the military department'' in subsection (a);

(B) by striking ''Armed Forces Retirement Home Board'' in subsection (b) and inserting ''Chief Operating Officer of the Armed Forces Retirement Home''; and

(C) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) by striking ''Armed Forces Retirement Home Board,'' in paragraph (3) and inserting ''Chief Operating Officer of the Armed Forces Retirement Home,''; and

(B) by striking ''does not include the Coast Guard when it is not operating as a service of the Navy.'' in paragraph (4) and inserting ''has the meaning given such term in section 101(4) of title 10.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after January 1, 2010.

TITLE V—ACQUISITION REFORM

SEC. 501. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

''§ 55. Chief Acquisition Officer

''(a) IN GENERAL.—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual's primary duty.

''(b) QUALIFICATIONS.—The Chief Acquisition Officer shall be an acquisition professional with a Level III certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

''(1) the program executive officer;

''(2) the program manager of a Level 1 or Level 2 acquisition project or program;

''(3) the deputy program manager of a Level 1 or Level 2 acquisition; or

''(4) a combination of such positions.

''(c) FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer include—

''(1) monitoring the performance of programs and projects on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

''(2) maximizing the use of full and open competition at the prime contract and subcontract levels in the acquisition of property, capabilities, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of competitive proposals from responsible sources to fulfill the Government's requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property or service procured;

''(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, as appropriate, of the Coast Guard, as designated by the Commandant, consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

''(4) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

''(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

''(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

''(7) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

''(8) developing strategies and specific plans for hiring, training, and professional development; and

''(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability.''.

(b CLERICAL AMENDMENT.—The table of contents for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

''55. Chief Acquisition Officer.''.

(c) SELECTION DEADLINE.—As soon as practicable after the date of enactment of this Act, but no later than October 1, 2011, the Commandant of the Coast Guard shall select a Chief Acquisition Officer under section 55 of title 14, United States Code.

SEC. 502. ACQUISITIONS.

(a) IN GENERAL.—Part I of title 14, United States Code, is amended by inserting after chapter 13 the following:

''CHAPTER 15. ACQUISITIONS

''SUBCHAPTER 1—GENERAL PROVISIONS

''SUBCHAPTER 2—IMPROVED ACQUISITION PROCESS AND PROCEDURES

''SUBCHAPTER 3—DEFINITIONS

''SUBCHAPTER 1—GENERAL PROVISIONS

''§ 561. Acquisition directorate

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard shall establish an acquisition directorate to provide guidance and oversight for the implementation and management of all Coast Guard acquisition processes, programs, and projects.

''(b) MISSION.—The mission of the acquisition directorate is—

''(1) to acquire and deliver assets and systems that increase operational readiness, enhance mission performance, and create a safe working environment; and

''(2) to assist in the development of a workforce that is trained and qualified to further the Coast Guard's missions and deliver the best value products and services to the Nation.

''§ 562. Senior acquisition leadership team

''(a) ESTABLISHMENT.—The Commandant shall establish a senior acquisition leadership team within the Coast Guard comprised of—

''(1) the Vice Commandant;

''(2) the Deputy and Assistant Commandants;

''(3) appropriate senior staff members of each Coast Guard directorate;

''(4) appropriate senior staff members for each assigned field activity or command; and

''(5) any other Coast Guard officer or employee designated by the Commandant.

''(b) FUNCTION.—The senior acquisition leadership team shall—

''(1) meet at the call of the Commandant at such places and such times as the Commandant may require;

''(2) provide advice and information on operational and performance requirements of the Coast Guard;

''(3) identify gaps and vulnerabilities in the operational readiness of the Coast Guard;

''(4) make recommendations to the Commandant and the Chief Acquisition Officer to remedy the identified gaps and vulnerabilities in the operational readiness of the Coast Guard; and

''(5) contribute to the development of a professional, experienced acquisition workforce by providing acquisition-experience tours of duty and educational development for officers and employees of the Coast Guard.

''§ 563. Improvements in Coast Guard acquisition management

''(a) PROJECT AND PROGRAM MANAGERS.—

''(1) PROJECT OR PROGRAM MANAGER DEFINED.—In this section, the term 'project or program manager' means an individual designated—

''(A) to develop, produce, and deploy a new asset to meet identified operational requirements; and

''(B) to manage cost, schedule, and performance of the acquisition or project or program.

''(2) LEVEL 1 PROJECTS.— An individual may not be assigned as the project or program manager for a Level 1 acquisition unless the individual holds a Level III acquisition certification as a program manager.

''(3) LEVEL 2 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 2 acquisition unless the individual holds a Level II acquisition certification as a program manager.

''(b) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM AND PROJECT MANAGERS.—Not later than one year after the date of enactment of the Coast Guard Authorization Act for Fiscal years 2010 and 2011, the Commandant shall issue guidance to address the qualifications, resources, responsibilities, tenure, and accountability of program and project managers for the management of acquisition programs and projects. The guidance shall address, at a minimum—

''(1) the qualifications required for project or program managers, including the number of years of acquisition experience and the professional training levels to be required of those appointed to project or program management positions; and

''(2) authorities available to project or program managers, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisition program.

''(c) ACQUISITION WORKFORCE.—

''(1) IN GENERAL.—The Commandant shall designate a sufficient number of positions to be in the Coast Guard's acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

''(2) REQUIRED POSITIONS.—The Commandant shall ensure that members of the acquisition workforce have expertise, education, and training in at least 1 of the following acquisition career fields:

''(A) Acquisition logistics.

''(B) Auditing.

''(C) Business, cost estimating, and financial management.

''(D) Contracting.

''(E) Facilities engineering.

''(F) Industrial or contract property management.

''(G) Information technology.

''(H)) Manufacturing, production, and quality assurance.

''(I) Program management.

''(J) Purchasing.

''(K) Science and technology.

''(L) Systems planning, research, development, and engineering.

''(M) Test and evaluation.

''(3) ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.—

''(A) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, the Commandant may—

''(i) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

''(ii) use the authorities in such sections to recruit and appoint highly qualified person directly to positions so designated.

''(B) LIMITATION.—The Commandant may not appoint a person to a position of employment under this paragraph after September 30, 2012.

''(d) MANAGEMENT INFORMATION SYSTEM.—

''(1) IN GENERAL.—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

''(2) INFORMATION MAINTAINED.—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

''(A) Qualifications, assignment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition-related certifications.

''(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

''(e) CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

''(1) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

''(2) publish information on such career paths.

''§ 564. Recognition of Coast Guard personnel for excellence in acquisition

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall commence implementation of a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition project or program.

''(b) ELEMENTS.—The program shall include—

''(1) specific award categories, criteria, and eligibility and manners of recognition;

''(2) procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program; and

''(3) procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

''(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Commandant, subject to the availability of appropriations, may award to any civilian employee recognized pursuant to the program a cash bonus to the extent that the performance of such individual so recognized warrants the award of such bonus.

''§ 565. Prohibition on use of lead systems integrators

''(a) IN GENERAL.—

''(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the Commandant may not use a private sector entity as a lead systems integrator for an acquisition contract awarded or delivery order or task order issued after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011.

''(2) FULL AND OPEN COMPETITION.—The Commandant and any lead systems integrator engaged by the Coast Guard, pursuant to the exceptions described in subsection ((b), shall use full and open competition for any acquisition contract awarded after the date of enactment of that Act, unless otherwise excepted in accordance with the Competition in Contracting Act of 1984 (41 U.S. C. 251 note), the amendments made by that Act, and the Federal Acquisition Regulations.

''(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

''(b) EXCEPTIONS.—

''(1) NATIONAL DISTRESS AND RESPONSE SYSTEM MODERNIZATION PROGRAM; NATIONAL SECURITY CUTTERS 2 AND 3.—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard to complete the National Distress and Response System Modernization Program, the C4ISR projects directly related to the Integrated Deepwater Program, and National Security Cutters 2 and 3 if the Secretary of Homeland Security certifies that—

''(A) the acquisition is in accordance with the Competition in Contracting Act of 1984 (41 U.S.C. 251 note), the amendments made by that Act, and the Federal Acquisition Regulations; and

''(B) the acquisition and the use of a private sector entity as a lead systems integrator for the acquisition is in the best interest of the Federal Government.

''(2) TERMINATION DATE FOR EXCEPTIONS.—Except for the modification of delivery or task orders pursuant to Parts 4 and 42 of the Federal Acquisition Regulations, the Commandant may not use a private sector entity as a lead systems integrator after the earlier of—

''(A) September 30, 2012; or

''(B) the date on which the Commandant certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

''§ 566. Required contract terms

''(a) IN GENERAL.—The Commandant shall ensure that a contract awarded or a delivery order or task order issued for an acquisition of a capability or an asset with an expected service life of 10 years and with a total acquisition cost that is equal to or exceeds $10,000,000 awarded or issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011—

''(1) provides that all certifications for an end-state capability or asset under such contract, delivery order, or task order, respectively, will be conducted by the Commandant or an independent third party, and that self-certification by a contractor or subcontractor is not allowed;

''(2) requires that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

''(3) requires that any measurement of contractor and subcontractor performance be based on the status of all work performed, including the extent to which the work performed met all performance, cost, and schedule requirements;

''(4) specifies that, for the acquisition or upgrade of air, surface, or shore capabilities and assets for which compliance with TEMPEST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore standard then used by the Department of the Navy for that type of capability or asset; and

''(5) for any contract awarded to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

''(b) PROHIBITED CONTRACT PROVISIONS.—The Commandant shall ensure that any contract awarded or delivery order or task order issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011 does not include any provision allowing for equitable adjustment that is not consistent with the Federal Acquisition Regulations.

''(c) INTEGRATED PRODUCT TEAMS.—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

''(d) DEEPWATER TECHNICAL AUTHORITIES.—The Commandant shall maintain or designate the technical authorities to establish, approve, and maintain technical requirements. Any such designation shall be made in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 55 of this title.

''§ 567. Department of Defense consultation

''(a) IN GENERAL.—The Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for assets acquired for the Coast Guard.

''(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Commandant shall seek to enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Command, with the oversight of Coast Guard major acquisition programs. The memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

''(1) the exchange of technical assistance and support that the Assistant Commandants for Acquisition, Human Resources, Engineering, and Information technology may identify;

''(2) the use, as appropriate, of Navy technical expertise; and

''(3) the exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including Naval Systems Commands, to facilitate the development of organic capabilities in the Coast Guard.

''(c) TECHNICAL REQUIREMENT APPROVAL PROCEDURES.—The Chief Acquisition Officer shall adopt, to the extent practicable, procedures modeled after those used by the Navy Senior Acquisition Official to approve all technical requirements.

''§ 568. Undefinitized contractual actions

''(a) IN GENERAL.—The Coast Guard may not enter into an undefinitized contractual action unless such action is directly approved by the Head of Contracting Activity of the Coast Guard.

''(b) REQUESTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—Any request to the Head of Contracting Activity for approval of an undefinitized contractual action shall include a description of the anticipated effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and price before performance is begun under the contractual action.

''(c) REQUIREMENTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—

''(1) DEADLINE FOR AGREEMENT ON TERMS, SPECIFICATIONS, AND PRICE.—A contracting officer of the Coast Guard may not enter into an undefinitized contractual action unless the contractual action provides for agreement upon contractual terms, specification, and price by the earlier of—

''(A) the end of the 180-day period beginning on the date on which the contractor submits a qualifying proposal to definitize the contractual terms, specifications, and price; or

''(B) the date on which the amount of funds obligated under the contractual action is equal to more than 50 percent of the negotiated overall ceiling price for the contractual action.

''(2) LIMITATION ON OBLIGATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the contracting officer for an undefinitized contractual action may not obligate under such contractual action an amount that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), if a contractor submits a qualifying proposal to definitize an undefinitized contractual action before an amount that exceeds 50 percent of the negotiated overall ceiling price is obligated on such action, the contracting officer for such action may not obligate with respect to such contractual action an amount that exceeds 75 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

''(3) WAIVER.—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

''(A) a contingency operation (as that term is defined in section 101(a)(13) of title 10);

''(B) operations to prevent or respond to a transportation security incident (as defined in section 70101(6) of title 46);

''(C) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

''(D) an operation in response to a natural disaster or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(4) LIMITATION ON APPLICATION.—This subsection does not apply to an undefinitized contractual action for the purchase of initial spares.

''(d) INCLUSION OF NONURGENT REQUIREMENTS.—Requirements for spare parts and support equipment that are not needed on an urgent basis may not be included in an undefinitized contractual action by the Coast Guard for spare parts and support equipment that are needed on an urgent basis unless the Commandant approves such inclusion as being—

''(1) good business practice; and

''(2) in the best interests of the United States.

''(e) MODIFICATION OF SCOPE.—The scope of an undefinitized contractual action under which performance has begun may not be modified unless the Commandant approves such modification as being—

''(1) good business practice; and

''(2) in the best interests of the United States.

''(f) ALLOWABLE PROFIT.—The Commandant shall ensure that the profit allowed on an undefinitized contractual action for which the final price is negotiated after a substantial portion of the performance required is completed reflects—

''(1) the possible reduced cost risk of the contractor with respect to costs incurred during performance of the contract before the final price is negotiated; and

''(2) the reduced cost risk of the contractor with respect to costs incurred during performance of the remaining portion of the contract.

''(g) DEFINITIONS.—In this section:

''(1) UNDEFINITIZED CONTRACTUAL ACTION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'undefinitized contractual action' means a new procurement action entered into by the Coast Guard for which the contractual terms, specifications, or price are not agreed upon before performance is begun under the action.

''(B) EXCLUSION.—The term 'undefinitized contractual action' does not include contractual actions with respect to—

''(i) foreign military sales;

''(ii) purchases in an amount not in excess of the amount of the simplified acquisition threshold; or

''(iii) special access programs.

''(2) QUALIFYING PROPOSAL.—The term 'qualifying proposal' means a proposal that contains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

''SUBCHAPTER 2—IMPROVED ACQUISITION PROCESS AND PROCEDURES

''§ 571. Identification of major system acquisitions

''(a) IN GENERAL.—

''(1) SUPPORT MECHANISMS.—The Commandant shall develop and implement mechanisms to support the establishment of mature and stable operational requirements for acquisitions under this subchapter.

''(2) MISSION ANALYSIS; AFFORDABILITY ASSESSMENT.—The Commandant may not initiate a Level 1 or Level 2 acquisition project or program until the Commandant—

''(A) completes a mission analysis that—

''(i) identifies any gaps in capability; and

''(ii) develops a clear mission need; and

''(B) prepares a preliminary affordability assessment for the project or program.

''(b) ELEMENTS.—

''(1) REQUIREMENTS.—The mechanisms required by subsection (a) shall ensure the implementation of a formal process for the development of a mission-needs statement, concept-of-operations document, capability development plan, and resource proposal for the initial project or program funding, and shall ensure the project or program is included in the Coast Guard Capital Investment Plan.

''(2) ASSESSMENT OF TRADE-OFFS.—In conducting an affordability assessment under subsection (a)(2)(B), the Commandant shall develop and implement mechanisms to ensure that trade-offs among cost, schedule, and performance are considered in the establishment of preliminary operational requirements for development and production of new assets and capabilities for Level 1 and Level 2 acquisitions projects and programs.

''(c) HUMAN RESOURCE CAPITAL PLANNING.—The Commandant shall develop staffing predictions, define human capital performance initiatives, and identify preliminary training needs for any such project or program.

''(d) DHS ACQUISITION APPROVAL.—A Level 1 or Level 2 acquisition project or program may not be implemented unless it is approved by the Department of Homeland Security Acquisition Review Board or the Joint Review Board.

''§ 572. Acquisition

''(a) IN GENERAL.—The Commandant may not establish a Level 1 or Level 2 acquisition project or program approved under section 571(d) until the Commandant—

''(1) clearly defines the operational requirements for the project or program;

''(2) establishes the feasibility of alternatives;

''(3) develops an acquisition project or program baseline;

''(4) produces a life-cycle cost estimate; and

''(5) assesses the relative merits of alternatives to determine a preferred solution in accordance with the requirements of this section.

''(b) ANALYSIS OF ALTERNATIVES.—

''(1) IN GENERAL.—The Commandant shall conduct an analysis of alternatives for the asset or capability to be acquired in an analyze and select phase of the acquisition process.

''(2) REQUIREMENTS.—The analysis of alternatives shall be conducted by a Federally-funded research and development center, a qualified entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise and has no substantial financial interest in any part of the acquisition project or program that is the subject of the analysis. At a minimum, the analysis of alternatives shall include—

''(A) an assessment of the technical maturity, and technical and other risks;

''(B) an examination of capability, interoperability, and other disadvantages;

''(C) an evaluation of whether different combinations or quantities of specific assets or capabilities could meet the Coast Guard's overall performance needs;

''(D) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

''(E) when an alternative is an existing asset or prototype, an evaluation of relevant safety and performance records and costs;

''(F) a calculation of life-cycle costs including—

''(i) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

''(ii) an examination of likely production and deployment costs and levels of uncertainty associated with such estimated costs;

''(iii) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

''(iv) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

''(v) such additional measures as the Commandant or the Secretary of Homeland Security determines to be necessary for appropriate evaluation of the asset; and

''(G) the business case for each viable alternative.

''(c) TEST AND EVALUATION MASTER PLAN.—

''(1) IN GENERAL.—For any Level 1 or Level 2 acquisition project or program the Chief Acquisition Officer shall approve a test and evaluation master plan specific to the acquisition project or program for the capability, asset, or subsystems of the capability or asset and intended to minimize technical, cost, and schedule risk as early as practicable in the development of the project or program.

''(2) TEST AND EVALUATION STRATEGY.—The master plan shall—

''(A) set forth an integrated test and evaluation strategy that will verify that capability-level or asset-level and subsystem-level design and development, including performance and supportability, have been sufficiently proven before the capability, asset, or subsystem of the capability or asset is approved for production; and

''(B) require that adequate developmental tests and evaluations and operational tests and evaluations established under subparagraph (A) are performed to inform production decisions.

''(3) OTHER COMPONENTS OF THE MASTER PLAN.—At a minimum, the master plan shall identify—

''(A) the key performance parameters to be resolved through the integrated test and evaluation strategy;

''(B) critical operational issues to be assessed in addition to the key performance parameters;

''(C) specific development test and evaluation phases and the scope of each phase;

''(D) modeling and simulation activities to be performed, if any, and the scope of such activities;

''(E) early operational assessments to be performed, if any, and the scope of such assessments;

''(F) operational test and evaluation phases;

''(G) an estimate of the resources, including funds, that will be required for all test, evaluation, assessment, modeling, and simulation activities; and

''(H) the Government entity or independent entity that will perform the test, evaluation, assessment, modeling, and simulation activities.

''(4) UPDATE.—The Chief Acquisition Officer shall approve an updated master plan whenever there is a revision to project or program test and evaluation strategy, scope, or phasing.

''(5) LIMITATION.—The Coast Guard may not—

''(A) proceed beyond that phase of the acquisition process that entails approving the supporting acquisition of a capability or asset before the master plan is approved by the Chief Acquisition Officer; or

''(B) award any production contract for a capability, asset, or subsystem for which a master plan is required under this subsection before the master plan is approved by the Chief Acquisition Officer.

''(d) LIFE-CYCLE COST ESTIMATES.—

''(1) IN GENERAL.—The Commandant shall implement mechanisms to ensure the development and regular updating of life-cycle cost estimates for each Level 1 or Level 2 acquisition to ensure that these estimates are considered in decisions to develop or produce new or enhanced capabilities and assets.

''(2) TYPES OF ESTIMATES.—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant shall require that an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition project or program.

''(3) REQUIRED UPDATES.—For each Level 1 or Level 2 acquisition project or program the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the project or program enters a new acquisition phase.

''(e) DHS ACQUISITION APPROVAL.—A project or program may not enter the obtain phase under section 573 unless the Department of Homeland Security Acquisition Review Board or the Joint Review Board (or other entity to which such responsibility is delegated by the Secretary of Homeland Security) has approved the analysis of alternatives for the project. The Joint Review Board may also approve the low rates initial production quantity for the project or program if such an initial production quantity is planned by the acquisition project or program and deemed appropriate by the Joint Review Board.

''§ 573. Preliminary development and demonstration

''(a) IN GENERAL.—The Commandant shall ensure that developmental test and evaluation, operational test and evaluation, life cycle cost estimates, and the development and demonstration requirements are met to confirm that the projects or programs meet the requirements described in the mission-needs statement and the operational-requirements document and the following development and demonstration objectives:

''(1) To demonstrate that the most promising design, manufacturing, and production solution is based upon a stable, producible, and cost-effective product design.

''(2) To ensure that the product capabilities meet contract specifications, acceptable operational performance requirements, and system security requirements.

''(3) To ensure that the product design is mature enough to commit to full production and deployment.

''(b) TESTS AND EVALUATIONS.—

''(1) IN GENERAL.—The Commandant shall ensure that the Coast Guard conducts developmental tests and evaluations and operational tests and evaluations of a capability or asset and the subsystems of the capability or asset for which a master plan has been prepared under section 572(c)(1).

''(2) USE OF THIRD PARTIES.—The Commandant shall ensure that the Coast Guard uses independent third parties with expertise in testing and evaluating the capabilities or assets and the subsystems of the capabilities or assets being acquired to conduct developmental tests and evaluations and operational tests and evaluations whenever the Coast Guard lacks the capability to conduct the tests and evaluations required by a master plan.

''(3) COMMUNICATION OF SAFETY CONCERNS.—The Commandant shall require that safety concerns identified during developmental or operational tests and evaluations or through independent or Government-conducted design assessments of capabilities or assets and subsystems of capabilities or assets to be acquired by the Coast Guard shall be communicated as soon as practicable, but not later than 30 days after the completion of the test or assessment event or activity that identified the safety concern, to the program manager for the capability or asset and the subsystems concerned and to the Chief Acquisition Officer.

''(4) ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.—If operational test and evaluation on a capability or asset already in low, initial, or full-rate production identifies a safety concern with the capability or asset or any subsystems of the capability or asset not previously identified during developmental or operational test and evaluation, the Commandant shall—

''(A) notify the program manager and the Chief Acquisition Officer of the safety concern as soon as practicable, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern; and

''(B) notify the Chief Acquisition Officer and include in such notification—

''(i) an explanation of the actions that will be taken to correct or mitigate the safety concern in all capabilities or assets and subsystems of the capabilities or assets yet to be produced, and the date by which those actions will be taken;

''(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and subsystems of the capabilities or assets, and the date by which those actions will be taken; and

''(iii) an assessment of the adequacy of current funding to correct or mitigate the safety concern in capabilities or assets and subsystems of the capabilities or assets and in previously produced capabilities or assets and subsystems.

''(c) TECHNICAL CERTIFICATION.—

''(1) IN GENERAL.—The Commandant shall—ensure that any Level 1 or Level 2 acquisition project or program is certified by the technical authority of the Coast Guard after review by an independent third party with capabilities in the mission area, asset, or particular asset component.

''(2) TEMPEST TESTING.—The Commandant shall—

''(A) cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011 to be tested in accordance with master plan standards and communications security standards by an independent third party that is authorized by the Federal Government to perform such testing; and

''(B) certify that the assets meet all applicable TEMPEST requirements.

''(3) VESSEL CLASSIFICATION.—The Commandant shall cause each cutter, other than the National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011 is to be classed by the American Bureau of Shipping before final acceptance.

''(d) ACQUISITION DECISION.—The Commandant may not proceed to full scale production, deployment, and support of a Level 1 or Level 2 acquisition project or program unless the Department of Homeland Security Acquisition Review Board has verified that the delivered asset or system meets the project or program performance and cost goals.

''§ 574. Acquisition, production, deployment, and support

''(a) IN GENERAL.—The Commandant shall—

''(1) ensure there is a stable and efficient production and support capability to develop an asset or system;

''(2) conduct follow on testing to confirm and monitor performance and correct deficiencies; and

''(3) conduct acceptance tests and trails upon the delivery of each asset or system to ensure the delivered asset or system achieves full operational capability.

''(b) ELEMENTS.—The Commandant shall—

''(1) execute the productions contracts;

''(2) ensure the delivered products meet operational cost and schedules requirements established in the acquisition program baseline;

''(3) validate manpower and training requirements to meet system needs to operate, maintain, support, and instruct the system; and

''(4) prepare a project or program transition plan to enter into programmatic sustainment, operations, and support.

''§ 575. Acquisition program baseline breach

''(a) IN GENERAL.—The Commandant shall submit a report to the appropriate congressional committees as soon as possible, but not later than 30 days, after the Chief Acquisition Officer of the Coast Guard becomes aware of the breach of an acquisition program baseline for any Level 1 or Level 2 acquisition program, by—

''(1) a likely cost overrun greater than 15 percent of the acquisition program baseline for that individual capability or asset or a class of capabilities or assets;

''(2) a likely delay of more than 180 days in the delivery schedule for any individual capability or asset or class of capabilities or assets; or

''(3) an anticipated failure for any individual capability or asset or class of capabilities or assets to satisfy any key performance threshold or parameter under the acquisition program baseline.

''(b) CONTENT.—The report submitted under subsection (a) shall include—

''(1) a detailed description of the breach and an explanation of its cause;

''(2) the projected impact to performance, cost, and schedule;

''(3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline;

''(4) the updated acquisition schedule and the complete history of changes to the original schedule;

''(5) a full life-cycle cost analysis for the capability or asset or class of capabilities or assets;

''(6) a remediation plan identifying corrective actions and any resulting issues or risks; and

''(7) a description of how progress in the remediation plan will be measured and monitored.

''(c) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 25 percent or a likely delay is greater than 12 months from the costs and schedule described in the acquisition program baseline for any Level 1 or Level 2 acquisition project or program of the Coast Guard, the Commandant shall include in the report a written certification, with a supporting explanation, that—

''(1) the capability or asset or capability or asset class to be acquired under the project or program is essential to the accomplishment of Coast Guard missions;

''(2) there are no alternatives to such capability or asset or capability or asset class which will provide equal or greater capability in both a more cost-effective and timely manner;

''(3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

''(4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

''SUBCHAPTER 3—DEFINITIONS

''§ 581. Definitions

''In this chapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

''(2) CHIEF ACQUISITION OFFICER.—The term 'Chief Acquisition Officer' means the officer appointed under section 55 of this title.

''(3) COMMANDANT.—The term 'Commandant' means the Commandant of the Coast Guard.

''(4) JOINT REVIEW BOARD.—The term 'Joint Review Board' means the Department of Homeland Security's Investment Review Board, Joint Requirements Council, or other entity within the Department designated by the Secretary as the Joint Review Board for purposes of this chapter.

''(5) LEVEL 1 ACQUISITION.—The term 'Level 1 acquisition' means—

''(A) an acquisition by the Coast Guard—

''(i) the estimated life-cycle costs of which exceed $1,000,000,000; or

''(ii) the estimated total acquisition costs of which exceed $300,000,000; or

''(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

''(i) due to—

''(I) the experimental or technically immature nature of the asset;

''(II) the technological complexity of the asset;

''(III) the commitment of resources; or

''(IV) the nature of the capability or set of capabilities to be achieved; or

''(ii) because such acquisition is a joint acquisition.

''(6) LEVEL 2 ACQUISITION.—The term 'Level 2 acquisition' means an acquisition by the Coast Guard—

''(A) the estimated life-cycle costs of which are equal to or less than $1,000,000,000, but greater than $300,000,000; or

''(B) the estimated total acquisition costs of which are equal to or less than $300,000,0000, but greater than $100,000,000.

''(7) LIFE-CYCLE COST.—The term 'life-cycle cost' means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

''(8) SAFETY CONCERN.—The term 'safety concern' means any hazard associated with a capability or asset or a subsystem of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or subsystem or any hazard associated with the capability, asset, or subsystem that is likely to cause major damage to the capability, asset, or subsystem during the course of its normal operation by a typical Coast Guard user.''.

(b) CONFORMING AMENDMENT.—The part analysis for part I of title 14, United States Code, is amended by inserting after the item relating to chapter 13 the following:

''15. Acquisitions .....561''.

SEC. 503. REPORT AND GUIDANCE ON EXCESS PASS-THROUGH CHARGES.

(a) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall issue a report on pass-through charges on contracts, subcontracts, delivery orders, and task orders that were executed by a lead systems integrator under contract to the Coast Guard during the 3 full calendar years preceding the date of enactment of this Act.

(2) MATTERS COVERED.—The report under this subsection—

(A) shall assess the extent to which the Coast Guard paid excessive pass-through charges to contractors or subcontractors that provided little or no value to the performance of a contract or the production of a procured asset; and

(B) shall assess the extent to which the Coast Guard has been particularly vulnerable to excessive pass-through charges on any specific category of contracts or by any specific category of contractors.

(b) GUIDANCE REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall prescribe guidance to ensure that pass-through charges on contracts, subcontracts, delivery orders, and task orders that are executed with a private entity acting as a lead systems integrator by or on behalf of the Coast Guard are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor. The guidance shall, at a minimum—

(A) set forth clear standards for determining when no, or negligible, value has been added to a contract by a contractor or subcontractor;

(B) set forth procedures for preventing the payment by the Government of excessive pass-through charges; and

(C) identify any exceptions determined by the Commandant to be in the best interest of the Government.

(2) SCOPE OF GUIDANCE.—The guidance prescribed under this subsection—

(A) shall not apply to any firm, fixed-price contract or subcontract, delivery order, or task order that is—

(i) awarded on the basis of adequate price competition, as determined by the Commandant; or

(ii) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(B) may include such additional exceptions as the Commandant determines to be necessary in the interest of the United States.

(c) EXCESSIVE PASS-THROUGH CHARGE DEFINED.—In this section the term ''excessive pass-through charge'', with respect to a contractor or subcontractor that adds no, or negligible, value to a contract or subcontract, means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor, other than reasonable charges for the direct costs of managing lower-tier contractors and subcontracts and overhead and profit based on such direct costs.

(d) APPLICATION OF GUIDANCE.—The guidance prescribed under this section shall apply to contracts awarded to a private entity acting as a lead systems integrator by or on behalf of the Coast Guard on or after the date that is 360 days after the date of enactment of this Act.

TITLE VI—SHIPPING AND NAVIGATION

SEC. 601. TECHNICAL AMENDMENTS TO CHAPTER 313 OF TITLE 46, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 313 of title 46, United States Code, is amended—

(1) by striking ''of Transportation'' in sections 31302, 31306, 31321, 31330, and 31343 each place it appears;

(2) by striking ''and'' after the semicolon in section 31301(5)(F);

(3) by striking ''office.'' in section 31301(6) and inserting ''office; and''; and

(4) by adding at the end of section 31301 the following:

''(7) 'Secretary' means the Secretary of the Department of Homeland Security, unless otherwise noted.''.

(b) SECRETARY AS MORTGAGEE.—Section 31308 of such title is amended by striking ''When the Secretary of Commerce or Transportation is a mortgagee under this chapter, the Secretary'' and inserting ''The Secretary of Commerce or Transportation, as a mortgagee under this chapter,''.

(c) SECRETARY OF TRANSPORTATION.—Section 31329(d) of such title is amended by striking ''Secretary.'' and inserting ''Secretary of Transportation.''.

(d) MORTGAGEE.—

(1) Section 31330(a)(1) of such title, as amended by subsection (a)(1) of this section, is amended—

(A) by inserting ''or'' after the semicolon in subparagraph (B);

(B) by striking ''Secretary; or'' in subparagraph (C) and inserting ''Secretary.''; and

(C) by striking subparagraph (D).

(2) Section 31330(a)(2) is amended—

(A) by inserting ''or'' after the semicolon in subparagraph (B);

(B) by striking ''faith; or'' in subparagraph (C) and inserting ''faith.''; and

(C) by striking subparagraph (D).

SEC. 602. CLARIFICATION OF RULEMAKING AUTHORITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end the following:

''§ 70122. Regulations

''Unless otherwise provided, the Secretary may issue regulations necessary to implement this chapter.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 701 of such title is amended by adding at the end the following new item:

''70122. Regulations.''.

SEC. 603. COAST GUARD TO MAINTAIN LORAN–C NAVIGATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation shall maintain the LORAN–C navigation system until such time as the Secretary is authorized by statute, explicitly referencing this section, to cease operating the system but expedite modernization projects necessary for transition to eLORAN technology.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation, in addition to funds authorized under section 101 of this Act for the Coast Guard for operation of the LORAN–C system and for the transition to eLORAN, for capital expenses related to the LORAN–C infrastructure and to modernize and upgrade the LORAN infrastructure to provide eLORAN services, $37,000,000 for each of fiscal years 2010 and 2011. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department of Transportation such funds as may be necessary to reimburse the Coast Guard for related expenses.

(c) REPORT ON TRANSITION TO ELORAN TECHNOLOGY.—No later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of the Department in which the Coast Guard is operating, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a detailed 5-year plan for transition to eLORAN technology that includes—

(1) the timetable, milestones, projects, and future funding required to complete the transition from LORAN-C to eLORAN technology for provision of positioning, navigation, and timing services; and

(2) the benefits of eLORAN for national transportation safety, security, and economic growth.

SEC. 604. ICEBREAKERS.

(a) ANALYSES.—Not later than 90 days after the date of enactment of this Act or the date of completion of the ongoing High Latitude Study to assess polar ice-breaking mission requirements, which ever occurs later, the Commandant of the Coast Guard shall—

(1) conduct a comparative cost-benefit analysis of—

(A) rebuilding, renovating, or improving the existing fleet of polar icebreakers for operation by the Coast Guard,

(B) constructing new polar icebreakers for operation by the Coast Guard for operation by the Coast Guard, and

(C) any combination of the activities described in subparagraphs (A) and (B),

to carry out the missions of the Coast Guard; and

(2) conduct an analysis of the impact on mission capacity and the ability of the United States to maintain a presence in the polar regions through the year 2020 if recapitalization of the polar icebreaker fleet, either by constructing new polar icebreakers or rebuilding, renovating, or improving the existing fleet of polar icebreakers, is not fully funded.

(b) REPORTS TO CONGRESS.—

(1) Not later than 90 days after the date of enactment of this Act or the date of completion of the ongoing High Latitude Study to assess polar ice-breaking mission requirements, which ever occurs later, the Commandant of the Coast Guard shall submit a report containing the results of the study, together with recommendations the Commandant deems appropriate under section 93(a)(24) of title 14, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(2) Not later than 1 year after the date of enactment of this Act, the Commandant shall submit reports containing the results of the analyses required under paragraphs (1) and (2) of subsection (a), together with recommendations the Commandant deems appropriate under section 93(a)(24) of title 14, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 605. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) by inserting ''and'' after the semicolon at the end of subparagraph (A)(i);

(2) by striking ''and'' at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

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

(5) by inserting at the end the following:

''(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) and is eligible for a fishery endorsement under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) is amended to read as follows:

''(g) VESSEL REBUILDING AND REPLACEMENT.—

''(1) IN GENERAL.—

''(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

''(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

''(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

''(2) RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

''(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and

(c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

''(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

''(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

''(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

''(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

''(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

''(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

''(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

''(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011.

''(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.''.

(2) EXEMPTION OF CERTAIN VESSELS.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–620) is amended—

(A) by inserting ''and'' after ''(United States official number 651041)'';

(B) by striking '', NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)''; and

(C) by striking '', in the case of the NORTHERN'' and all that follows through ''PHOENIX,''.

(3) FISHERY COOPERATIVE EXIT PROVISIONS.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–629) is amended—

(A) by moving the matter beginning with ''the Secretary shall'' in paragraph (1) 2 ems to the right; and

(B) by adding at the end the following:

''(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

''(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

''(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008; and

''(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

''(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

''(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

''(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.''.

TITLE VII—VESSEL CONVEYANCE

SEC. 701. SHORT TITLE.

This title may be cited as the ''Vessel Conveyance Act''.

SEC. 702. CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.

(a) IN GENERAL.—Whenever the transfer of ownership of a Coast Guard vessel to an eligible entity for use for educational, cultural, historical, charitable, recreational, or other public purposes is authorized by law, the Coast Guard shall transfer the vessel to the General Services Administration for conveyance to the eligible entity.

(b) CONDITIONS OF CONVEYANCE.—The General Services Administration may not convey a vessel to an eligible entity as authorized by law unless the eligible entity agrees—

(1) to provide the documentation needed by the General Services Administration to process a request for aircraft or vessels under section 102.37.225 of title 41, Code of Federal Regulations;

(2) to comply with the special terms, conditions, and restrictions imposed on aircraft and vessels under section 102-37.460 of such title;

(3) to make the vessel available to the United States Government if it is needed for use by the Commandant of the Coast Guard in time of war or a national emergency; and

(4) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from use of the vessel by the United States Government under paragraph (3).

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1195. A bill to require the Secretary of Agriculture to carry out the Philadelphia universal feeding pilot program until the last day of the 2012–2013 school year of the School District of Philadelphia; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I rise today to speak on the Department of Agriculture's decision to end the Philadelphia School District's Universal Feeding Pilot Program and to introduce legislation extending the program. While changes to the Philadelphia program may be necessary, the appropriate time to consider these changes is during congressional reauthorization of the Child Nutrition Act. Senator CASEY and I are seeking to extend the program through the 2012–13 school year. This extension is necessary to ensure that thousands of children in Philadelphia's poorest schools are not deprived of the nutritional assistance they have relied on for over 17 years.

Recognizing the value of proper nutrition to successful learning, Congress, in 1946, passed the Richard B. Russell National School Lunch Act. This act provides the authority for the School Lunch Program, as well as several other child nutrition initiatives. In 1966 Congress expanded on its commitment to child nutrition by passing the Child Nutrition Act, which authorized the School Breakfast Program. These programs have continued to evolve through changing times and changing technologies to ensure that the goal of providing nutrition assistance to our Nation's school children is met.

In 1991 the Department of Agriculture worked with the Philadelphia School District to develop a more streamlined method of reimbursing the School District for meals served under the National School Breakfast and School Lunch Program, and ensuring all eligible students receive free meals.

This new method eliminated paper applications for free school meals, and replaced them with a socioeconomic survey based method of determining reimbursement rates and eligibility.

Paper applications are costly, and parents too often fail to return them. The socioeconomic survey based approach was chosen because it reduced administrative overhead costs and is thought to better ensure that all eligible students are accounted for. In addition, by providing Universal Service the stigma associated with receiving a free or reduced price school meal is eliminated. Indeed, during the first year of the Universal Feeding Pilot Program, the Philadelphia School District saw a 14 percent increase in lunch participation in elementary schools, a 45 percent increase in middle schools and a 180 percent increase in high schools. The Philadelphia Universal Feeding Pilot Program has successfully increased student participation in the school meal program. Should this program be ended, as the Department of Agriculture would have it, children in the Philadelphia School District will have their ability to learn undermined by Washington, DC, bureaucrats.

The students and parents in 200 of Philadelphia's poorest schools have not filled out paper applications for free and reduced priced school meals in over seventeen years. It is almost certain that some parents will fail to return paper applications to the school district, resulting in the underreporting of eligible students. In fact, the Secretary of Agriculture tacitly acknowledges the ineffectiveness of paper applications by offering outreach assistance to the Philadelphia School District.

A decrease in the amount of students claiming free or reduced lunches will lower the Department of Agriculture's reimbursement rate to the Philadelphia School District. Reducing the school meal reimbursement rate will not only cause the Philadelphia School District budgetary problems in relation to the school meals program, but because other grant funding is often based on the percentage of low income students in a district, as determined by participation rates in the school meal program, the District could potentially lose millions of dollars in other state and Federal grant funding. Federal E-rate funding, for example, which is used for educational technology, is based directly on school meal program eligibility percentages.

Congress is expected to take up the Child Nutrition Act reauthorization later this year. Universal Feeding and the National School Breakfast and Lunch Program will be a part of this debate, and this is an appropriate time and place to consider changes to the program. We know from experience that Congressional action is not always as swift as planned, and that the legislative calendar changes from week to week if not from day to day.

Therefore, Senator CASEY and I introduce legislation today to extend the Philadelphia School District's Universal Feeding Pilot Program through the close of the 2012–2013 school year to ensure that Philadelphia school children receive the necessary nutritional assistance until Congress can enact a new policy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 168—COMMENDING THE UNIVERSITY OF WASHINGTON WOMEN'S SOFTBALL TEAM FOR WINNING THE 2009 NCAA WOMEN'S COLLEGE WORLD SERIES

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas on June 2, 2009, for the first time in university history, the University of Washington Women Huskies won the National Collegiate Athletic Association (''NCAA'') national softball championship game with a 3–2 victory over the University of Florida Gators;

Whereas University of Washington pitcher Danielle Lawrie was named the Women's College World Series Most Valuable Player and the USA Softball National Collegiate Player of the Year;

Whereas the Huskies finished the 2009 season with an impressive record of 51-12;

Whereas the members of the 2009 University of Washington softball team are excellent representatives of a university that is 1 of the premier academic institutions in Washington State, producing many outstanding student-athletes and other leaders; and

Whereas the members of the women's softball team have brought great honor to themselves, their families, the University of Washington, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Washington softball team for winning the 2009 Women's College World Series;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Washington win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Mark A. Emmert, president of the University of Washington;

(B) Scott Woodward, director of athletics of the University of Washington; and

(C) Heather Tarr, head coach of the University of Washington softball team.

SENATE RESOLUTION 169—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA SHOULD WORK WITHIN THE FRAMEWORK OF THE UNITED NATIONS PROCESS WITH GREECE TO ACHIEVE LONGSTANDING UNITED STATES AND UNITED NATIONS POLICY GOALS OF FINDING A MUTUALLY ACCEPTABLE COMPOSITE NAME, WITH A GEOGRAPHICAL QUALIFIER AND FOR ALL INTERNATIONAL USES FOR THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Mr. MENENDEZ (for himself, Ms. SNOWE, Mrs. SHAHEEN, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 169

Whereas, on April 8, 1993, the United Nations General Assembly admitted as a member the former Yugoslav Republic of Macedonia, under the name the ''former Yugoslav Republic of Macedonia'';

Whereas United Nations Security Council Resolution 817 (1993) states that the international dispute over the name must be resolved to maintain peaceful relations between Greece and the former Yugoslav Republic of Macedonia and regional stability;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the Balkan region, having invested over $20,000,000,000 in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over $750,000,000 in development aid for the region;

Whereas Greece has invested over $1,000,000,000 in the former Yugoslav Republic of Macedonia, thereby creating more than 10,000 new jobs and having contributed $110,000,000 in development aid;

Whereas Senate Resolution 300, introduced in the 110th Congress, urged the former Yugoslav Republic of Macedonia to abstain from hostile activities and stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between the former Yugoslav Republic of Macedonia and Greece regarding ''hostile activities or propaganda'';

Whereas NATO's Heads of State and Government unanimously agreed in Bucharest on April 3, 2008, that ''. . . within the framework of the UN, many actors have worked hard to resolve the name issue, but the Alliance has noted with regret that these talks have not produced a successful outcome. Therefore we agreed that an invitation to the former Yugoslav Republic of Macedonia will be extended as soon as a mutually acceptable solution to the name issue has been reached. We encourage the negotiations to be resumed without delay and expect them to be concluded as soon as possible'';

Whereas the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg/Kehl on April 4, 2009, reiterated their unanimous support for the agreement at the Bucharest Summit ''to extend an invitation to the former Yugoslav Republic of Macedonia as soon as a mutually acceptable solution to the name issue has been reached within the framework of the UN, and urge intensified efforts towards that goal.''; and

Whereas authorities in the former Yugoslav Republic of Macedonia urged their citizens to boycott Greek investments in the

country and not to travel to Greece: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of the former Yugoslav Republic of Macedonia to work within the framework of the United Nations process with Greece to achieve longstanding United States and United Nations policy goals by finding a mutually acceptable composite name, with a geographical qualifier and for all international uses for the former Yugoslav Republic of Macedonia; and

(2) urges the Government of the former Yugoslav Republic of Macedonia to abstain from hostile activities and stop violating provisions of the United Nations-brokered Interim Agreement between the former Yugoslav Republic of Macedonia and Greece regarding ''hostile activities or propaganda''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1257. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table.

SA 1258. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1259. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1260. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1261. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1262. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1263. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1264. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1265. Mr. ALEXANDER (for himself, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1266. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1267. Mr. CHAMBLISS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1268. Mr. CHAMBLISS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1269. Mr. BAYH (for himself, Ms. MURKOWSKI, Mr. BURRIS, Mr. LIEBERMAN, Mr. WARNER, Mr. WEBB, Mr. NELSON, of Nebraska, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1270. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1271. Mr. KOHL (for himself, Ms. SNOWE, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1272. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1273. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1257. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCREASED CONTRIBUTIONS FROM USERS OF TOBACCO PRODUCTS UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.

(a) IN GENERAL.—Section 8906 of title 5, United States Code, is amended—

(1) in subsection (b)(1), by inserting ''of this subsection and subsection (j)'' after ''and (4)'';

(2) in subsection (c), by striking ''subsection (b)'' and inserting ''subsections (b) and (j)''; and

(3) by adding at the end the following:

''(j)(1) In this subsection—

''(A) the term 'enrollee' means an employee or annuitant enrolled in a health benefits plan under this chapter;

''(B) the term 'tobacco product' means—

''(i) any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product); and

''(ii) shall not include an article that is a drug under subsection (g)(1) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), a device under subsection (h) of that section, or a combination product described in section 503(g) of that Act; and

''(C) the term 'user of a tobacco product' means an individual who has used a tobacco product within the last 12 months.

''(2)(A) If an enrollee (or any individual covered by that enrollee if enrollment is for self and family) is a user of a tobacco product, the contribution paid by that enrollee shall be increased by 35 percent.

''(B) If an enrollee (and any individual covered by that enrollee if enrollment is for self and family) is not a user of a tobacco product, the contribution paid by that enrollee shall be reduced by 15 percent.

''(3) The Government contribution paid for each enrollee, as applicable, shall be—

''(A) reduced by the dollar amount of the increase adjusted under paragraph (2)(A); or

''(B) increased by the dollar amount of the reduction adjusted under paragraph (2)(B).

''(4) Any adjustment under this subsection shall be subject to the limitation under subsection (b)(2).''.

(b) REGULATIONS.—The Office of Personnel Management shall prescribe regulations to carry out the amendment made by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to contracts entered into under section 8902 of title 5, United States Code, that take effect with respect to calendar years that begin more than 1 year after that date.

SA 1258. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ___. ADJUSTMENT OF THE AMOUNT OF THE MEDICARE PART B PREMIUM TO REWARD BENEFICIARIES WHO REFRAIN FROM TOBACCO USE.

Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in subsection (a)(2), by striking ''and (i)'' and inserting ''(i), and (j)''; and

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

''(j)(1) With respect to the monthly premium amount under this section for months after December 2010, the Secretary shall adjust (under procedures established by the Secretary) the amount of such premium for an individual based on whether or not the individual refrains from tobacco use. Such procedures shall include providing an individual whose premium was increased under the preceding sentence for a year with the opportunity to have the amount of such increase for the year refunded in whole or in part if the individual demonstrates to the Secretary that the individual now refrains from tobacco use.

''(2) In making the adjustments under paragraph (1) for a month, the Secretary shall ensure that the total amount of premiums to be paid under this part for the month is equal to the total amount of premiums that would have been paid under this part for the month if no such adjustments had been made, as estimated by the Secretary.''.

SA 1259. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) PROHIBITION ON FURTHER TARP FUNDS.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-434), or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(b) FIDUCIARY DUTY TO SHAREHOLDERS.—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under the Emergency Economic Stabilization Act of 2008, shall have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(c) CIVIL ACTIONS AUTHORIZED.—A person who is aggrieved of a violation of the fiduciary duty established under subsection (b) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(d) DEFINITIONS.—As used in this section—

(1) the term ''designated automobile manufacturer'' means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110-434), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1260. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—TOBACCO PHASE OUT

SEC. ___01. ESTABLISHMENT OF TOBACCO PHASE OUT PROGRAM.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (as added by section 101 and amended by section 301) is further amended by adding at the end the following:

''SEC. 921. ESTABLISHMENT OF TOBACCO PHASE OUT PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a program to require annual reductions in the sale of cigarettes.

''(b) REQUIREMENT.—

''(1) IN GENERAL.—Under the program under subsection (a), each tobacco product manufacturer shall annually certify to the Secretary that—

''(A) with respect to cigarettes made by such manufacturer, the total number of such cigarettes sold during the year for which the certification is submitted is 1 percent less than the total number of such cigarettes sold during the preceding year; or

''(B) such manufacturer has purchased an additional cigarette sales allotment from another manufacturer as provided for in subsection (c).

''(2) INITIAL CERTIFICATION.—With respect to the first year for which a certification is submitted by a tobacco product manufacturer, the 1 percent reduction required under paragraph (1)(A) with respect to the sale of cigarettes shall be determined using the amount of such manufacturer's cigarettes sold in the highest sales year during the preceding 5-year period (as determined by the Secretary).

''(c) ADDITIONAL CIGARETTE SALES ALLOTMENT.—

''(1) IN GENERAL.—A tobacco product manufacturer (referred to in this subsection as the 'contracting manufacturer') to which this section applies may enter into a contract with one or more additional manufacturers (referred to in this subsection as a 'decreased sales manufacturer') to purchase from such manufacturers an additional sales allotment.

''(2) REQUIREMENT.—A contract entered into under paragraph (1) shall—

''(A) require the decreased sales manufacturer to provide for a further reduction in the total number of cigarettes sold during the year involved (beyond that required under subsection (b)(1)) by an amount equal to the additional sales allotment provided for in the contract; and

''(B) permit the contracting manufacturer to increase the total number of cigarettes sold during the year involved by an amount equal to the additional sales allotment provided for in the contract.

''(3) ADDITIONAL SALES ALLOTMENT.—In this subsection, the term 'additional sales allotment' means the number of cigarettes by which the decreased sales manufacturer agrees to further reduce its sales during the year involved.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—A tobacco product manufacturer that fails to comply with the requirement of subsection (b) for any year shall be subject to a penalty in an amount equal to $2 multiplied by the number of cigarettes by which such manufacturer has failed to comply with such subsection (b). Amounts collected under this paragraph shall be used to carry out paragraph (2).

''(2) USE OF AMOUNTS.—

''(A) IMPLEMENTATION COSTS.—Amount collected under paragraph (1) shall be used to reimburse the Secretary for the costs of implementing the program under this section.

''(B) TOBACCO USE COUNTER-ADVERTISING.—

''(i) ESTABLISHMENT OF CAMPAIGN.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall carry out a campaign of counter-advertising with respect to tobacco use. The campaign shall consist of the placement of pro-health advertisements regarding tobacco use on television, on radio, in print, on billboards, on movie trailers, on the Internet, and in other media.

''(ii) FUNDING.—If amounts remain available under paragraph (1) after the Secretary is fully reimbursed as provided for under subparagraph (A), such amounts shall be used to carry out the campaign under clause (i).

''(e) PROCEDURES.—The Secretary shall develop procedures for—

''(1) the submission and verification of certificates under subsection (a);

''(2) the administration and verification of additional cigarette sales allotment contracts under subsection (c); and

''(3) the imposition of penalties under subsection (d).''.

SA 1261. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In section 903(a)(2) of the Federal Food Drug, and Cosmetic Act (as added by section 101), strike subparagraph (C).

SA 1262. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In section 102(a) of division A, strike paragraph (2) and insert the following:

(2) ADVERTISING IN GENERAL.—Beginning on the date that is 1 year from date of enactment of this Act, the advertisement of tobacco products, through any form of media, shall be prohibited.

SA 1263. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In section 900 of the Federal Food Drug, and Cosmetic Act (as added by section 101), strike paragraph (16) and insert the following:

''(16) SMALL TOBACCO PRODUCT MANUFACTURER.—The term 'small tobacco product manufacturer' means a tobacco product manufacturer whose share, expressed as a percentage, of the total number of individual cigarettes sold in the United States, the District of Columbia, and Puerto Rico during the calendar year at issue, as measured by excise taxes collected by the Federal Government, and, in the case of cigarettes sold in Puerto Rico, by arbitrios de cigarillos collected by the Puerto Rico taxing authority,

is less than 10 percent. For purposes of calculating the share under this paragraph, 0.09 ounces of 'roll your own' tobacco shall constitute one individual cigarette. With respect to a tobacco product manufacturer that sells tobacco products others than cigarettes and does not also sell cigarettes, the term 'small tobacco product manufacturer' means a tobacco product manufacturer that employs fewer than 350 employees.''.

SA 1264. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In section 102(a)(2), insert after subparagraph (D) the following:

''(E) strike 'and in paragraph (b)(2) of this section' from section 897.14(b)(1), and strike section 897.14(b)(2);''.

SA 1265. Mr. ALEXANDER (for himself, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) SHORT TITLE.—This section may be cited as the ''Auto Stock for Every Taxpayer Act''.

(b) PROHIBITION ON FURTHER TARP FUNDS.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-434), or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) FIDUCIARY DUTY TO SHAREHOLDERS.—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under the Emergency Economic Stabilization Act of 2008, shall have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall issue a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer's share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) CIVIL ACTIONS AUTHORIZED.—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) DEFINITIONS.—As used in this section—

(1) the term ''designated automobile manufacturer'' means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110-434), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term ''eligible taxpayer'' means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1266. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HEALTHY BEHAVIOR INCENTIVE PROGRAMS.

(a) MEDICAID STATE PLAN AMENDMENT.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)—

(A) in paragraph (72), by striking ''and'' at the end;

(B) in paragraph (73), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (73), the following new paragraph:

''(74) provide that, not later than October 1, 2011, the State shall provide assurances to the Secretary that the State has in effect a program described in subsection (gg) to reward and encourage individuals determined to be eligible for medical assistance under the plan to reduce or eliminate their use of tobacco products.''; and

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

''(gg)(1) For purposes of subsection (a)(74), a program described in this subsection is a program under which the State—

''(A) provides incentives to reward individuals determined to be eligible for medical assistance under the State plan who agree to participate in the program and successfully refrain from tobacco use;

''(B) notwithstanding any other provision of this title, may elect with respect to individuals determined to be eligible for medical assistance under the State plan who have attained age 19 but not attained age 65, to condition the individual's enrollment in the State plan on participating in the program;

''(C) notwithstanding any other provision of this title, may elect to vary the amount, duration, or scope of the medical assistance provided under the State plan, or to impose cost-sharing without regard to sections 1916 or 1916A, in such manner as the State determines is likely to be effective in reducing the use of tobacco products by individuals eligible for medical assistance under the State plan; and

''(D) agrees to provide the Secretary with such information as the Secretary requires for purposes of producing the State rankings required under paragraph (2).

''(2) Not later than December 31, 2012, the Secretary shall rank the States with respect to their efforts to reduce the use of tobacco products among individuals who have been determined to be eligible for medical assistance under State plans under this title and among individuals who have been determined to be eligible for child health assistance or other health benefits under a State child health plan under title XXI.''.

(b) APPLICATION TO THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraphs (D) through (L) as subparagraphs (E) through (M), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) Section 1902(a)(74) (relating to an incentive program for the reduction or elimination of the use of tobacco products).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2009.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX or a State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SA 1267. Mr. CHAMBLISS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service

Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 907 of the Federal Food, Drug, and Cosmetic Act (as added by section 101(b)(3) of title I of division A), add the following:

''(f) PESTICIDES.—Nothing in this section affects the authority of the Administrator of the Environmental Protection Agency to regulate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).''.

SA 1268. Mr. CHAMBLISS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter IX of the Federal Food, Drug, and Cosmetic Act (as added by section 101(b)(3) of title I of division A), add the following:

''SEC. 920. PESTICIDES.

''Nothing in this chapter affects the authority of the Administrator of the Environmental Protection Agency to regulate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).''.

SA 1269. Mr. BAYH (for himself, Ms. MURKOWSKI, Mr. BURRIS, Mr. LIEBERMAN, Mr. WARNER, Mr. WEBB, Mr. NELSON of Nebraska, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION __—NURSE FACULTY LOAN REPAYMENT PROGRAM

SEC. 1. SHORT TITLE.

This division may be cited as the ''Nurses' Higher Education and Loan Repayment Act of 2009''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Health Resources and Services Administration estimates there is currently a shortage of more than 200,000 registered nurses nationwide and projects the shortage will grow to more than 1,000,000 nurses by 2020, 36 percent less than needed to meet demand for nursing care.

(2) The shortage of qualified nursing faculty is the primary factor driving the inability of nursing schools to graduate more registered nurses to meet the Nation's growing workforce demand.

(3) There continues to be strong interest on the part of young Americans to enter the nursing field. The National League for Nursing estimates that 88,000 qualified applications, or 1 out of every 3 submitted to basic registered nurse programs in 2006, were rejected due to lack of capacity.

(4) The American Association of Colleges of Nursing (in this section referred to as the ''AACN'') estimates that 49,948 applicants were turned away specifically from baccalaureate and graduate schools of nursing in 2008 and over 70 percent of the schools responding to the AACN survey reported a lack of nurse faculty as the number 1 reason for turning away qualified applicants. Likewise, nearly 70 percent of the associate's degree registered nurse programs responding to the most recent American Association of Community Colleges Nursing Survey reported a lack of faculty to teach as the number 1 reason for turning away qualified applicants.

(5) Large numbers of faculty members at schools of nursing in the United States are nearing retirement. According to the AACN, the average age of a nurse faculty member is 55 years old and the average age at retirement is 62.

(6) The current nationwide nurse faculty vacancy rate is estimated to be as high as 7.6 percent, including 814 vacant positions at schools of nursing offering baccalaureate and advanced degrees and, in 2006, as many as 880 in associate's degree programs.

(7) Market forces have created disincentives for individuals qualified to become nurse educators from pursing this career. The average annual salary for an associate professor of nursing with a master's degree is nearly 20 percent less than the average salary for a nurse practitioner with a master's degree, according to the 2007 salary survey by the journal ADVANCE for Nurse Practitioners.

(8) The most recent Health Resources and Services Administration survey data indicates that from a total of more than 2,000,000 registered nurses, only 143,113 registered nurses with a bachelor's degree and only 51,318 registered nurses with an associate's degree have continued their education to earn a master's degree in the science of nursing, the minimum credential necessary to teach in all types of registered nurse programs. The majority of these graduates do not become nurse educators.

(9) Current Federal incentive programs to encourage nurses to become educators are inadequate and inaccessible for many interested nurses.

(10) A broad incentive program must be available to willing and qualified nurses that will provide financial support and encourage them to pursue and maintain a career in nursing education.

SEC. 3. NURSE FACULTY LOAN REPAYMENT PROGRAM.

Part E of title VIII of the Public Health Service Act (42 U.S.C. 297a et seq.) is amended by inserting after section 846A the following new section:

''SEC. 846B. NURSE FACULTY LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with eligible individuals for the repayment of education loans, in accordance with this section, to increase the number of qualified nursing faculty.

''(b) AGREEMENTS.—Each agreement entered into under subsection (a) shall require that the eligible individual shall serve as a full-time member of the faculty of an accredited school of nursing for a total period, in the aggregate, of at least 4 years during the 6-year period beginning on the later of—

''(1) the date on which the individual receives a master's or doctorate nursing degree from an accredited school of nursing; or

''(2) the date on which the individual enters into an agreement under subsection (a).

''(c) AGREEMENT PROVISIONS.—Agreements entered into pursuant to subsection (a) shall be entered into on such terms and conditions as the Secretary may determine, except that—

''(1) not more than 300 days after the date on which the 6-year period described under subsection (b) begins, but in no case before the individual starts as a full-time member of the faculty of an accredited school of nursing, the Secretary shall begin making payments, for and on behalf of that individual, on the outstanding principal of, and interest on, any loan the individual obtained to pay for such degree;

''(2) for an individual who has completed a master's degree in nursing—

''(A) payments may not exceed $10,000 per calendar year; and

''(B) total payments may not exceed $40,000; and

''(3) for an individual who has completed a doctorate degree in nursing—

''(A) payments may not exceed $20,000 per calendar year; and

''(B) total payments may not exceed $80,000.

''(d) BREACH OF AGREEMENT.—

''(1) IN GENERAL.—In the case of any agreement made under subsection (a), the individual is liable to the Federal Government for the total amount paid by the Secretary under such agreement, and for interest on such amount at the maximum legal prevailing rate, if the individual fails to meet the agreement terms required under subsection (b).

''(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such paragraph if compliance by the individual with the agreement involved is impossible or would involve extreme hardship to the individual or if enforcement of the agreement with respect to the individual would be unconscionable.

''(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

''(4) AVAILABILITY.—Amounts recovered under paragraph (1) shall be available to the Secretary for making loan repayments under this section and shall remain available for such purpose until expended.

''(e) ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this section, the term 'eligible individual' means an individual who—

''(1) is a United States citizen, national, or lawful permanent resident;

''(2) holds an unencumbered license as a registered nurse; and

''(3) has either already completed a master's or doctorate nursing program at an accredited school of nursing or is currently enrolled on a full-time or part-time basis in such a program.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2010 through 2014 to carry out this Act. Such sums shall remain available until expended.

''(g) SUNSET.—The provisions of this section shall terminate on December 31, 2020.''.

SA 1270. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain

authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer's or distributor's proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer's distributor for—

(1) the cost incurred by such dealers in acquisition of all parts and inventory in the dealer's possession as of the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer's distributor is commenced, on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer's distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer's distributor, including, without limitation, franchise agreement or dealer agreements.

(b) INCLUSION IN TERMS.—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer's distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer's distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) EFFECTIVENESS OF REJECTION.—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer's distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

SA 1271. Mr. KOHL (for himself, Ms. SNOWE, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE ____—PREVENT ALL CIGARETTE TRAFFICKING ACT

SEC. ___01. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This title may be cited as the ''Prevent All Cigarette Trafficking Act of 2009'' or ''PACT Act''.

(b) PURPOSES.—It is the purpose of this title to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. ___02. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the ''Jenkins Act'') (referred to in this title as the ''Jenkins Act''), is amended by striking the first section and inserting the following:

''SECTION 1. DEFINITIONS; RULE OF CONSTRUCTION.

''(a) DEFINITIONS.—As used in this Act, the following definitions apply:

''(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State.

''(2) CIGARETTE.—

''(A) IN GENERAL.—The term 'cigarette'—

''(i) has the meaning given that term in section 2341 of title 18, United States Code; and

''(ii) includes roll-your-own tobacco (as defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—The term 'cigarette' does not include a cigar (as defined in section 5702 of the Internal Revenue Code of 1986).

''(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise (regardless of whether the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided) between a port or place and a port or place in the United States.

''(4) CONSUMER.—The term 'consumer'—

''(A) means any person that purchases cigarettes or smokeless tobacco; and

''(B) does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(7) INDIAN COUNTRY.—The term 'Indian country'—

''(A) has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

''(B) includes any other land held by the United States in trust or restricted status for one or more Indian tribes.

''(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such a government, or joint stock company.

''(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(14) USE.—The term 'use' includes the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.

''(b) RULE OF CONSTRUCTION.—For purposes of this Act, a sale, shipment, or transfer of cigarettes or smokeless tobacco that is made in interstate commerce, as defined herein, shall be deemed to have been made into the State, place, or locality in which such cigarettes or smokeless tobacco are delivered.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''CONTENTS.—'' after ''(a)'';

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General of the United States and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers

for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of the person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of the memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use the memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in the memorandum or invoice except as required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

''SEC. 2A. DELIVERY SALES.

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if the delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX–STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—A delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within the State, by the city or town and by zip code, into which the delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) until the end of the 4th full calendar year that begins after the date of the delivery sale.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of the local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that the excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2009, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General of the United States pursuant to section 2(a), or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) any other person that the Attorney General of the United States determines can promote the effective enforcement of this Act; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses or has used in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does or has done business, or ships or has shipped cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General of the United States determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General of the United States shall update and distribute the list described in subparagraph (A) at least once every 4 months, and may distribute the list and any updates by regular

mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list described in subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (6), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information, and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (6).

''(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list described in subparagraph (A), the Attorney General of the United States shall—

''(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that a delivery seller is not in compliance with this Act;

''(ii) not later than 14 days before including a delivery seller on the list, make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the list, which shall cite the relevant provisions of this Act and the specific reasons for which the delivery seller is being placed on the list;

''(iii) provide an opportunity to the delivery seller to challenge placement on the list;

''(iv) investigate each challenge described in clause (iii) by contacting the relevant Federal, State, tribal, and local law enforcement officials, and provide the specific findings and results of the investigation to the delivery seller not later than 30 days after the date on which the challenge is made; and

''(v) if the Attorney General of the United States determines that the basis for including a delivery seller on the list is inaccurate, based on incomplete information, or cannot be verified, promptly remove the delivery seller from the list as appropriate and notify each appropriate Federal, State, tribal, and local authority of the determination.

''(F) CONFIDENTIALITY.—The list described in subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list and may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with a listed delivery seller the inclusion of the delivery seller on the list and the resulting effects on any services requested by the listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list described in paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list described in paragraph (1)(A), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to the corrections or updates.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—Subsection (b)(2) and any requirements or restrictions placed directly on common carriers under this subsection, including subparagraphs (A) and (B) of paragraph (2), shall not apply to a common carrier that—

''(i) is subject to a settlement agreement described in subparagraph (B); or

''(ii) if a settlement agreement described in subparagraph (B) to which the common carrier is a party is terminated or otherwise becomes inactive, is administering and enforcing policies and practices throughout the United States that are at least as stringent as any such agreement.

''(B) SETTLEMENT AGREEMENT.—A settlement agreement described in this subparagraph—

''(i) is a settlement agreement relating to tobacco product deliveries to consumers; and

''(ii) includes—

''(I) the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and FedEx Ground Package Systems, Inc. on or about February 3, 2006, if each of those agreements is honored throughout the United States to block illegal deliveries of cigarettes or smokeless tobacco to consumers; and

''(II) any other active agreement between a common carrier and a State that operates throughout the United States to ensure that no deliveries of cigarettes or smokeless tobacco shall be made to consumers or illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the States and localities where the consumers are located of all taxes on the tobacco products.

''(4) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—If a common carrier or other delivery service delays or interrupts the delivery of a package in the possession of the common carrier or delivery service because the common carrier or delivery service determines or has reason to believe that the person ordering the delivery is on a list described in paragraph (1)(A) and that clauses (i), (ii), and (iii) of paragraph (2)(A) do not apply—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover any extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall offer to provide the package and its contents to a Federal, State, or local law enforcement agency.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any delivery interrupted under this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall—

''(i) use the records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco; and

''(ii) keep confidential any personal information in the records not otherwise required for such purposes.

''(5) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to nullify, expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that is described in section 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—

''(i) IN GENERAL.—Except as provided in clause (ii), nothing in the Prevent All Cigarette Trafficking Act of 2009, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences.

''(ii) EXEMPTIONS.—No State may enforce against a common carrier a law prohibiting the delivery of cigarettes or other tobacco products to individual consumers or personal residences without proof that the common carrier is not exempt under paragraph (3) of this subsection.

''(6) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that—

''(I) offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land; and

''(II) has failed to register with or make reports to the respective tax administrator as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal land.

''(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as the government notifies the Attorney General of the United States in writing that the government no longer desires to submit information to supplement the list described in paragraph (1)(A).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list described in paragraph (1)(A) any persons that are on the list solely because of the prior submissions of the government of the list of the government of noncomplying delivery sellers of cigarettes or smokeless tobacco or a subsequent update or correction by the government.

''(7) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (6) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

''(B) distribute any list or update described in subparagraph (A) to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by a government pursuant to paragraph (6).

''(8) NOTICE TO DELIVERY SELLERS.—Not later than 14 days before including any delivery seller on the initial list described in paragraph (1)(A), or on an update to the list for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the list or update, with that notice citing the relevant provisions of this Act.

''(9) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection—

''(i) shall not be required to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list described in paragraph (1)(A) who is using a different name or address in order to evade the related delivery restrictions; and

''(ii) shall not knowingly deliver any packages to consumers for any delivery seller on the list described in paragraph (1)(A) who the common carrier or other delivery service knows is a delivery seller who is on the list and is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list described in paragraph (1)(A);

''(ii) refusing, as a matter of regular practice and procedure, to make any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

''SEC. 3. PENALTIES.

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever knowingly violates this Act shall be imprisoned for not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed knowingly—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of the delivery seller during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty imposed under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) the violation consists of an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, taking actions that are outside the scope of employment of the employee, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

''SEC. 4. ENFORCEMENT.

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for the violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may bring an action in a United States district court to prevent and restrain violations of this Act by any person or to obtain any other appropriate relief from any person for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief

law enforcement officer, may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the Federal Government in enforcing this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General of the United States under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in an appropriate United States district court to prevent and restrain violations of this Act by any person other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting information on the Internet and by other appropriate means, information regarding all enforcement actions brought by the United States, or reported to the Attorney General of the United States, under this section, including information regarding the resolution of the enforcement actions and how the Attorney General of the United States has responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, and every year thereafter until the date that is 5 years after such date of enactment, the Attorney General of the United States shall submit to Congress a report containing the information described in paragraph (1).''.

SEC. ___03. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

''§ 1716E. Tobacco products as nonmailable

''(a) PROHIBITION.—

''(1) IN GENERAL.—All cigarettes and smokeless tobacco (as those terms are defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this paragraph.

''(2) REASONABLE CAUSE.—For the purposes of this subsection reasonable cause includes—

''(A) a statement on a publicly available website, or an advertisement, by any person that the person will mail matter which is nonmailable under this section in return for payment; or

''(B) the fact that the person is on the list created under section 2A(e) of the Jenkins Act.

''(b) EXCEPTIONS.—

''(1) CIGARS.—Subsection (a) shall not apply to cigars (as defined in section 5702(a) of the Internal Revenue Code of 1986).

''(2) GEOGRAPHIC EXCEPTION.—Subsection (a) shall not apply to mailings within the State of Alaska or within the State of Hawaii.

''(3) BUSINESS PURPOSES.—

''(A) IN GENERAL.—Subsection (a) shall not apply to tobacco products mailed only—

''(i) for business purposes between legally operating businesses that have all applicable State and Federal Government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research; or

''(ii) for regulatory purposes between any business described in clause (i) and an agency of the Federal Government or a State government.

''(B) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized under this paragraph is a business or government agency permitted to make a mailing under this paragraph;

''(II) the United States Postal Service to ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails under this paragraph is a business or government agency that may lawfully receive the product;

''(III) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(IV) that the identity of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the identity of the business or government entity receiving the mailing are clearly set forth on the package;

''(V) the United States Postal Service to maintain identifying information described in subclause (IV) during the 3-year period beginning on the date of the mailing and make the information available to the Postal Service, the Attorney General of the United States, and to persons eligible to bring enforcement actions under section 3(d) of the Prevent All Cigarette Trafficking Act of 2009;

''(VI) that any mailing described in subparagraph (A) be marked with a United States Postal Service label or marking that makes it clear to employees of the United States Postal Service that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person; and

''(VII) that any mailing described in subparagraph (A) be delivered only to a verified employee of the recipient business or government agency, who is not a minor and who shall be required to sign for the mailing.

''(C) DEFINITION.—In this paragraph, the term 'minor' means an individual who is less than the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

''(4) CERTAIN INDIVIDUALS.—

''(A) IN GENERAL.—Subsection (a) shall not apply to tobacco products mailed by individuals who are not minors for noncommercial purposes, including the return of a damaged or unacceptable tobacco product to the manufacturer.

''(B) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized under this paragraph is the individual identified on the return address label of the package and is not a minor;

''(II) for a mailing to an individual, the United States Postal Service to require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this paragraph to affirm that the recipient is not a minor;

''(III) that any package mailed under this paragraph shall weigh not more than 10 ounces;

''(IV) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(V) that a mailing described in subparagraph (A) shall not be delivered or placed in the possession of any individual who has not been verified as not being a minor;

''(VI) for a mailing described in subparagraph (A) to an individual, that the United

States Postal Service shall deliver the package only to a recipient who is verified not to be a minor at the recipient address or transfer it for delivery to an Air/Army Postal Office or Fleet Postal Office number designated in the recipient address; and

''(VII) that no person may initiate more than 10 mailings described in subparagraph (A) during any 30-day period.

''(C) DEFINITION.—In this paragraph, the term 'minor' means an individual who is less than the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

''(5) EXCEPTION FOR MAILINGS FOR CONSUMER TESTING BY MANUFACTURERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), subsection (a) shall not preclude a legally operating cigarette manufacturer or a legally authorized agent of a legally operating cigarette manufacturer from using the United States Postal Service to mail cigarettes to verified adult smoker solely for consumer testing purposes, if—

''(i) the cigarette manufacturer has a permit, in good standing, issued under section 5713 of the Internal Revenue Code of 1986;

''(ii) the package of cigarettes mailed under this paragraph contains not more than 12 packs of cigarettes (240 cigarettes);

''(iii) the recipient does not receive more than 1 package of cigarettes from any 1 cigarette manufacturer under this paragraph during any 30-day period;

''(iv) all taxes on the cigarettes mailed under this paragraph levied by the State and locality of delivery are paid to the State and locality before delivery, and tax stamps or other tax-payment indicia are affixed to the cigarettes as required by law; and

''(v)(I) the recipient has not made any payments of any kind in exchange for receiving the cigarettes;

''(II) the recipient is paid a fee by the manufacturer or agent of the manufacturer for participation in consumer product tests; and

''(III) the recipient, in connection with the tests, evaluates the cigarettes and provides feedback to the manufacturer or agent.

''(B) LIMITATIONS.—Subparagraph (A) shall not—

''(i) permit a mailing of cigarettes to an individual located in any State that prohibits the delivery or shipment of cigarettes to individuals in the State, or preempt, limit, or otherwise affect any related State laws; or

''(ii) permit a manufacturer, directly or through a legally authorized agent, to mail cigarettes in any calendar year in a total amount greater than 1 percent of the total cigarette sales of the manufacturer in the United States during the calendar year before the date of the mailing.

''(C) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting a tobacco product into the mails under this paragraph is a legally operating cigarette manufacturer permitted to make a mailing under this paragraph, or an agent legally authorized by the legally operating cigarette manufacturer to submit the tobacco product into the mails on behalf of the manufacturer;

''(II) the legally operating cigarette manufacturer submitting the cigarettes into the mails under this paragraph to affirm that—

''(aa) the manufacturer or the legally authorized agent of the manufacturer has verified that the recipient is an adult established smoker;

''(bb) the recipient has not made any payment for the cigarettes;

''(cc) the recipient has signed a written statement that is in effect indicating that the recipient wishes to receive the mailings; and

''(dd) the manufacturer or the legally authorized agent of the manufacturer has offered the opportunity for the recipient to withdraw the written statement described in item (cc) not less frequently than once in every 3-month period;

''(III) the legally operating cigarette manufacturer or the legally authorized agent of the manufacturer submitting the cigarettes into the mails under this paragraph to affirm that any package mailed under this paragraph contains not more than 12 packs of cigarettes (240 cigarettes) on which all taxes levied on the cigarettes by the State and locality of delivery have been paid and all related State tax stamps or other tax-payment indicia have been applied;

''(IV) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(V) the United States Postal Service to maintain records relating to a mailing described in subparagraph (A) during the 3-year period beginning on the date of the mailing and make the information available to persons enforcing this section;

''(VI) that any mailing described in subparagraph (A) be marked with a United States Postal Service label or marking that makes it clear to employees of the United States Postal Service that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to the named recipient after verifying that the recipient is an adult; and

''(VII) the United States Postal Service shall deliver a mailing described in subparagraph (A) only to the named recipient and only after verifying that the recipient is an adult.

''(D) DEFINITIONS.—In this paragraph—

''(i) the term 'adult' means an individual who is not less than 21 years of age; and

''(ii) the term 'consumer testing' means testing limited to formal data collection and analysis for the specific purpose of evaluating the product for quality assurance and benchmarking purposes of cigarette brands or sub-brands among existing adult smokers.

''(6) FEDERAL GOVERNMENT AGENCIES.—An agency of the Federal Government involved in the consumer testing of tobacco products solely for public health purposes may mail cigarettes under the same requirements, restrictions, and rules and procedures that apply to consumer testing mailings of cigarettes by manufacturers under paragraph (5), except that the agency shall not be required to pay the recipients for participating in the consumer testing.

''(c) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products seized and forfeited under this subsection shall be destroyed or retained by the Federal Government for the detection or prosecution of crimes or related investigations and then destroyed.

''(d) ADDITIONAL PENALTIES.—In addition to any other fines and penalties under this title for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount equal to 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(e) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that is nonmailable matter under this section shall be fined under this title, imprisoned not more than 1 year, or both.

''(f) USE OF PENALTIES.—There is established a separate account in the Treasury, to be known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal fines, civil penalties, or other monetary penalties collected by the Federal Government in enforcing this section shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing this subsection.

''(g) COORDINATION OF EFFORTS.—The Postmaster General shall cooperate and coordinate efforts to enforce this section with related enforcement activities of any other Federal agency or agency of any State, local, or tribal government, whenever appropriate.

''(h) ACTIONS BY STATE, LOCAL, OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

''(1) IN GENERAL.—A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may in a civil action in a United States district court obtain appropriate relief with respect to a violation of this section. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of this section to addressees in that State, locality, or tribal land.

''(2) SOVEREIGN IMMUNITY.—Nothing in this subsection shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(3) ATTORNEY GENERAL REFERRAL.—A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may provide evidence of a violation of this section for commercial purposes by any person not subject to State, local, or tribal government enforcement actions for violations of this section to the Attorney General of the United States, who shall take appropriate actions to enforce this section.

''(4) NONEXCLUSIVITY OF REMEDIES.—The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

''(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of the State.

''(i) DEFINITION.—In this section, the term 'State' has the meaning given that term in section 1716(k).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 83 of title 18 is amended

by inserting after the item relating to section 1716D the following:

''1716E. Tobacco products as nonmailable.''.

SEC. ___04. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.

Section 2343(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

''(A) any records or information required to be maintained by the person under this chapter; or

''(B) any cigarettes or smokeless tobacco kept or stored by the person at the premises.

''(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).

''(3) Whoever denies access to an officer under paragraph (1), or who fails to comply with an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed $10,000.''.

SEC. ___05. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this title or the amendments made by this title shall be construed to amend, modify, or otherwise affect—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; or

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this title or the amendments made by this title shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this title or the amendments made by this title shall be construed to authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this title or the amendments made by this title shall prohibit, limit, or restrict enforcement by the Attorney General of the United States of this title or an amendment made by this title within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this title shall be resolved in favor of this section.

(f) DEFINITIONS.—In this section—

(1) the term ''Indian country'' has the meaning given that term in section 1 of the Jenkins Act, as amended by this title; and

(2) the term ''tribal enterprise'' means any business enterprise, regardless of whether incorporated or unincorporated under Federal or tribal law, of an Indian tribe or group of Indian tribes.

SEC. ___06. ENHANCED CONTRABAND TOBACCO ENFORCEMENT.

(a) REQUIREMENTS.—The Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall—

(1) not later than the end of the 3-year period beginning on the effective date of this title, create a regional contraband tobacco trafficking team in each of New York, New York, the District of Columbia, Detroit, Michigan, Los Angeles, California, Seattle, Washington, and Miami, Florida;

(2) create a Tobacco Intelligence Center to oversee investigations and monitor and coordinate ongoing investigations and to serve as the coordinator for all ongoing tobacco diversion investigations within the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in the United States and, where applicable, with law enforcement organizations around the world;

(3) establish a covert national warehouse for undercover operations; and

(4) create a computer database that will track and analyze information from retail sellers of tobacco products that sell through the Internet or by mail order or make other non-face-to-face sales.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $8,500,000 for each of fiscal years 2010 through 2014.

SEC. ___07. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—The amendments made by section ___04 of this title shall take effect on the date of enactment of this Act.

SEC. ___08. SEVERABILITY.

If any provision of this title, or any amendment made by this title, or the application thereof to any person or circumstance, is held invalid, the remainder of the title and the application of the title to any other person or circumstance shall not be affected thereby.

SEC. ___09. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS TITLE.

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This title was enacted recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this title is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This title is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

SA 1272. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LABELING CHANGES.

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

''(10) If the proposed labeling of a drug that is the subject of an application under this subsection is different from the labeling of the listed drug at the time of approval of the application under this subsection, the drug that is the subject of such application shall, notwithstanding any other provision of this Act, be eligible for approval and shall not be considered misbranded under section 502 if—

''(A) a revision to the labeling of the listed drug has been approved by the Secretary within 60 days of the expiration of the patent or exclusivity period that otherwise prohibited the approval of the drug under this subsection;

''(B) the Secretary has not determined the applicable text of the labeling for the drug that is the subject the application under this subsection at the time of expiration of such patent or exclusivity period;

''(C) the labeling revision described under subparagraph (A) does not include a change to the 'Warnings' section of the labeling;

''(D) the Secretary does not deem that the absence of such revision to the labeling of the drug that is the subject of the application under this subsection would adversely impact the safe use of the drug;

''(E) the sponsor of the application under this subsection agrees to revise the labeling of the drug that is the subject of such application not later than 60 days after the notification of any changes to such labeling required by the Secretary; and

''(F) such application otherwise meets the applicable requirements for approval under this subsection.''.

SA 1273. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code,

to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE____— AUTOMOBILE VOUCHER PROGRAM

SEC. __01. AUTOMOBILE VOUCHER PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the ''Automobile Voucher Program'' through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price for a qualifying lease of an automobile manufactured after model year 2006, upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) certify dealers for participation in the Program to accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of an automobile manufactured after model year 2006, offered for sale or lease by that dealer; and

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for vouchers accepted by such dealers, in accordance with the regulations promulgated under subsection (d);

(4) in consultation with the Secretary of the Treasury, provide for the payment of rebates to persons who qualify for a rebate under subsection (c)(2); and

(5) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—

(1) NEW AUTOMOBILES.—A $4,000 voucher shall be issued under the Program to offset the purchase price or lease price of a new automobile, upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program.

(2) USED AUTOMOBILES.—A $3,000 voucher shall be issued under the Program to offset the purchase price or lease price of a used automobile manufactured after model year 2006, upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only for the purchase or qualifying lease of automobiles manufactured after model year 2006 that occur between—

(i) March 30, 2009; and

(ii) the date that is 1 year after the date on which the regulations promulgated under subsection (d) are implemented.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of an automobile manufactured after model year 2006.

(D) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of an automobile manufactured after model year 2006 shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher.

(E) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing an automobile manufactured after model year 2006 any additional fees associated with the use of a voucher under the Program.

(F) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(2) ELIGIBLE PURCHASES OR LEASES PRIOR TO DATE OF ENACTMENT.—If a person purchased or leased a new automobile during the period beginning on March 30, 2009 and ending on the day before the date of the enactment of this Act, the person shall be eligible for a cash rebate equivalent to the amount described in subsection (b)(1) if the person provides proof satisfactory to the Secretary that the person is eligible for such rebate.

(d) RULEMAKING.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of certifying dealers for participation in the Program;

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for both the amount of the vouchers and any reasonable administrative costs incurred by the dealer as soon as practicable but no longer than 10 days after the submission of a voucher for the automobile manufactured after model year 2006 to the Secretary;

(3) allow the dealer to use the voucher in addition to any other rebate or discount offered by the dealer or the manufacturer for the automobile manufactured after model year 2006 and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) establish a process by which persons who qualify for a rebate under subsection (c)(2) may apply for such rebate; and

(5) provide for the enforcement of the penalties described in subsection (e).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to knowingly violate any provision under this section or any regulations issued pursuant to subsection (d).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than $15,000 for each violation.

(f) INFORMATION TO CONSUMERS AND DEALERS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary shall make available on an Internet Web site and through other means determined by the Secretary information about the Program, including—

(A) how to determine if a vehicle is an eligible trade-in vehicle; and

(B) how to participate in the Program, including how to determine participating dealers.

(2) PUBLIC AWARENESS CAMPAIGN.—The Secretary shall conduct a public awareness campaign to inform consumers about the Program and sources of additional information.

(g) RECORDKEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database of the vehicle identification numbers of all automobile manufactured after model year 2006, which have been purchased or leased under the Program.

(2) REPORT.—Not later than 60 days after the termination date described in subsection (c)(1)(A)(ii), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efficacy of the Program, including—

(A) a description of Program results, including—

(i) the total number and amount of vouchers issued for purchase or lease of automobiles manufactured after model year 2006 by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease; and

(B) an estimate of the overall economic and employment effects of the Program.

(h) EXCLUSION OF VOUCHERS AND REBATES FROM INCOME.—

(1) FEDERAL PROGRAMS.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher or rebate and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher or rebate (or the recipient's spouse or other family or household members) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program.

(2) TAXATION.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(i) DEFINITIONS.—As used in this section—

(1) the term ''automobile'' means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code);

(2) the term ''dealer'' means a person licensed by a State who engages in the sale of new or used automobiles to ultimate purchasers;

(3) the term ''eligible trade-in vehicle'' means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that was manufactured before model year 2005;

(4) the term ''person'' means an individual, partnership, corporation, business trust, or any organized group of persons;

(5) the term ''Program'' means the Automobile Voucher Program established under this section;

(6) the term ''qualifying lease'' means a lease of an automobile for a period of not less than 5 years;

(7) the term ''Secretary'' means the Secretary of Transportation acting through the National Highway Traffic Safety Administration; and

(8) the term ''vehicle identification number'' means the 17-character number used by the automobile industry to identify individual automobiles.

SEC. __02. REALLOCATION OF APPROPRIATIONS.

From the amounts appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the Director of the Office of Management and Budget may allocate not more than $4,000,000,000 to carry out

the Automobile Voucher Program established under this title.

SEC. __03. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, June 9, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate office building.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 4, 2009, at 10 a.m. in room 106 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 4, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. 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 Thursday, June 4, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Thursday, June 4, 2009 at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 4, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 4, 2009, at 10 a.m. to hold a hearing entitled ''Challenges and Opportunities for U.S.-China Cooperation on Climate Change.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, on Thursday, June 4, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 4, 2009 at 2:30 p.m. to conduct a hearing entitled, ''Are We Ready? A Status Report on Emergency Preparedness for the 2009 Hurricane Season.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 4, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. AKAKA. Madam President, I ask unanimous consent that my fellow, Louise Kitamura, be granted the privileges of the floor for today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that T.J. Kim, a fellow in my office, be granted floor privileges for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask unanimous consent that Gail Hansen, a fellow in my office, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 168, the nomination of David Heyman to be an Assistant Secretary of Homeland Security; that the nomination be confirmed, the motion to reconsider be laid upon the table; that no further motions be in order and any statements relating thereto 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 nomination considered and confirmed is as follows:

DEPARTMENT OF HOMELAND SECURITY

David Heyman, of the District of Columbia, to be an Assistant Secretary of Homeland Security.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—H.R. 1256

Mr. BROWN. I ask unanimous consent that the cloture vote on the Dodd substitute amendment occur at 5:30 p.m., Monday, June 8, and that the filing deadline for first-degree amendments be 3 p.m., Monday, and the filing deadline for second-degree amendments be 4:30 p.m., Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1023

Mr. BROWN. I ask unanimous consent that notwithstanding the adjournment of the Senate, the Commerce Committee be authorized to report S. 1023, the Travel Promotion Act, on Friday, June 5, from 10 a.m. to noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE UNIVERSITY OF WASHINGTON WOMEN'S SOFTBALL TEAM

Mr. BROWN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 168, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 168) commending the University of Washington women's softball team for winning the 2009 NCAA Women's College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I rise today to congratulate the University of Washington softball team on their 2009 NCAA National Championship.

On June 2, led by National Player of the Year Danielle Lawrie and head coach Heather Tarr, the Huskies earned their first title in a thrilling 3–2 victory over the University of Florida.

The win caps an amazing 51–12 season that saw the team capture the hearts and minds of the entire region. Facing challenges and setbacks throughout the season, the team found the courage and determination needed to break through to highest achievement in college softball.

Following the game, National Player of the Year Danielle Lawrie added to her already lengthy resume when she was selected as the Most Outstanding Player of the College World Series. She was joined on this year's First-Team All-America team by teammate Ashley Charters who closes out her Husky career with her third All-America selection.

However, it was not individuals who won this championship; it was a team. The commitment and passion of each and every player has turned the University of Washington into one of the most feared softball teams in the Nation. This season marks the 16th straight postseason appearance by the Huskies. Competing in the indisputably toughest conference in America, the Pac-10, the University of Washington has steadily climbed into the ranks of softball's elite.

At a time when budget shortfalls are forcing universities across the Nation to eliminate athletic programs, the University of Washington softball team stands as a testament to the role of athletics in our schools. These are not superstars headed to lucrative paychecks; they are committed student-athletes who dedicate themselves every day on the field and in the classroom. I reserve special praise for the league-leading seven Huskies named to the Pac-10 All-Academic team: Morgan Stuart, Amanda Fleischman, Alyson McWherter, Ashlyn Watson, Ashley Charters, Marnie Koziol and Alicia Blake.

Congratulations once more to our newest national champions, the University of Washington Huskies. Go Dawgs!

Mr. BROWN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 168

Whereas on June 2, 2009, for the first time in university history, the University of Washington Women Huskies won the National Collegiate Athletic Association (''NCAA'') national softball championship game with a 3-2 victory over the University of Florida Gators;

Whereas University of Washington pitcher Danielle Lawrie was named the Women's College World Series Most Valuable Player and the USA Softball National Collegiate Player of the Year;

Whereas the Huskies finished the 2009 season with an impressive record of 51-12;

Whereas the members of the 2009 University of Washington softball team are excellent representatives of a university that is 1 of the premier academic institutions in Washington State, producing many outstanding student-athletes and other leaders; and

Whereas the members of the women's softball team have brought great honor to themselves, their families, the University of Washington, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Washington softball team for winning the 2009 Women's College World Series;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Washington win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Mark A. Emmert, president of the University of Washington;

(B) Scott Woodward, director of athletics of the University of Washington; and

(C) Heather Tarr, head coach of the University of Washington softball team.

ORDERS FOR MONDAY, JUNE 8, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 8; 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 until 5:30 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of Calendar No. 47, H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, as a reminder, the filing deadlines are 3 p.m. Monday for first-degree amendments and 4:30 p.m. Monday for second-degree amendments. The next vote will occur on Monday at 5:30 p.m.

ADJOURNMENT UNTIL MONDAY, JUNE 8, 2009, AT 2 P.M.

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Monday, June 8, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL LABOR RELATIONS AUTHORITY

JULIA AKINS CLARK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE COLLEEN DUFFY KIKO, RESIGNED.

ERNEST W. DUBESTER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012, VICE DALE CABANISS, RESIGNED.

DEPARTMENT OF JUSTICE

PREET BHARARA, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE MICHAEL J. GARCIA, RESIGNED.

TRISTRAM J. COFFIN, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS, VICE THOMAS D. ANDERSON, RESIGNED.

JENNY A. DURKAN, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE JOHN MCKAY, RESIGNED.

PAUL JOSEPH FISHMAN, OF NEW JERSEY, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF FOUR YEARS, VICE CHRISTOPHER JAMES CHRISTIE, RESIGNED.

B. TODD JONES, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE RACHEL K. PAULOSE, RESIGNED.

JOHN P. KACAVAS, OF NEW HAMPSHIRE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS, VICE THOMAS P. COLANTUONO, RESIGNED.

JOYCE WHITE VANCE, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE ALICE HOWZE MARTIN.

CHRISTOPHER H. SCHROEDER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ELISEBETH C. COOK, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT W. CONE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RAYMOND E. JOHNS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. DOUGLAS J. ROBB

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VINCENT G. AUTH
KURT J. BROCKMAN
SCOTT A. CURTICE
RODNEY L. GUNNING
SHEHERAZAD A. HARTZELL
KURT HUMMELDORF
JESSE W. LEE, JR.
ROWLAND E. MCCOY
BRENT E. NEUBAUER
WILLIAM N. NORMAN
MICHAEL T. RONCONE
MARTHA P. VILLALOBOS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SALVADOR AGUILERA
DAVILA B. F. BRADLEY
ARTHUR M. BROWN

TIMOTHY R. EICHLER
BRYAN K. FINCH
MILTON D. GIANULIS
GUY M. LEE
STEPHEN P. PIKE
JOHN A. SWANSON
GREGORY N. TODD
DONALD P. TROAST
DENNIS W. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL M. BATES
DAVID A. BERGER
TIERNEY M. CARLOS
REBECCA A. CONRAD
JOEL A. DOOLIN
ANNE B. FISCHER
HOLIDAY HANNA
DAVID M. HARRISON
MARY C. L. HORRIGAN
MICHAEL J. JAEGER
DON A. MARTIN
JAMES R. MCFARLANE
MARY S. REISMEIER
GARY E. SHARP
ERIN E. STONE
DAVID G. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN J. ADAMETZ
KEVIN L. BROWN
JOSEPH E. GREALISH
STEPHANIE M. JONES
MICHELLE C. LADUCA
MARKO MEDVED
PAUL J. ODENTHAL
CRAIG S. PRATHER
CHARLES R. REUNING
EDWARD G. SEWESTER
STEVEN L. SIMS
MARSHALL T. SYKES
DEAN A. TUFTS
ROBERT W. TYE
MICHAEL A. WEAVER
RICHARD L. WHIPPLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KRISTEN ATTERBURY
KHIN AUNGTHEIN
MARGARET S. BEAUBIEN
JUDITH D. BELLAS
MARY A. BRANTLEYMAHONY
DAVID T. CASTELLANO
JAY E. CHAMBERS
VICKI L. EDGAR
TRISHA L. FARRELL
SANDRA HEARN
JAMES T. HOSACK
LENA M. JONES
JOHN J. KANE, SR.
BARBARA J. KINCADE
LORI J. KRAYER
JOHN T. MANNING
SANDRA A. MASON
CAROLYN R. MCGEE
PAMELA M. MILLER
KATHERINE M. NATOLI
ANGELA S. NIMMO
MARIA E. PERRY
JOANNE M. PETRELLI
GORDON R. SMITH
HARRY F. SMITH III
CONSTANCE E. STAMATERIS
CYNTHIA D. TURNER
FAY B. WAHLE
CONSTANCE L. WORLINE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DANIEL L. ALLEN
PATRICK W. BROWN
WILBERT R. BYNUM
KEVIN J. CARRIER
MARK P. DIBBLE
RUDOLPH K. GEISLER
JOHN C. GROESCHEL
SHAWN D. GRUNZKE
MICHAEL S. HANSEN
ERNEST D. HARDEN, JR.
KEVIN W. HINSON
SCOTT J. HOFFMAN
GLENN J. LINTZ
JOSEPH F. MAHAN
MARK S. MURPHY
MICHAEL B. MURPHY
ROBERT B. OAKELEY
DAWN D. RICHARDSON
WALTER W. ROBOHN
JOSEPH F. RUSSELL IV
FRANKLIN R. SARRA, JR.
JOSEPH W. SCHAUBLE
CLIFFORD G. SCOTT
AARON K. STANLEY
HARRY T. THETFORD, JR.
MICHAEL E. THOMAS
JOSEPH M. VITELLI
MARK W. WERNER
DONALD J. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LUIS A. BENEVIDES
RICHARD D. BERGTHOLD
PHILIP J. BLAINE
MICHAEL D. BRIDGES
DANIEL J. CORNWELL
MARY F. DAVID
WILLIAM F. DAVIS
EUGENE M. DELARA
DANNY W. DENTON
LYNN T. DOWNS
JOHN F. FERGUSON
MICHELE A. HANCOCK
RICHARD J. JEHUE
MARY E. JENKINS
SCOTT L. JOHNSTON
DAVID E. JONES
MARVIN L. JONES
JEANMARIE P. JONSTON
KEVIN L. KLETTE
KIM L. LEFEBVRE
JAMES A. LETEXIER
MARIA K. MAJAR
MANUEL E. NAGUIT
ROBERT E. NEWELL
JOSEPH J. PICKEL
ROBERT A. RAHAL
JOHN A. RALPH
DYLAN D. SCHMORROW
RUSSELL D. SHILLING
LESLIE L. SIMS
ELIZABETH A. M. SMITH
DEBRA R. SOYK
ANNE M. SWAP
MICHIAL S. WARRINGTON
TIMOTHY H. WEBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BRIAN A. ALEXANDER
LYNN A. BAILEY
KEVIN P. BARRETT
WALTER S. BEW
KENT A. BLADE
MARGARET CALLOWAY
BROOKS D. CASH
DAVID W. CLINE
MICHAEL J. COLSTON
CATHERINE S. COPENHAVER
GLEN C. CRAWFORD
JUDITH M. DICKERT
CHRISTINE E. DORR
ALLAN M. FINLEY
WALTER M. GREENHALGH
MARK E. HAMMETT
ERIC P. HOFMEISTER
MICHAEL T. HOPKINS
GREGORY W. JONES
EDWARD B. JORGENSEN
FREDERICK C. KASS
DAVID J. KEBLISH
MARK A. KOBELJA
GREGORY J. KUNZ
KENNETH M. LANKIN
PATRICK R. LARABY
ROBERT P. LARYS
JOSEPH T. LAVAN
PATRICK L. LAWSON
NORMAN LEE
CON Y. LING
JASON D. MAGUIRE
RICHARD T. MAHON
FREDERICK J. MCDONALD
DAVID B. MCLAREN
ROBERT D. MENZIES
MARK E. MICHAUD
ALLEN O. MITCHELL
SANDOR S. NIEMANN
RICHARD J. PAVER
DAVID S. PLURAD
TIMOTHY J. POREA
MAE M. POUGET
KENNETH G. PUGH
SCOTT W. PYNE
CHRISTOPHER S. QUARLES
RICHARD D. QUATTRONE
JEFFREY D. QUINLAN
JUAN P. RIVERA
MARY K. RUSHER
CRAIG J. SALT
JOHN W. SANDERS III
ELIZABETH K. SATTER
JUDY R. SCHAUER
BRYAN P. SCHUMACHER
ZSOLT T. STOCKINGER
MICHAEL D. THOMAS
WILLIAM E. TODD
JOHN M. TRAMONT
SHARON M. TROXEL
GUIDO F. VALDES
CHRISTOPHER WESTROPP
JON S. WOODS
PETER G. WOODSON

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, June 4, 2009:

DEPARTMENT OF HOMELAND SECURITY

DAVID HEYMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

KATIE GUAY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Katie Guay who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Katie Guay is a senior at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Katie Guay is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Katie Guay for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

NICHOLAS JOSEPH BROWN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicholas Brown of Liberty, Missouri. Nicholas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 320, and earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many scout activities. Over the many years Nicholas 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 Nicholas Brown for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 15TH ANNIVERSARY OF THE PEACHTREE CHAPTER OF THE AMERICAN ASSOCIATION OF RETIRED PERSONS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to a chapter of an organization that has helped millions of Americans around the country. The Peachtree Chapter of The American Association of Retired Persons (AARP) is now celebrating its 15th year of accomplishing great things in Co-op City.

The Peachtree Chapter has continued to provide assistance to retired persons and carrying out the work of the national AARP, which is in its 51st year of operation. In 1993, Bernard Aronowitz founded the Peachtree chapter. Meetings were initially held in St. Michael's Church, where members established an Executive Board. However, as membership increased, the chapter moved to the Dreiser Auditorium. It was here that the chapter, which was previously known as the Co-op City chapter, adopted the name Peachtree, after a typo by Washington. The four presidents that have led the chapter, Bernard Aronowitz, Joseph Mattice, Caroline Smith and now Josephine Collins; have furthered the efforts of the chapter to bring help to the elderly population of Co-op City.

The chapter has provided the citizens of Co-op City with support in the challenging times over the past 15 years. The chapter has touched many lives with its commitment to public service.

As a Representative from the Bronx, I know what great change and improvement the Peachtree Chapter has provided and continues to provide for all the citizens of the area.

I send my best wishes to this great chapter, and the organization it represents and I know it will continue to provide service to the community for years to come. Congratulations to the Peachtree Chapter of AARP in Co-op City on 15 great years of service.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. HOLT. Mr. Speaker, I rise today in support of the Helping Families Save Their Homes Act of 2009 (S. 896), companion legislation to similar legislation we approved in the House in March to combat the foreclosure crisis. I commend Senator DODD and the Members of the Senate Committee on Financial Services for their leadership in crafting and fine-tuning this legislation, and I urge my colleagues to support it.

According to a leading foreclosure research organization, mortgage foreclosure activity increased by 24 percent during the first quarter of 2009, compared to the first quarter 2008. One in every 159 housing units in the United States received a foreclosure notice during the first quarter of this year. In addition, foreclosures in March increased by 17 percent from February, and by 46 percent compared to March 2008. We must act now, and we must act decisively and comprehensively, to stem this crisis. The Helping Families Save Their Homes Act attacks the foreclosure crisis aggressively and approaches the problem from several angles at the same time, but is measured in its application.

The bill amends the HOPE for Homeowners Program, to provide greater incentives for mortgage servicers to modify mortgages under the Program, to reduce administrative burdens to loan underwriters, and to permit payments to loan servicers and underwriters for each successful refinancing. It would also re-instate the authority of the Department of Housing and Urban Development (HUD) to conduct an auction to refinance loans on a wholesale or bulk basis. These modifications use funding already authorized under the Emergency Economic Stabilization Act enacted in October 2008.

The bill also contains provisions to ensure better that predatory lenders are not allowed to participate in the FHA home mortgage insurance program. At the same time, it protects helpful mortgage lenders and servicers, who might otherwise be subject to litigation for changing the terms of a mortgage after closing. The bill provides a safe harbor from liability to mortgage servicers issuers, trustees, loan sellers, depositors, and others who participate in loan modifications, to the extent they were required to assist and the modification complied with the Hope for Homeowners program or was otherwise consistent with the Administration's foreclosure mitigation programs.

Importantly, the bill will also extend through 2013 the temporary increase to $250,000 in deposit insurance coverage for both the Federal Deposit Insurance Corporation (FDIC)-insured deposits and National Credit Union Administration (NCUA)-insured deposits, which is currently scheduled to expire in December 2009. It also permanently increases the FDIC's borrowing authority to $100 billion (with an increase until the end of 2010 to $300 billion), and increases the NCUA's borrowing authority to $6 billion (with a temporary increase to $30 billion).

And the bill includes the first major reauthorization of funding under the McKinney-Vento Homeless Assistance Act. I was pleased to support $100 million for McKinney-Vento under the American Recovery and Reinvestment Act enacted into law earlier this year. This important collaborative program between the public and private sectors has disbursed more than $2 billion in funding to provide shelter, food and support services for homeless and hungry individuals nationwide in just over 20 years of existence, and this bill will authorize that amount for Fiscal Year 2010 alone. I will work with my colleagues to make sure we fully fund this authorized level of funding, to assisting America's neediest and most vulnerable citizens.

This bill takes many important and decisive steps to help mitigate the foreclosure crisis and ease the suffering of our Nation's homeless and hungry, and I urge my colleagues to support it.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BECERRA. Madam Speaker, on Wednesday, June 3, 2009, I missed rollcall No. 295–300. If present, I would have voted ''aye'' on rollcall votes 295, 297, 298, 299 and 300 and ''nay'' on rollcall vote 296.

NIKI GARCIA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Niki Garcia who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Niki Garcia is an 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Niki Garcia is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Niki Garcia for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

INTRODUCING A RESOLUTION TO ENCOURAGE UNITED STATES PARTICIPATION IN THE SHANGHAI 2010 EXPO

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution to encourage full United States participation in the Shanghai 2010 Expo. The upcoming 2010 Shanghai Expo—the World's Fair—includes more than 170 countries, tens of millions of visitors, and thousands of displays of new and emerging technologies and products to spur economic growth and trade. But the United States is in danger of being a no-show. While we have made verbal commitments to participate, the necessary diplomatic and fundraising efforts have lagged, throwing into doubt an important opportunity to demonstrate our global leadership, improve relations with China, and convey to millions of visitors our country's many technological and cultural achievements.

Madam Speaker, the World's Fair is a lasting and venerable international institution dating back to the mid-19th century. It is older than the modern-day Olympics, and remains behind only the Olympics and the World Cup in global economic and cultural impact. The United States has a long history of involvement in the World's Fair, hosting over 20 fairs. Few people realize that these fairs, in addition to showcasing important American technological and cultural achievements, have also left behind lasting reminders of their importance, such as the Seattle Space Needle, the San Francisco Palace of Fine Arts, and the Chicago Museum of Science and Industry. Unfortunately, in the last decade the United States has declined to participate in many World's Fairs and other international expositions, depriving the international community of experiencing unique features of American economic and cultural life.

Madam Speaker, the upcoming Shanghai Expo presents a unique and important opportunity for the United States to apply our ''soft power'' in relations with the international community, especially China. The Chinese government has generously allocated over 60,000 square feet for the American pavilion to anchor one side of the central promenade, sharing that honor only with China. This prominence will afford 170 other nations and millions of citizens the occasion to appreciate the United States' technological innovations, cultural traditions, our participation in peaceful and beneficial global events, and our national respect for other nations and cultures. As a global leader, the United States has a responsibility to fully participate in this international affair.

I urge my colleagues to support this resolution.

INTRODUCTION OF THE ''CREDIT CARD FAIR FEE ACT OF 2009''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. CONYERS. Madam Speaker, today I am introducing the ''Credit Card Fair Fee Act of 2009,'' legislation that would help level the playing field for merchants and retailers negotiating with banks for the cost of certain fees, and ultimately reduce the costs of everyday goods for consumers. I am joined by Representative BILL SHUSTER.

Every time a consumer uses a payment card—at the mall, at the grocery store, at a gas station, or on the Internet—the merchant is charged a fee. This fee gets divided up three ways—between the merchant's bank, the consumer's bank, and the credit card company. It covers processing fees, fraud protection, billing statements, and other expenses such as system innovations.

As much as 90 percent of this fee comprises a so-called ''interchange fee,'' which is the payment made by the merchant's bank to the consumer's bank. The percentage is set by the credit card companies, generally Visa or MasterCard, and averages 1.75 percent of the total purchase. In 2008, interchange fees from these two companies totaled approximately $48 billion, an increase of 189 percent since 2001. These fees are ultimately passed on to all consumers in the form of higher prices for goods and services, whether the consumers purchase these items by credit card, check or cash. The average U.S. family paid an estimated $427 in interchange fees in 2008, nearly triple the amount in 2001.

These interchange fees are set by the credit card companies. The two largest, Visa and MasterCard, control over 73 percent of the volume of transactions on general purpose cards in the United States and approximately 90 percent of the cards issued. Banks that are members of the Visa association are often also members of the MasterCard association.

Merchants are forced to deal within this system because it is simply not an option to refuse to accept Visa or MasterCard from their customers. They are presented with take-it-or-leave-it options and are not part of the process by which the fees are set.

The bill creates a limited antitrust immunity for negotiating voluntary agreements. This legislation is intended to give merchants a seat at the table in the determination of these fees. It is not an attempt at regulating the industry and does not mandate any particular outcome. This legislation simply enhances competition by allowing merchants to negotiate with the dominant banks for the terms and rates of the fees.

It is time to level the playing field for merchants and consumers. I am hopeful that Congress can move to enact this worthwhile and timely legislation.

CARLOS GONZALES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Carlos Gonzales who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Carlos Gonzales is an 8th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Carlos Gonzales is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Carlos Gonzales for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

HONORING THE EFFORTS OF THE FIRE MARSHAL JOHN J. HENRY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BURGESS. Madam Speaker, I rise today to honor Fire Marshal John J. ''Jody'' Henry for his tireless and persistent efforts to solve the arson case of the old Cooke County Courthouse. His determination over past three years resulted in the conviction of Timothy York.

In his 30 years of service as a firefighter, this incident was one of the most important to Fire Marshal Henry. When the Cooke County Courthouse was attacked on February 21, 2006, Henry began combining efforts with

members of different governmental agencies to find the person responsible for the attack on the district judge and courthouse. He spent endless hours pouring over the details of the case in order to put it to rest.

Fire Marshall Henry shares the credit of success of this case with the individuals with whom he worked closely. His confidence and his teamwork earned him the respect of his peers. He served as the first vice president of the Texas Fire Marshal's Association and received the Jack Sneed Memorial Commendation Award. The Gainesville Fire Chief considers Henry one of the most dedicated public servants the city has known. He is known in the community for working passionately for the safety of firefighters and citizens alike.

Madam Speaker, I am proud to recognize the diligent efforts of Fire Marshall John J. Henry in solving the Cooke County Courthouse case. He has been an invaluable firefighter and his continuing efforts in saving lives in the Cook County Community are greatly appreciated. It is an honor to represent Fire Marshal John J. Henry in the 26th District of Texas.

TRIBUTE TO THE YMCA OF CENTRAL MASSACHUSETTS MINORITY ACHIEVERS, WORCESTER, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. MCGOVERN. Madam Speaker, I rise today to recognize the work and achievements of Fred Alexis, Brandon Wood, Robert Hill, Devon Moore, Tiera Givins, Josh Alexander, Sheena Agyemang, Ricordo Myers, Zakee Jenkins, Anesia Wright, Rohan Amarsingh, Latricia Harris, Amenze Enoma, Angelique Berry, Kofi Owusu, Malcom Evans, and Roshorn Morales. These students are high school seniors who are graduating from the Minority Achievers Program of the YMCA of Central Massachusetts.

Madam Speaker, through academic support, the YMCA of Central Massachusetts Minority Achievers Program creates a diverse, inclusive, and challenging environment for middle and high school students. This program helps primarily minority students advance and reach their academic goals and prepares them for the transition to college. It creates and inspires a diverse pool of future leaders by providing an environment in which students can realize their potential.

These students worked together and empowered each other while perfecting their own knowledge and learning to become well-rounded individuals. However, these achievements would not have been possible without the help and guidance of dedicated adult mentors. I also recognize Marie Boone, Mark Bilotta, James Bonds, Marion Wilson, and Annie Cox for their passionate commitment and unyielding belief in their students.

Madam Speaker, I ask my colleagues in the United States House of Representatives to join me in honoring these graduates of the Minority Achievers Program for their hard work along with the mentors who guided and supported them. They represent the tremendous promises of education and deserve our recognition.

RECOGNIZING FATHER JOHN A. FARRY

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the long and distinguished career of Father John A. Farry. On June 30, 2009, Father Farry will retire from his position as Pastor at Saint Andrew Parish, the most recent parish in his 44 years of dedicated service.

Born in Bronx, New York, Father Farry graduated from Quigley Preparatory Seminary in Chicago and continued on to St. Mary of the Lake Seminary—Mundelein in Mundelein, Illinois, where he was ordained a priest in 1965.

Throughout his career, Father Farry has served many areas of the Chicago community, including Saint Bernard Parish in Englewood, Saint Thomas the Apostle Parish in Hyde Park, and Saint Andrew Parish in Northcenter.

Father Farry also served in positions other than pastor when the community needed it, such as Catholic Community of Englewood Coordinator, leader of the Team Ministry at Saint Bernard Parish, and religion teacher at various schools in the area. He reached out to all members of the diverse community and is known for his selflessness and his compassion.

Madam Speaker, I congratulate Father Farry on his lengthy and influential career, and thank him for his many outstanding contributions to the city of Chicago. I wish him the best of luck and continued happiness in his retirement and all his future endeavors.

CELEBRATING THE 20TH ANNIVERSARY OF THE SUSAN G. KOMEN RACE FOR THE CURE IN OUR NATION'S CAPITAL

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of H. Res. 109, recognizing the 20th anniversary of the Susan G. Komen Race for the Cure in our nation's capital. The Susan G. Komen Race for the Cure has not only raised substantial funds for breast cancer research, but serves as a day to pay tribute to the loved ones we've lost, empower those who have survived, and support those who continue to battle this disease. Like many other Americans, my family has been touched by breast cancer. But due to advances in treatment, greater awareness, and increases in early detection, we can now fight this disease head on and bring new hope to the mothers, sisters, daughters, wives and friends that are diagnosed each year.

Susan G. Komen unfortunately lost her battle with breast cancer, but her story and her sister's perseverance to put an end to breast cancer once and for all has helped advance research, educate women on the importance of early detection, and bring men and women from all walks of life together to share their stories and struggles with this disease. I was proud to cosponsor this resolution, and participate in the Susan G. Komen Race for the Cure in my own community in Florida.

I'd like to thank my colleague, Congressman DONNELLY, for introducing this important legislation and urge adoption of the resolution.

HONORING MICHAEL KRASOWSKI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Krasowski 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 145, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop participating in many scout activities. Over the many years Michael 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 Michael Krasowski for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING LOTTE SCHILLER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Ms. WOOLSEY. Madam Speaker, I rise with sadness today in honor of my friend Lotte Schiller who passed away on May 4, 2009, just before her 89th birthday. Lotte was well-known in Marin County, California, where she actively promoted the causes she believed in—from art and the public school system to progressive politics and voter education.

Born in Germany in 1920, Lotte was forced to flee to Palestine 14 years later with her Jewish family. She attended the Hebrew Teachers College for Women and then taught school and owned a nursery school in Jerusalem. She married architect Hans Schiller in 1940 and moved to Mill Valley in 1947 when Hans' practice with famed architect Erich Mendelsohn relocated to San Francisco.

With her strong background in education, it is no surprise that Lotte served four terms as a trustee for the Tamalpais Union High School District, including 12 years as President, as well as playing a part on education boards and commissions at the local, state, and national levels. Other affiliations included Family Service Agency of Marin, KQED Community Advisory Committee, National Women's Political Caucus, and the New Voter Education Research Foundation (of which she was a founding member).

Lotte and Hans were both active in the Democratic party, where we shared a commitment to achieving progressive goals. Hans was an architectural activist, who believed in public access to parks and open spaces.

Hans predeceased Lotte in 1998, and she is survived by her children Peter and Anita as well as three grandchildren and two great grandchildren.

Madam Speaker, I will miss Lotte Schiller's activism and commitment. Her example inspire many of us and I will carry on, as she would have wished, to promote the causes we shared.

PERSONAL EXPLANATION

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, on Thursday, May 21st, I was unable to vote on rollcall votes 288, 289, 290, and 291 because of the graduation of one of my daughters from high school. The pending matter was H.R. 915, the Federal Aviation Administration Reauthorization Act. My constituents in Colorado's seventh congressional district deserve safe airways, convenient and affordable passenger aircraft service, and adequately maintained airports. H.R. 915 accomplishes these goals and many others. I am pleased to see it passed the House. Had I been present, I would have voted in the following manner: on rollcall vote 288 (Burgess of Texas amendment) I would have voted ''yes''; rollcall vote 289 (McCaul of Texas amendment) I would have voted ''yes''; rollcall vote 290 (Motion to recommit) I would have voted ''no''; and rollcall vote 291 (Final passage) I would have voted ''yes.''

HONORING 14 CONGRESSIONAL CERTIFICATE OF MERIT WINNERS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor the accomplished students who earned the Certificate of Congressional Merit for their exemplary citizenship and academic excellence. Fourteen students from Minnesota's Sixth District were nominated by their schools for this prestigious award and it is a great privilege to be able to share their accomplishments with this Congress.

These students have shown that they can set and achieve goals, work as a team member or a leader, contribute to a larger cause, all while making time for study and friendships as well. They have made significant contributions to their schools and communities and stand out to faculty and staff as students that would never ask for recognitions for their efforts.

I rise today, Madam Speaker, to honor these fourteen students for their successful high school careers and to wish them all he best in their bright futures:

Mr. Chris Neumann of Winsted, Holy Trinity School; Mr. Joshua Putnam of Woodbury, New Life Academy; Mr. Kevin Capp of Andover, Andover High School; Ms. Jacqueline Lee of Becker, Becker High School; Ms. Mysee Chang of Corcoran, Buffalo High School; Mr. Michael Roth of Delano, Delano High School; Mr. Tyler Rausch of Elk River, Elk River Senior High School; Mr. Thomas Linn of Watkins, Kimball Area High School and ALC; Ms. Kayla Ruff of Monticello, Monticello High School; Mr. Russell O'Fallon of Paynesville, Paynesville Area Secondary School; Ms. Tracy Skluzacek of Cold Spring, Rocori High School; Mr. Jacob Horn of St. Michael, St. Michael-Albertville High School; Ms. Courtney Ledo of Stillwater, Stillwater High School; and Ms. Rebecca Lauer of Albany, Immaculate Conception Academy.

It was best said by beloved children's author, Dr. Seuss, ''The more that you read, the more things you will know. The more that you learn, the more places you'll go.'' These students are the bright future we have to look forward to in Minnesota and in our nation. We are looking forward to the successes they will have and the dreams they will follow and, the places they will go.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes due to illness. If I had been present, I would have voted as follows:

June 3, 2009: rollcall vote 298, on motion to suspend the rules and agree—H. Con. Res. 109, Honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009, and for other purposes—I would have voted, ''aye''; rollcall vote 299, on motion to suspend the rules and agree, as amended—H. Res. 471, Expressing sympathy to the victims, families, and friends of the tragic act of violence at the combat stress clinic at Camp Liberty, Iraq, on May 11, 2009—I would have voted, ''aye''.

INTRODUCTION OF THE RESOLUTION COMMENDING EFFORTS TO TEACH THE HISTORY OF BOTH ISRAELIS AND PALESTINIANS TO STUDENTS IN ISRAEL AND THE WEST BANK IN ORDER TO FOSTER MUTUAL UNDERSTANDING, RESPECT, AND TOLERANCE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. MORAN of Virginia. Madam Speaker, at a time when there is intense division between Israelis and Palestinians, it is vital that the historical perspectives of both people be taught to both sides. While forces and events pull people in the Middle East away from each other, dedicated teachers in Israel and the West Bank are helping their students to confront their apprehensions and prejudices through better understanding of the ''other.''

By teaching Palestinians about the Holocaust and Israeli-Jews about the Palestinian perspective of the 1948 war, the children in the region will hopefully grow to understand better, and fear less, those with whom they share the Holy Land. It is those kinds of initiatives that exemplify the small steps needed to be taken on the long road to peace. Let us recognize them and encourage others to do the same. Thank you.

COSPONSORS OF LEGISLATION

The Honorable Brian Baird, The Honorable Tammy Baldwin, The Honorable Steve Cohen, The Honorable Keith Ellison, The Honorable Sam Farr, The Honorable Bob Filner, The Honorable Maurice Hinchey, The Honorable Michael Honda, The Honorable Dennis Kucinich, The Honorable Barbara Lee, The Honorable Jim McGovern, The Honorable John Olver, The Honorable Nick Rahall, and The Honorable Fortney Pete Stark.

HONORING NATHAN WHITLOCK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nathan Whitlock 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 145, and in earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop participating in many scout activities. Over the many years Nathan 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 Nathan Whitlock for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE IDEA FAIRNESS RESTORATION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the IDEA Fairness Restoration Act to clarify Congressional intent and help parents of students with disabilities ensure that their children have access to the free and appropriate education guaranteed by this Congress in 1975. I thank Mr. SESSIONS, who joins me in offering this bill, for his work on this important issue.

It is vitally important that parents and schools cooperate and collaborate to educate our nation's children. When Congress passed the Individuals with Disabilities Education Act, it recognized the value of this partnership in special education. For the most part, this relationship has worked very well. But occasionally, the school system cannot or does not provide an appropriate education. In those rare cases, the Congress recognized that parents should have the ability to challenge the school's decision and advocate for a new Individual Education Plan.

As both school systems and parent build their cases, they bring expert witnesses to assess the student and testify about the quality of the education plan. In 1986, when Congress amended IDEA, it explained in the Conference Report that when parents win their case, a judge could award attorney's fees, including, and I quote, ''reasonable expenses

and fees of expert witnesses and the reasonable costs of any test or evaluation which is found to be necessary for the preparation of the parent or guardian's case.'' For years, prevailing parents were awarded expert witness fees, as Congress intended. But unfortunately, while Congress was very clear in its explanation of the bill, it did not include this provision in the legislative language. In 2006, the provision was challenged and the Supreme Court ruled that because Congress did not make its intention explicit in statute, courts could no longer award these fees.

IDEA guarantees students with disabilities a free and appropriate education. But, as a result of this decision, parents can be faced with many thousands of dollars of expert witness fees in order to ensure their child gets the education plan he needs. A single expert witness can charge anywhere from $100–$300 per hour. Confronted with these costs, parents are discouraged or outright barred from bringing meritorious cases to secure the rights of their children. Low-and middle-income families are particularly hard hit.

Today, I introduce a bill to clarify Congress's intent and restore the expert witness fee provisions. It will allow parents to recover the high cost of expert witnesses if, and only if, they win their dispute with the school district. I want to be very clear—this bill does not impose any additional costs on school districts that comply with IDEA. The provisions apply only when a school system has been found, after an impartial hearing, to have wrongfully denied a child an appropriate education as defined in IDEA.

Madam Speaker, we must ensure that we keep the promise of IDEA and provide every child with a free and appropriate education. This bill will level the playing field and help parents be effective advocates for their children's best interests.

PERSONAL EXPLANATION

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded vote for rollcall 293, H.J. Res. 40, On Motion to Suspend the Rules and Pass. Had I been present I would have voted ''yes'' for this measure.

CONGRATULATIONS TO THE DECALOGUE SOCIETY ON ITS 75TH ANNIVERSARY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Ms. SCHAKOWSKY. Madam Speaker I rise today to thank and congratulate the Decalogue Society of Lawyers, which this year celebrates its 75th anniversary.

Founded in 1934 to fight anti-Semitism and other forms of discrimination and intolerance, the Decalogue Society has a proud record of achievement. It is the oldest Jewish Bar Association in the United States, representing the values and concerns of the Jewish community while working to protect the rights and privileges of all Americans.

All of us are proud to be a nation of laws, and we strive to ensure that ''equal justice under the law'' is not just a motto but a reality. The Decalogue Society recognizes that lawyers play an essential role in maintaining a free society committed to equal justice. It works to ensure that we as a nation understand and value the role of the legal profession in reaching that goal, even as its lawyers participate in social action and cooperate in diverse movements for the public welfare.

Access to competent legal representation is an essential ingredient for making sure that the laws of the land are just and fairly enforced. The Decalogue Society extends critical educational and financial support to those lawyers who work to end discrimination and represent the rights of the most vulnerable among us. The Decalogue Foundation was created in the 1960s to provide scholarships for deserving law students. It has established nine endowment funds at the Hebrew University Law School and six Chicago-area law schools. It also provides free continuing legal education to assist members and non-members alike in becoming better informed lawyers.

I hope that my colleagues will join me in congratulating the Decalogue Society for its commitment to the ideals of religious freedom and racial tolerance and for its efforts to encourage and assist those women and men who want to pursue future legal careers in public service. Chicago, Illinois and the United States all benefit from its activities and from its commitment to the principles of law and equality.

MARISSA GARCIA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Marissa Garcia who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Marissa Garcia is an 8th grader at Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Marissa Garcia is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Marissa Garcia for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

IN MEMORY OF F. P. SIEDENTOPF

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. WILSON of South Carolina. Madam Speaker, I am honored to have this opportunity to recognize the life and service of Frederick Paul Siedentopf. A 31-year veteran of the United States Marine Corps, Mr. Siedentopf passed away on May 25th, Memorial Day. He served with honor and distinction as an avionics technician throughout the later part of the 20th Century including active roles during the Vietnam War and the Cold War. His service and commitment to this Nation earned him broad respect by his fellow Marines as well as the Good Conduct Medal, the Navy Achievement Medal, the Navy Commendation Medal, and the Meritorious Service Medal.

Following his retirement as a Master Gunnery Sergeant in 1990, Siedentopf was determined to continue to give back to his country. He remained active in numerous community organizations as well as being an avid contributor to local newspapers with his frequent letters to the editor. The people of Beaufort, South Carolina were honored to have had an individual of Siedentopf's character as part of their community for several years.

Our thoughts and prayers are with his wife Judy, their two daughters, Cindy and Debra, two grandchildren, and three great grandchildren. As we paused to recognize the service and sacrifice of so many brave Americans on Memorial Day, it is fitting that we remember the lifetime of service by Frederick Paul Siedentopf. Our Nation is blessed to have men and women of such commitment and love for their country.

A TRIBUTE IN RECOGNITION OF THE REGIONAL WINNERS OF THE AMERICAN ADVERTISING FEDERATION'S 2009 NATIONAL STUDENT ADVERTISING COMPETITION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to commend the regional winners of the American Advertising Federation's 2009 National Student Advertising Competition.

Of the 142 schools that participated in this year's contest, 18 regional winners are gathering during the first week of June in our nation's capital for the final competition. The teams proudly represent the following distinguished colleges and universities: the University of California, Berkeley; Johnson & Wales University; The George Washington University; Syracuse University; University of Virginia; Florida State University; Ohio University; Columbia College Chicago; Northwood University; The University of Alabama; University of Minnesota; the University of Nebraska-Lincoln; Texas Tech University; Portland State University; Art Center Design College-Tucson; Hawai'i Pacific University; Chapman University; and Texas Christian University.

This highly respected contest is the nation's leading competitive program to showcase emerging student talent in the advertising field. Each year, student advertising clubs at colleges and universities across the nation compete to create a winning integrated advertising campaign for the competition's sponsor.

The 2009 competition challenge is particularly innovative. For the first time in the 36 year history of the competition, the students

are being asked to tackle a social issue via public service advertising. This year's contest is focused on preventing binge drinking—a dangerous activity commonplace on many college and university campuses that all too often leads to grave and tragic consequences.

To understand how serious of a problem this is, you need only look at recent statistics. According to the Monitoring The Future Study, 40 percent of college students reported binge drinking in the past year. Tragically, this alarming statistic has remained relatively unchanged since 1993. In addition, numerous studies confirm excessive drinking by college students can lead to difficulty concentrating, memory lapses, mood changes as well as other problems that impact a person's daily life. Binge drinking also carries more serious risks such as alcohol poisoning, and physical and mental health issues such as lower brain function, personality changes, depression and even alcoholism.

I commend the competition sponsor and organizers for tackling this importance issue that jeopardizes the health and safety of so many of our young people. This year's competition was made possible due to the collaborative efforts of the Century Council, the competition's sponsor, the Ad Council and the American Council on Education.

Madam Speaker, on the occasion of the competition's national finals in the Washington, D.C. area June 4–5, I ask my colleagues to please join me in recognizing these remarkable students for their contribution to attacking the critical issue of binge drinking and for their talents, creativity and hard work. Each team spent many months developing their concepts, testing their messages on campus and creating evaluation criteria. Their winning concepts will not only provide fresh and innovative ideas for a communications campaign, but will also help us to better understand how to fight this serious problem. It is also my hope that long after this year's competition ends the participants and their universities will continue their work on this topic by sharing their messages with fellow students. Together, we can save lives by reducing binge drinking on college campuses.

IN HONOR OF VENTURA COUNTY UNDERSHERIFF CRAIG HUSBAND

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GALLEGLY. Madam Speaker, I rise to honor Craig Husband, Undersheriff for the Ventura County, California, Sheriff's Department, who retires Friday after more than 32 years with the department and 10 years as Undersheriff.

During his tenure, Undersheriff Husband made his mark on literally every aspect of the Sheriff's Department. His assignments have included custody, patrol, personnel, narcotics and crime prevention. He has commanded the Sheriff's Training Academy and the Major Crimes and Narcotics Bureaus.

In 1997, Husband became Chief of Police for the City of Camarillo, which contracts with the Sheriff's Department for law enforcement services. Chief Husband developed, implemented or expanded National Night Out, Neighborhood Watch, Stranger Danger, Mobile Police Storefronts, Kidprint, Citizen Patrol, foot patrol, bike patrol, horse patrol, the Citizen Academy and tactical crime analysis, among other programs.

In June of 1999, he was appointed Undersheriff. In that post, second only to the Sheriff, Husband oversees a $200 million budget and a 1,200-person department with 750 sworn peace officers. Undersheriff Husband's responsibilities also include the coordination of the Sheriff's Department's four divisions—Detention Services, Patrol Services, Special Services and Support Services. These four divisions include the jails, court security, five patrol contract cities, disaster preparedness, the Air Unit and Search and Rescue.

Undersheriff Husband's commitment and professionalism has not gone unnoticed. Sheriff Bob Brooks was recently quoted as calling Undersheriff Husband a ''loyal and helpful partner and friend'' whom he would trust with his life.

Undersheriff Husband serves as a volunteer on numerous boards, including the Camarillo Healthcare District, Camarillo Breakfast Rotary and the Camarillo Boys and Girls Club. He was selected as the 1999 Public Servant of the Year by the Camarillo Chamber of Commerce.

He was named the Tri-Counties Narcotics Officer of the Year and the State of California (region 6) Narcotics Officer of the Year. He also was awarded the Medal of Merit for bravery and is a lifetime member of the Professional Baseball Players Association. Undersheriff Husband holds a sixth-degree black belt and is considered one of the foremost authorities of that discipline in the world.

Madam Speaker, I know my colleagues will join me in thanking Undersheriff Craig Husband for his decades of dedication, professionalism and service to the Ventura County Sheriff's Department and the people it serves, and in wishing Craig and his wife, Cecilia, a long and productive retirement.

AUSTIN GALLEGOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Austin Gallegos who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Austin Gallegos is an 8th grader at Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Austin Gallegos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Austin Gallegos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

WESLEY WILSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Wesley Wilson of Weston, Missouri. Wesley is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Wesley has been very active with his troop, participating in many scout activities. Over the many years Wesley 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 Wesley Wilson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MAYOR ANDY WAMBSGANSS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. MARCHANT. Madam Speaker, I rise today to honor a great friend and tremendous public servant, former Mayor Andy Wambsganss, for his years of service to the City of Southlake and the North Texas region.

Since assuming the mayor's office in 2003, Mayor Wambsganss guided Southlake with an immense degree of dedication, passion and competence. He served as mayor for nine years, from 2003 to 2009, and prior to his mayoral tenure he served on the Southlake City Council, as Mayor Pro Tem, and as a judge in the community. Andy has always strived to better his community, and his broad experience served his constituents well.

Under Andy's principled leadership and sound management, the City of Southlake experienced tremendous economic growth while at the same time maintained the city's unique small town charm. He managed the city with great efficiency and responsible fiscal discipline. Andy selflessly served the City of Southlake for many years, and his positive impact on the city will long endure in the future.

Throughout the years, Andy Wambsganss contributed his expertise to many local and regional organizations. He was President of Southlake Crime Control and Prevention; on the Southlake Teen Court Board of Directors; Director of the Airport YMCA; Director of Metroport Cities Fellowship; member of the Tarrant County Mayor's Forum; member of the Northeast Leadership Forum; and much more.

Andy Wambsganss is a longtime resident of Southlake, a kind and apt public servant, and a family man. His wife, Leigh, and their two boys, are involved in many community and philanthropic endeavors.

It is a distinct privilege to call Andy a friend of mine. He has been an outstanding public servant to the City of Southlake and his honest leadership will be sorely missed. On behalf

of the 24th Congressional District of Texas, I extend my sincere appreciation to Andy Wambsganss and wish him the very best of luck in the future.

THE PASSING OF MS. KOKO TAYLOR, THE ''QUEEN OF THE BLUES'' JUNE 4, 2009

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. JACKSON of Illinois. Madam Speaker, I rise today to express my condolences to the family, friends and colleagues of one of my most prestigious constituents, from Country Club Hills, Ms. Koko Taylor the ''Queen of the Blues''. Ms. Taylor passed away yesterday afternoon at Northwestern Memorial Hospital.

For more than 40 years, Koko Taylor's powerhouse vocals have thrilled audiences, from little bars in Chicago's South Side to giant international festivals. Ms. Taylor has been described by Rolling Stone as ''the great female blues singer of her generation.''

She's been in movies, on television, on radio and in print all over the world and has received just about every award the blues world has to offer, including 29 Blues Music Awards, and a Grammy Award in 1984. I personally had the privilege of presenting the National Endowment of the Arts National Fellowship Award to Ms. Taylor in 2004.

Undoubtedly, Ms. Taylor's contributions to the music world have been innumerable. I am deeply saddened by her passing and I rise today to honor her many achievements and offer my condolences to her family, friends, and fans across the country.

ALEXANDRIA HAFKEY-HAIGHT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Alexandria Hafkey-Haight who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Alexandria Hafkey-Haight is an 8th grader at Faith Christian Academy and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Alexandria Hafkey-Haight is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Alexandria Hafkey-Haight for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

CONGRATULATING LORRAINE BERGMAN ON BEING RECOGNIZED AS THE BUSINESS WOMAN OF THE YEAR BY THE TEMPE CHAMBER OF COMMERCE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Lorraine Bergman, who was recently named Business Woman of the Year by the Tempe Chamber of Commerce.

Ms. Bergman is currently the President and CEO of Caliente Construction, a company originally started by her late husband Thomas Bergman. After his passing in 2005, Lorraine stepped up and rebuilt the company herself. Under her leadership, Caliente Construction has more than doubled in its percentage of growth and in number of employees. The success of this local business was previously recognized by the Tempe Chamber of Commerce when Lorraine received the Business Excellence Award in 2008.

In addition to the success of her own company, Lorraine has made many contributions to the surrounding business community. She is a founding member of Advancing Women in Construction, as well as the East Valley Branch of Fresh Start, a program that assists women whose lives have been impacted by traumatic events. Lorraine is a graduate of both the Gilbert and Tempe Leadership programs whose experience, dedication and body of work truly deserve to be honored.

Madam Speaker, please join me in recognizing Lorraine Bergman's many contributions to our community.

THE DEDICATION OF THE SAN BENITO MEMORIAL PARK AND MEMORIAL FREDDY FENDER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the dedication of the San Benito Memorial Park on Saturday, June 6 where a memorial honoring the life of Freddy Fender stands.

Born Baldemar Garza Huerta on June 4, 1937, in San Benito, Texas, Freddy Fender was the son of Serapio and Margarita Garza Huerta, a laborer and migrant farm worker. He was the eldest of nine children.

The love of music came early to young Balde, as everyone called him then. He was only five years old when he acquired an old three-string backless guitar which he quickly learned to play. He may have come from a very poor upbringing, but his optimism was undeniable, using music as a means to make life happier. ''Music always made it better,'' as he would say.

The family would follow the seasonal crops for harvesting. They traveled north to work beets in Michigan, bale hay and pick tomatoes in Indiana, harvest cucumbers in Michigan and onions in New Mexico. Then, it was back home to San Benito for the winter where he spent time entering and winning talent contests.

Baldemar Huerta's professional career was ignited in November 6, 1956, as El Bebop Kid, when he originally recorded Spanish-language versions of Don't Be Cruel and Holy One, hits in Texas, Mexico and South America, that reflected his unique fusion of love songs and rock 'n roll. For a short time he also recorded under the names of Scotty Wayne and Eddie Medina.

He signed with Imperial Records in 1959 after taking the name Fender from the neck of his Fender guitar and Freddy because it sounded good. He first recorded his mega-hit, Wasted Days and Wasted Nights in 1959.

Fender is credited with being the first American Hispanic Rock & Roll recording artist in Anglo Latino music history. He was also the first Mexican-American artist to cross over into mainstream pop and country music, and with introducing Tex-Mex music into the American and world music scene.

Freddy Fender was more than just an artist; he was my dear friend who I had the honor of knowing and working with for many years. Through this dedication, we pay tribute to a man who traveled around the world singing songs that brought smiles and joy to the lives of many, including myself. Freddy never forgot where he was from—his roots and upbringings remained intact throughout his professional career as a singer.

Today, we remember him through his songs, his spirit and his love for the Rio Grande Valley, especially San Benito.

On October 14, 2006, we all lost a dear friend, companion, singer, and San Benito native, when Freddy went to be with the Lord. Before his passing, he asked his beloved wife, Vangie, that he wanted to return to San Benito to be buried. His wish was carried out and that is why we stand here today in honor of a man that encompasses the true meaning of success through hard work, dedication and determination.

Most recently, the San Benito Economic Development Corporation funded this project, budgeting about $250,000 for the construction of the monument in honor of Freddy. The San Benito Memorial Park will be home to 300 resting souls, including Freddy, who was the first one to be buried there.

Today, I ask that my colleagues join me in commemorating the dedication of the San Benito Memorial Park and the memorial honoring the life of Freddy Fender.

A TRIBUTE TO SHERIFF SID CAUSEY

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to New Hanover County Sheriff Sid Causey. As Sheriff Causey prepares to retire on July 1, 2009, I ask that you join me in recognizing his long and honorable career of service.

Sheriff Causey began his career in 1970 with the Carolina Beach Police Department, and then moved to the sheriff's office in 1973. In 1978, he moved to the county Alcoholic Beverage Control board, then returned to the sheriff's office in 1986. For seventeen years, he effectively commanded the office's vice

narcotics unit and since being elected as the New Hanover County Sheriff in 2002, drug control has been his priority, and he has made major strides in reducing this underlying cause of crime within the community. I am inspired by his courage in the fight against drugs, and I salute him for his many contributions and sacrifices.

Madam Speaker, Sheriff Sid Causey has served in New Hanover County law enforcement for over 39 years and done so with distinction. As he prepares to close the final chapter of his career, I wish Sheriff Causey and his family God's richest blessings. I ask that you join me today in recognition of his impressive career of enduring public service.

HONORING THE WORK OF THE 451ST CIVIL AFFAIRS BATTALION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to pay tribute and honor to the 451st Civil Affairs Battalion out of Pasadena, Texas, and welcome them home from their most recent deployment in Afghanistan. While they returned last fall, this Saturday, June 6, will be their Welcome Home Ceremony, and I look forward to attending to thank them personally for their service to our country.

As a civil affairs unit, the 451st was broken up into smaller groups across Afghanistan. Over the July 4, 2008 break I led a ''Texas'' Congressional Delegation visit to Afghanistan with Congressmen MICHAEL MCCAUL, HENRY CUELLAR, and myself. We visited several of the forward operating bases, or FOBs, where members of the 451st were stationed with other units. Because they were so spread out across the country, we were only able to visit a few members of the 451st, but being at the FOBs gave us the opportunity to see how primitive areas of Afghanistan can be, and what an impact the work of the 451st made.

When deployed, whether in Afghanistan during their most recent deployment or in their previous deployment to Iraq, the 451st Civil Affairs Battalion serves as a liaison between the military and the host community to better serve their needs and direct aid, supplies, and expertise. While stationed in Afghanistan, the 451st worked with the Afghan government and international humanitarian organizations to rebuild infrastructure and restore stability in areas devastated by war or natural disasters. The teams also worked with representatives from U.S. government agencies such as the State and Agriculture departments and the U.S. Agency for International Development.

As President Obama refocuses our efforts on Afghanistan, the 451st helped lay the groundwork for bringing security and stability to that country by building trust and relationships among the Afghan population, and I am proud we can say the unit is from Pasadena in Texas's 29th Congressional District. After dedicated service to their country, the members of the battalion have returned home. I have the honor of joining with their friends, family, and community in welcoming them this Saturday, June 6.

BRITTANY GENTRY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Brittany Gentry who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Brittany Gentry is a senior at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Brittany Gentry is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Brittany Gentry for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING DAVID J. APPLEBURY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David J. Applebury 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 145, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop participating in many scout activities. Over the many years David 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 David J. Applebury for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

H.R. 2703 AND H.R. 2704

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Ms. HARMAN. Madam Speaker, some of the most powerful military and intelligence satellites in the world are designed and produced in my Congressional District. They are remarkably formidable tools that daily assist our troops in Iraq, Afghanistan and elsewhere, and are indispensable in learning and thwarting the plans of those who would do us harm.

But imagine, for a moment, what it would be like if one of these satellites were directed on your neighborhood or home, a school or place or worship—and without an adequate legal framework or operating procedures in place for regulating their use. I daresay the reaction might be that Big Brother has finally arrived and the black helicopters can't be far behind.

Yet this is precisely what the Department of Homeland Security proposes to do in standing up the benign-sounding National Applications Office, or NAO.

Despite objections by the civil liberties community, a series of letters sent by Members of Congress, an established record of opposition by the House Homeland Security Committee and the prior fencing of funds, the DHS has requested funding in the classified annex to its FY2010 budget for the NAO.

The Appropriations Committee has repeatedly expressed skepticism about the need for the NAO, and fenced funding for the office last year. I understand that the Committee intends to send a strong message again this year. I introduce two bills today to stop the Department of Homeland Security from moving ahead with the misguided National Applications Office.

The first bill, introduced with Representative NORM DICKS, prohibits DHS from expending any funds on this office. The second bill deauthorizes the NAO, requiring the Secretary of Homeland Security to close the office immediately.

As proposed, the NAO, housed in the DHS Office of Intelligence & Analysis, the NAO would manage the tasking of military intelligence satellites over the United States—despite the absence of a clear legal framework, legitimate Posse Comitatus concerns, and even though the Interior Department already has existing circumscribed authority to deploy satellites over large-scale public events or natural disasters.

In its current form, the NAO would enable a group of undefined law enforcement and homeland security ''users'' greater access to imagery collection capabilities of the intelligence community—purportedly to supplement data already available during disasters or to aid in ''investigations.'' It would serve as a clearinghouse for requests by law enforcement, border security, and other domestic homeland security agencies to access real-time, high-quality feeds from spy satellites. Except law enforcement officials haven't asked for the additional capability and major law enforcement organizations do not believe it is necessary.

The new DHS leadership has assured me in my role as the Chair of the Homeland Security Subcommittee on Intelligence and Terrorism Risk Assessment that the issue is under review. Although Congress last year withheld most funding for the NAO, the Department has again budgeted for the office (the exact amount is classified) without prior notification of the relevant congressional committees.

Well, not if we can help it.

Today, we introduce legislation to shut down the NAO—period.

TRIBUTE TO ARMY SERGEANT JUSTIN DUFFY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to honor and pay tribute to Army Sergeant Justin Duffy, a proud son of Nebraska who lost his life earlier this week. Sgt.

Duffy was killed when a roadside bomb exploded near his vehicle in eastern Baghdad.

Sergeant Duffy was assigned to the 3rd Brigade Combat Team, 82nd Airborne Division, Fort Bragg, North Carolina. He had served in Iraq since November, where he provided escort security for a general, a colonel and other high-ranking Army officers.

Sergeant Duffy graduated from Cozad High School and then the University of Nebraska at Kearney with a criminal justice degree. He rose to supervisor at a Kearney manufacturing plant before joining the Army in May 2008.

My thoughts and prayers go out to Sgt. Duffy's family and friends. He was known as ''The Shepherd'' because of his concern for others. This trait drove him to protect even those he didn't know.

We all owe Sgt. Duffy a debt of gratitude we can never repay. His courage, love of family, and strength should set the bench mark for us all.

RECOGNIZING ERNEST P. KLINE

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is with great sadness that I rise today to pay tribute to Ernest ''Ernie'' P. Kline, the 25th Lieutenant Governor of Pennsylvania and a tireless public servant.

Since his days as Class President of Rostraver High School, Ernie always took charge to organize and lead in the groups of which he was a member.

Ernie was indefatigable in his work for the people of Pennsylvania. Beginning his political career as a councilman in the City of Beaver Falls, PA, Ernie was elected to the State Senate in 1965 and then as Lieutenant Governor in 1970.

As Lieutenant Governor, Ernie chaired commissions on education and energy, showing his devotion toward creating a better world for future Pennsylvanians.

Beyond public life, Ernie and his beloved wife Josephine were always involved in the community, be it establishing the Ronald McDonald House of Hershey Medical Center or umpiring softball games. Ernie was also president of Kline Associates Ltd., a government consulting firm, which allowed him to continue to serve the State of Pennsylvania after leaving elected office.

Devoted to his Catholic faith, the Democratic Party, and his country, Ernest P. Kline was committed to serving the Commonwealth. Madam Speaker, please join me, Congressman HOLDEN, and all Pennsylvanians, in honoring this great man, whose public service legacy will be fondly remembered by many.

SAVANNAH GARCIA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Savannah Garcia who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Savannah Garcia is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Savannah Garcia is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Savannah Garcia for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING THE 248TH MEDICAL COMPANY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise to recognize the 248th Medical Company, which is scheduled for deployment to Balad, Iraq on Friday, June 5, 2009, after a month of training at Fort Lewis in Washington State. The 248th is stationed at the Marietta National Guard Armory in my hometown, Marietta, Georgia. As a physician, this group of citizen soldiers holds a special place in my heart as their primary mission while in Iraq will be to treat any medical problems or issues that their fellow troops may experience. The unit includes doctors, nurses and physician assistants who will trade their white lab coats for Army green fatigues to help care for those on the frontlines in the Global War on Terror.

I ask that my colleagues join me in recognizing the courage and bravery of each member of the 248th and thanking them for their service to this country. Know that you and your families will be in our thoughts and prayers, and please do not hesitate to contact my office if there is any way that we can assist you over the next twelve months. God Bless you and your families and God bless America.

INTRODUCTION OF A BILL TO AUTHORIZE THE NATIONAL ENVIRONMENTAL RESEARCH PARKS

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. LUJÁN. Madam Speaker, today I am pleased to introduce a bill to authorize the seven National Environmental Research Parks (NERPs) at Department of Energy (DOE) sites, including the Los Alamos Environmental Research Park in my district. These parks are unique outdoor laboratories that offer secure settings for long-term research on a broad range of subjects including, wildlife biology, ecology, climate change effects, environmental remediation, and maintenance of freshwater ecosystems. The parks also provide rich environments for training future researchers and introducing the public to environmental sciences. They are located within six major ecological regions of the United States which cover more than half of the nation.

In the mid–1970s, DOE developed a policy for current and future research parks. The mission of the parks is to: conduct research and education activities to assess and document environmental effects associated with energy and weapons use; explore methods for eliminating or minimizing adverse effects of energy development and nuclear materials on the environment; train people in ecological and environmental sciences; and educate the public. The Parks maintain several long-term data sets that are available nowhere else in the U.S. or in the world on amphibian populations, bird populations, and soil moisture and plant water stress. These data are uniquely valuable for understanding wildlife biology, ecology, and for the detection of long-term shifts in climate.

The federal government's interest in and need for ecological research evolved after World War II as we sought security and safety by producing nuclear weapons in isolated regions surrounded by large buffer zones of undeveloped land. DOE's predecessor, the Atomic Energy Commission, AEC, recognized a need to track both radioactive fallout from the testing of nuclear weapons and inadvertent radioactive releases from nuclear weapons production facilities into the environment. Out of the radionuclide research grew new technologies for quantifying the movement of natural materials such as nutrients and fluids and of introduced pollutants through the ecosystem. The maintenance of the Parks by DOE conforms with statutory obligations to promote sound environmental stewardship of federal lands and to safeguard sites containing cultural and archeological resources.

In 1972 AEC established the first NERP at the Savannah River Site in South Carolina. The plan for a research park emerged during a formal review of the environmental research activities at Savannah River. The review team consisted of scientists, representatives from other Federal agencies, and members of the newly formed President's Council on Environmental Quality.

The Los Alamos NERP was designated in 1973. Its 40 square miles include the entire site of Los Alamos National Laboratory and a landscape of canyons, mesas, mountains, and the Rio Grande providing a diverse range of ecosystems to explore. The Park's ongoing environmental studies include: interaction between its local ecosystems and the hydrologic cycle; contaminant transport; elk, deer, and raptor population dynamics; landfill cap performance; woodland productivity; and long-term data sets developed to monitor climate change effects, soil moisture, and fire ecology providing valuable baseline reference information. Over 125 publications related to the ecology and interaction between lab operations and the environment have been written about Los Alamos and the Pajarito Plateau it rests on.

The National Environmental Research Parks have been conducting critical activities for our nation and the world's environmental research portfolio for decades. They are one of our nation's most valuable environmental research assets, and it is time for them to be recognized in law and explicitly provided the resources they need to continue their valuable work. This legislation offers guidance for the

Parks' research and monitoring programs as well as their education and outreach activities, and it authorizes a small amount of core funding needed to support their important work. I look forward to working with my colleagues in both parties and both Chambers of Congress to bring this bill to the President's desk as soon as possible.

HONORING ANNUAL SUSAN G. KOMEN RACE FOR THE CURE

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 2009

Ms. RICHARDSON. Madam Speaker, I rise today in strong support of H. Con. Res. 109, honoring the 20th Anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009. I'd like to thank Chairman WAXMAN and the gentleman from Virginia, Representative CONNOLLY, for bringing this resolution to the Floor today. It is my strong hope that twenty years from today we will be celebrating the cure and marveling at all the lives that have been saved.

Breast cancer is the most frequently diagnosed cancer in women worldwide, with more as than 1.3 million diagnosed each year. It is also the leading cause of death among women, 465,000 die each year worldwide. Breast cancer is a disease that knows no boundaries based on age, ethnicity, geographic location or socio-economic status. Fortunately, the United States has 2.5 million breast cancer survivors and we need to work together to educate our community and encourage participation in screenings and mammograms.

Madam Speaker, Nancy Brinker promised her dying sister, Susan G. Komen, that she would do everything possible to eradicate breast cancer. By launching Susan G. Komen for the Cure in 1982, a movement began and more than $1.3 billion in breast cancer research, education, and community health services has been invested by this organization. Today, Susan G. Komen for the Cure is the largest grassroots network fighting breast cancer and is led by thousands of survivors. Local activists are present in 125 communities and have mobilized one million friends for events such as the Komen Race for the Cure. Komen is a unique organization where 75 percent of the net proceeds stay in the communities where they were raised. The remaining 25 percent of the funds are given to Komen's National Grant Program, an innovative leader in breast cancer research. Because of publicly and privately funded research, the five-year survival rate for women with localized breast cancer has increased. In the 1950s, the survival rate was 80 percent and last year the survival rate grew to 98 percent. Last year, the Komen Race for the Cure raised an unprecedented $3.7 million in the National Capital area. As the National Race for the Cure becomes the Global Race for the Cure, we will work with our partners around the world to eradicate breast cancer, a disease that affects everyone in some way.

As we celebrate the 20th Anniversary of the Race for the Cure in the Nation's Capital, we will not rest until a cure is found. I urge all Members to join me in supporting H. Con. Res. 109 and honor the women and men who have lost their lives to breast cancer, and celebrate the survivors and friends who are participating in the Global Race for the Cure. I yield the remainder of my time.

SAMANTHA GREEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Samantha Green who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Samantha Green is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Samantha Green is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Samantha Green for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

MINNESOTA INDEPENDENT SCHOOL DISTRICT 197 150TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Ms. MCCOLLUM. Madam Speaker, today I rise to congratulate Minnesota Independent School District 197 (ISD197) on the occasion of its 150th Anniversary. For nearly as long as Minnesota has been a state, the school district has provided high quality public education to generations of students in what are now the communities of West St. Paul, Mendota Heights, Lilydale, Mendota, Sunfish Lake, Eagan and Inver Grove Heights.

In 1852, pioneers began to settle in the area now known as the city of West St. Paul. In 1856, the township of West St. Paul and the village of Mendota Heights were formed. As families grew, the need for schools to provide public education for their children became clear. Early on, twelve students were taught by Miss Margaret Brown in the first single-room schoolhouse built in 1859 near what is now the border of West St. Paul and Mendota Heights. The school was relocated in 1863 to the current site of Somerset Elementary School on land donated by Minnesota's first Governor, Henry Sibley. By 1957, schools had grown so large in West St. Paul, Mendota Heights and Eagan, that they were consolidated into Independent School District 197.

For 150 years, the public schools serving West St. Paul, Mendota Heights, Lilydale, Mendota, Sunfish Lake, Eagan, and Inver Grove Heights have given our children the ability to learn, grow, and follow the American dream. Today, the school district operates five elementary schools, two middle schools and one high school, serving approximately 4,500 students in the surrounding communities. In keeping with the spirit of the early pioneers who traveled the world to settle in this part of Minnesota, students in the district come from all over the world, speaking more than a dozen languages. Faculty, staff, and the community are all working hard to prepare students to compete globally in the 21st Century.

This past April, I had the opportunity to tour several schools in the district with Superintendent Jay Haugen. I visited classes with teachers and students ready and eager to learn and also saw inventive programs such as a lunchroom reuse and recycling project at Heritage Middle School that won a national Energy Star Award.

Public education in our schools is an integral part of our community and our nation, providing a world class opportunity for young people to become engaged citizens who will support a strong democracy and compete in an international economy.

Today in honor of the students, parents, families, community members, teachers and staff in ISD197 public schools, I submit this statement for the official CONGRESSIONAL RECORD. I would like to personally congratulate the school district for 150 years of providing high quality public education in our community, and look forward to celebrating milestones in public education in the years to come.

FILM AND TELEVISION EXPENSING LEGISLATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. CROWLEY. Madam Speaker, I rise with my colleague from California, Congressman DAVID DREIER, to introduce legislation to amend Federal tax law to allow for the immediate tax write-off of the first $15 million (or $20 million in those select cases where the production is made in a distressed community) of production expenditures for qualifying domestic film and television productions.

This provision, Section 181 of the Internal Revenue Code, was first enacted in the American Jobs Creation Act of 2004 and extended in 2008. It was added to protect the U.S. television and film industry that is increasingly filming in foreign locations, such as Canada.

In so doing, Congress recognized the important contribution our television and film production industries make to sustaining jobs in communities across the country. These productions provide good jobs not just for actors, writers and directors, but also for the local carpenters and electricians, the drivers and equipment operators, the caterers and hotel keepers who provide services to these productions.

Adoption of Section 181 also represented Congressional recognition of the fact that this vital sector faces increasing competition from foreign production companies whose governments subsidize television and film production.

In 2001, the Commerce Department's International Trade Administration reported that made-for-television production of ''movies of the week'' in the U.S. had declined by 33 percent since 1995 and that production at foreign locations increased by 55 percent.

The Directors Guild of America noted at the time that ''globalization, rising costs, foreign wage, tax and financing incentives, and technological advances, combined are causing a substantial transformation of what used to be a quintessentially American industry into an increasingly dispersed global industry.''

Section 181 of the Internal Revenue Code allows production companies to deduct the cost of qualified U.S. productions immediately rather than capitalizing the costs and deducting them slowly over time.

The incentive accelerates the timing of deduction but it does not change the amount of the deduction. In order to qualify, at least 75 percent of the total compensation paid for the production must be for services performed in the U.S. by actors, directors, producers and other production staff personnel. The deduction applies to the first $15 million ($20 million for productions in low income communities or distressed area or isolated area of distress) of a qualified film or television production. The cost of the production above the dollar limitation is capitalized and recovered under the taxpayer's method of accounting.

I believe that this was an appropriately targeted provision, designed to encourage television and film producers to stay here in the United States and keep those jobs in our communities. In the last decades, New York City and in particular my home borough of Queens has seen a resurgent television and film production sector bring new jobs and revenue into the community. This bill will help to ensure that those jobs stay here in the U.S.

The Center for Entertainment Industry Data and Research's Year 2005 Production Report concluded that Section 181 ''is having a positive effect on television production in the U.S.'' Since 2004, it reported that made-for-television movie production in the U.S. increased by 42 percent, while it fell in Canada by 15 percent.

Along with my Republican sponsor, Congressman DAVID DREIER of California and myself who hails from Queens, New York, the television and film industries are both major employers and major tax providers to our local, state and national economies. This legislation works to protect these industries and stem the flood of production to non-U.S. locations.

Section 181 will expire in 2009. It ought to be made a permanent provision of our tax code in order to keep television and film production jobs in the United States.

RECOGNIZING THE BUDDY CAMP OF ALEXANDRIA, LA

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to pay tribute to the Buddy Camp of Alexandria, La., for enhancing the quality of life for many of this community's youth. I am privileged to have such a dedicated and compassionate group of individuals in my district.

Buddy Camp was founded by Stacey Debevic for her own son, Kyle Debevic, who is bound to a wheelchair. Working as a pediatric occupational therapist and as the mother of a physically limited child, Stacey noticed there was little to no opportunity for children with disabilities to enjoy the experience of attending summer camp.

After many years of planning, Buddy Camp was officially launched in the summer of 1999. Today, Buddy Camp is a community-wide project that allows children ages 5–12, both with and without developmental challenges, to participate in a week-long summer day camp. Held at the United Methodist Church of Alexandria, the camp places participants into buddy pairs to foster and develop friendships, as well as build confidence.

As Buddy Camp looks forward to celebrating its 10th anniversary, the number of young people that have truly benefitted from the unique opportunities this program provides continues to grow.

I hope my colleagues will join me in recognizing the outstanding achievements of the Buddy Camp.

HONORING ARON MICHAEL WALLIS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aron Michael Wallis 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 145, and in earning the most prestigious award of Eagle Scout.

Aron has been very active with his troop participating in many scout activities. Over the many years Aron 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 Aron Michael Wallis for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO DR. JOHN HOPE FRANKLIN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to a truly outstanding North Carolinian, Dr. John Hope Franklin. As we grieve his loss, we also celebrate his life and commitment to bettering his world as a distinguished scholar, historian, author, professor, and man of rare and outstanding character.

Madam Speaker, during his 94 remarkable years, John Hope Franklin worked for equality and understanding, and his immeasurable contributions to the world in these capacities shall never fade. We will not forget the goodness, humility, and passionate giving that defined the life of John Hope Franklin. As we mourn his loss, may God continue to bless all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

THE 150TH ANNIVERSARY OF THE IMMACULATE CONCEPTION CATHEDRAL IN BROWNSVILLE, TEXAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the 150th Anniversary of the Immaculate Conception Cathedral with a celebration scheduled on June 8 in Brownsville, Texas.

The Immaculate Conception Cathedral, the Diocese of Brownsville's most historical church, traces its roots to a small wooden church that served as the first church in Brownsville.

In 1850, Father Adrien Pierre Telmon, one of the first Missionary Oblates of Mary Immaculate to come to Brownsville, built a small wooden church between Adams and Jefferson streets that accommodated about 300 people. The first mass was celebrated on June 29, 1850, and three years later Father Jean Marie Casimir Verdet started the design and construction of a larger church to replace the temporary wooden structure.

The cornerstone to the cathedral was laid on July 6, 1856, and over 250,000 clay bricks were made for the church in the village of Santa Rosalia, about three miles east of the old town site of Brownsville.

The church was completed in 1859 and blessed by Father Augustin Gaudet on June 12, 1859; 10 years after the Missionary Oblates of Mary Immaculate first arrived in the Valley. The church was credited with being the largest in Texas at the time. The rectory behind the church was the site of the first Texas Oblate seminary and served as a haven for priests fleeing revolutions in Mexico.

The historical church was elevated to a cathedral in 1874 when the large Texas diocese was divided and the Vicariate Apostolic of Brownsville was established. It remained as such until 1912 when the Vicariate Apostolic of Brownsville was converted into the Dioceses of Corpus Christi.

The Immaculate Conception church was designated a Cathedral again in 1965 by Bishop Adolph Marx upon the creation of the Diocese of Brownsville. The church, built in a Gothic Revival style, became a reality through the generous contributions of its parishioners throughout the years. The utmost care and detail went into the construction of the church. The ceiling is of specially prepared canvas painted blue, and at one time it was covered with gold stars. The pulpit was built in native Mesquite by a local cabinetmaker and a concealed spiral stair provided access to the pulpit.

In 1970, the original altar, rail and two chandeliers were removed from the cathedral in an effort to modernize the church when the present altar was built. Time has taken its toll on this historic church. However, just as early Catholics came to its aid in its early days, they are doing the same in the twenty-first century.

Today this historic Cathedral continues to beckon Catholics through its doors. Thousands of Baptisms, First Communions, Confirmations, Weddings and Funerals have been celebrated there.

And for many years, generations of generations of residents of Brownsville and the Rio Grande Valley have called the Immaculate Conception Cathedral home. I am honored that this beautiful cathedral is located in the 27th Congressional District of Texas, which I so humbly represent.

I join the Diocese of Brownsville, the residents of the city and the Rio Grande Valley in celebrating the cathedral's anniversary.

Today, I ask that my colleagues join me in celebrating the 150th anniversary of the historic Immaculate Conception Cathedral in Brownsville, Texas, on the tip of South Texas, along the U.S.-Mexico border.

HONORING THE CARTERSVILLE HIGH SCHOOL FOR WINNING THE 2009 GHSA STATE BASEBALL CHAMPIONSHIP

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise to recognize a very talented group of young men from Cartersville in Georgia's 11th District. This past weekend, the Cartersville High School Purple Hurricanes claimed the Class AAA Georgia High School Association State Baseball Championship. Success on the baseball diamond is nothing new for Cartersville High School, which has won back to back state titles and claimed five championships since 2001. However, this year's title win was extra sweet, as the Canes rallied back from a 7–5 deficit to win Game 3 of the championship series—defeating the Columbus Blue Devils, who were the 3rd ranked team in the nation, by a final score of 10–7.

I ask that my colleagues join me in recognizing Coach Stuart Chester and the Cartersville High School Baseball Team for their successful season as well as the hard work that got them there. And with a team that has made winning a tradition and brought home two straight state championships, the next question is can Cartersville make it a three-peat?

HONORING JOHN GILBERT STRONG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Ms. WOOLSEY. Madam Speaker, I rise today with sadness to honor Mr. John Gilbert Strong of Petaluma, who passed away on April 25, 2009, at the age of 67. John spent much of his life dedicating his time and resources to addressing humanitarian issues at home and around the world.

As a member of the Petaluma Valley Rotary, John presided as Club President and District Governor. His altruistic endeavors included a number of Rotary projects, which included supporting the Cool Kids Camp for Abused Children, providing furniture to schools in Guatemala and facilitating Rotary Youth Leadership Activities.

His passion for helping others took him on adventures around the world. He promoted economic self-sufficiency in Thailand and Vietnam and built a library in a Central American village.

He had limitless compassion and supported projects benefitting people in his local community. He provided emergency food relief to firefighters during the Oakland Hills fire, supported the Petaluma Library, and volunteered for the Committee on the Shelterless and the STRIVE program for at-risk youth.

John's generous spirit and engaging leadership led to an impressive list of accolades, including the Rotary Club's Lifetime Achievement Award and the Citizen of the Year Award from the Petaluma Area Chamber of Commerce.

John Strong, who battled Parkinson's later in life, was also a champion for continued research to find a cure for the disease.

In addition to being a role model of civic responsibility, John was a skilled coppersmith. A native of England, he acquired coppersmith skills from working in the shipyards and attending the Liverpool College of Technology. After immigrating to the United States in 1963, he purchased Acme Sheet Metal and later started Copperworks, where he exhibited his talented craftsmanship by creating range hoods and other custom items.

John is survived by his wife, Mamie Strong, his son, Karl Strong, his step-sons Curtis and Bradley Boomhower, as well as grandchildren, nieces and nephews. He was predeceased by his step-daughter, Lolita Lynn Boomhower Courts.

Madam Speaker, Mr. John Strong's passion for helping others will live on through those people around the world that he has positively influenced. His legacy will continue to serve as a shining example of the power one person holds to make a positive difference in our world.

MAYRA GARCIA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Mayra Garcia who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Mayra Garcia is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Mayra Garcia is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Mayra Garcia for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

IN HONOR OF MAYOR VIC BURGESS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BURGESS. Madam Speaker, I rise today to honor the former Mayor Vic Burgess for his years of service to the City of Corinth and the North Texas Region.

After a public service career that spans nearly three decades, Vic Burgess retired this year after three terms as Mayor of Corinth, Texas. Prior to being elected Mayor, Mr. Burgess served as the Denton County Judge, as well as City Councilman in Lewisville, Texas.

During his tenure, Mayor Burgess was known for his enthusiasm, dedication and mediation skills. Under his leadership, the City Council worked to stabilize the city's budget and financial reporting. With an eye towards the future, Corinth's development codes became more efficient.

Vic Burgess' service to the community goes beyond elected office. As a concerned citizen, he served on the Lewisville Planning and Zoning Commission. His first volunteer duties were as a Reserve Officer for the Lewisville Police Department. He performed duties as a Reserve Officer for the Denton County Sheriff's Department as well. Mayor Burgess is also a man dedicated to family.

It is with great honor that I recognize Mayor Vic Burgess for his years of hard work and dedication given to the citizens of Corinth and North Texas. I am proud to represent him in Washington. His service sets a standard of devotion and true leadership, one that will endure.

IN HONOR AND IN MEMORY OF USAF LT. COL. MARK STRATTON OF FOLEY, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BONNER. Madam Speaker, I rise today to honor the life of one of southwest Alabama's own who recently made the ultimate sacrifice in the defense of freedom abroad.

United States Air Force Lieutenant Colonel Mark Stratton, a long-time resident of Foley was deployed to Afghanistan in November, where he served as commander of the Panjshir Provincial Reconstruction Team. The team worked on civil affairs initiatives with the Afghan population and was building a road to provide access to an isolated mountain region northeast of Kabul. It was here where Mark was killed on Memorial Day, when an improvised explosive device detonated as his convoy was passing.

Mark set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are hallmarks of men and women throughout the long and distinguished history of the American military. A graduate of Foley High School in Foley, Mark went on to study at Texas A&M University, where he received his bachelor's degree in 1991. He received his commission from the Reserve Officer Training Corps one year after

graduation. Before deploying to Afghanistan, Mark was stationed in Washington, D.C. He served as an executive assistant for the deputy director for Asian politico-military affairs at the Pentagon. In conversations with his friends and family, it was mentioned time and again that Mark was someone who loved God, loved his family, and loved the Air Force. Beyond that, Mark loved the country he served until the very end. His commendations for his service include a Purple Heart and a Bronze Star.

Madam Speaker, I feel certain his many friends in Baldwin County and his comrades in the United States Air Force, while mourning the loss of this fine young man, are also taking this opportunity to remember the many accomplishments of his service to the nation and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

I urge my colleagues to take a moment and pay tribute to Lieutenant Colonel Mark Stratton and his selfless devotion to our country and the freedoms we enjoy.

We should also remember his wife, Jennifer; their three young children, Delaney, Jake, and A.J.; his mother, Jan York and her husband Buddy; his brothers, Michael Stratton and Frankie Little; and his other family members and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Charles Province who said, ''It is the Soldier, not the minister, who has given us the freedom of religion. It is the Soldier, not the reporter, who has given us the freedom of the press. It is the Soldier, not the poet, who has given us freedom of speech. It is the Soldier, not the campus organizer, who has given us freedom to protest. It is the Soldier, not the lawyer, who has given us the right to a fair trial. It is the Soldier, not the politician, who has given us the right to vote. It is the Soldier who salutes the flag, Who serves beneath the flag, And whose coffin is draped by the flag, who allows the protester to burn the flag.''

Make no mistake, Mark Stratton was not only a dedicated member of the Air Force who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero.

May he rest in peace.

RECOGNIZING THE HONOREES OF THE 62ND ANNUAL ANNANDALE CHAMBER OF COMMERCE AWARDS BANQUET

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the Honorees of the 62nd Annual Annandale Chamber of Commerce Awards Banquet.

The Annandale Chamber of Commerce is a thriving volunteer organization with over 200 active members. The members represent businesses, industries and professionals who work together to maintain a favorable business climate while improving the quality of life for all residents.

Each year, the Annandale Chamber of Commerce honors a select few who have distinguished themselves as exemplars of the community. It is my honor to recognize these fine individuals and the contributions that they have made to the community. This year, the Annandale Chamber of Commerce has expanded the categories with the addition of an Award of Valor which honors the services of two Public Safety professionals. The following are the Honorees of the 62nd Annual Annandale Chamber of Commerce Awards Banquet.

Award Recipients in the Student Category are:

William Law, Northern Virginia Community College

Luis Inarra, Annandale High School

Michell Addington, Falls Church High School

The recipient of the 2009 Citizen of the Year Award is Shel Youtz. Shel has been a cornerstone of the Annandale community. In addition to his reliable presence each year at the Fall Festival, Shel chairs or sponsors events and fundraisers in support of the Student Education Foundation and in support of our military veterans.

The Award of Valor for a member of the Fairfax County Fire and Rescue Department has been awarded to Lt. Jeff Allen. Lt. Allen is a 22 year veteran of the Fire and Rescue Department and a member of the Hazardous Materials Emergency Response Team. Throughout his tenure, Lt. Allen has consistently gone above and beyond the call of duty, providing leadership and courage during emergencies and other hazardous incidents.

The Award of Valor for a member of the Fairfax County Police Department has been awarded to PFC Kathleen O'Leary. Although PFC O'Leary has been with the force for only 3 years, she has already distinguished herself as an exceptional public servant, placing the needs of the community ahead of her own personal safety.

Madam Speaker, I ask that my colleagues join me in recognizing the Honorees of the 2009 Annandale Chamber of Commerce Awards Banquet and to thank them for their service. Each honoree is a role model for his or her peers and an invaluable member of the community as a whole.

TRIBUTE TO THE HANCOCK COUNTY CONSERVATION BOARD

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. LATHAM. Madam Speaker, I rise today to congratulate the Hancock County Conservation Board on their 50th anniversary. The Hancock County Conservation Board serves over 12,100 citizens in Hancock County in North Central Iowa.

The first board was appointed by the Hancock County Board of Supervisors (HCCB) in 1959. One of HCCB's priorities is to provide park areas and protect the natural areas for wildlife habitat and outdoor recreation. In the past 50 years they have acquired 4 parks, 15 wildlife areas, 2 wildlife refuges for a total of 21 areas, and 1,211 acres of valuable wildlife habitat.

I applaud HCCB's long history of impressing the importance of conservation from one generation to the next. I know my colleagues in the United States Congress join me in congratulating the Hancock County Conservation Board, Director Tom Haan, and Naturalist Jason Lackore for their fifty years of success, and I wish them an equally storied future.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. WILSON of South Carolina. Madam Speaker, I submit to the RECORD the following remarks regarding my absence from votes which occurred on June 2nd. Due to inclement weather that caused my connecting flight from Charlotte, North Carolina to Washington on Tuesday, June 2 to be delayed, I missed a series of votes that were held. Listed below is how I would have voted if I had been present.

H. Res. 421—recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary (Roll no. 292)—Aye

H.J. Res. 40—to honor the achievements and contributions of Native Americans to the United States, and for other purposes (Roll no. 293)—Aye

H. Res. 489—recognizing the twentieth anniversary of the suppression of protesters and citizens in and around Tiananmen Square in Beijing, People's Republic of China, on June 3 and 4, 1989 and expressing sympathy to the families of those killed, tortured, and imprisoned in connection with the democracy protests in Tiananmen Square and other parts of China on June 3 and 4, 1989 and thereafter (Roll no. 294)—Aye

COMMEMORATING 20TH ANNIVERSARY OF THE TIANANMEN SQUARE SUPPRESSION

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. WU. Madam Speaker, one of the primary reasons that I ran for public office was to promote democracy, human rights, and the rule of law at home and abroad—particularly in China. There is perhaps no greater singular event that compels me to do so than the Tiananmen Square massacre of June 3 and 4, 1989.

On this, the twentieth anniversary of the violent suppression of protesters in and around Tiananmen Square in Beijing, I express my deepest condolences to the families of those killed and imprisoned in connection with the demonstrations. I urge the Chinese government to immediately review the cases of those still imprisoned for participating in the 1989 protests and to release those individuals who were imprisoned solely for exercising their internationally recognized rights to free expression and peaceful assembly.

In many ways the China of 1989 and the China of 2009 are worlds apart. Twenty years ago, no one would have imagined that China would become the world's largest Internet user a mere twenty years later. And yet, even with the power of the Internet to fuel greater transparency, the people of China still face the

same censorship and restrictions of expression.

The U.S. and China must continue to work together to appeal to the better angels of our collective nature and strive not just for prosperity but for freedom.

RECOGNIZING MINNESOTA'S SIXTH DISTRICT 2009 CENTURY FARM FAMILIES

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor the Sixth District farms that have been recognized as 2009 Century Farms by the Minnesota State Fair and the Minnesota Farm Bureau. Being a Century Farm is no easy task. Farms must be at least 50 acres and stay in a continuous family ownership for 10 years. Since the program began in 1976, more than 8,700 Minnesota farms and families have been named a ''century farm.'' As the family farming tradition that made America strong is encroached upon by development and urbanization, this designation becomes an even more significant accomplishment. It is my honor to recognize these farms before this Congress today.

America was founded as an agricultural nation full of hope and promise for bountiful harvests year after year. The families that tilled the first soil on Minnesota's golden plains instilled a work ethic that today's farmers still follow. Two hundred years ago it was not uncommon to have three or even four generations involved with a single farm at any given time. Between sowing and harvest, feeding livestock and maintaining equipment and buildings, farm life was a full time job for entire families. But as the times have changed, to see one family still taking care of the land and homes their parents worked on and lived in is a great a joy. In fact, I can recall the time that I spent living and working on my in-laws' dairy farm in Wisconsin—a farm that my mother-in-law and brothers-in-law still call home.

I rise, Madam Speaker, to honor these families and the past generations that have made this accomplishment possible:

Corrigan family of Foley, since 1909.

Magnuson family of Foley, since 1909.

Burggraff family of Royalton, since 1898.

Bernard J. and Natalie Niewind of Eden Valley, since 1909.

Leilani Rolfes of Freeport, since 1883.

Brothers Andrew and Richard Holdvogt of Melrose, since 1907.

Kenneth Schaefer family of Melrose, since 1897.

Harvey and Marilyn Lieser of Paynesville, since 1892.

James A. Moores of Monticello, since 1903.

RECOGNIZING DANIELLE MARGUERITE LYLE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Danielle Marguerite Lyle for her leadership and commitment to the community that she has displayed in Prince William County.

Since the age of 5, Danielle has been involved in community activities. She has spent hundreds of hours volunteering with local organizations and other community activities. Since then, she has volunteered with numerous organizations such as the Hilda Barg Homeless Shelter, the Arc of Prince William County, senior homes, her local church and other programs. When asked, she says that she loves helping people and the community.

Danielle also knows how to take initiative and lead. She participated in the Junior National Young Leaders Conference (Jr. NYLC) in April 2009, and served as President of the Future Leaders Children's Book Club. Danielle has also been recognized for her leadership and intellectual abilities through the Johns Hopkins Center for Talented Youth Program, George Mason University Young Writers summer and weekend workshop, and the University of Virginia Summer Enrichment Program.

Along with Danielle's volunteer and leadership accomplishments, she has also received many accolades. These include many semesters on her school's honor roll and winning the Martin Luther King Jr. writing contest for the 5th grade.

With all of this, she still finds time to play the violin and piano, be a member of the Creative and Performing Arts Center and participate in track and field, basketball and gymnastics.

Danielle's accomplishments would be noteworthy for any person. When her current age of 11 is factored in, these accomplishments are nothing short of remarkable.

Madam Speaker, I ask that my colleagues join me in recognizing this bright young student and applauding her commitment to volunteerism and leadership. Our communities benefit greatly from the action and dedication of citizens like Danielle.

TRIBUTE TO ANDREY DANILSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Andrey Danilson, a 13-year-old seventh-grade student from Sacred Heart School in Boone, Iowa.

Andrey recently won the Boone Lions Club ''Peace Poster Contest.'' Each day, Sacred Heart students take time to pray, and Andrey has taken it upon himself to focus on peace. Using his passion for art to further the cause for world peace, Andrey's art advanced to the state level of competition after it won the district level.

Adopted from Russia less than four years ago and unable to speak English at the time, Andrey's success in art and dedication to important causes serve as a wonderful example of the promise of today's youth as tomorrow's leaders. I am proud to represent Andrey Danilson, his family, teachers and classmates in the United States Congress, and I know that all my colleagues join me in congratulating Andrey on his success and commending him for his devotion to peace and making a positive difference.

CONGRATULATING SERGEANT JACQUELINE ARNOLD ON THE OCCASION OF HER RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Sergeant Jacqueline F. Arnold on the occasion of her retirement from the Prichard Police Department.

Jacqueline has served the city of Prichard for four decades. She began her career in public service as a crossing guard for Ella Grant Elementary School and later served as an emergency radio dispatcher for the city. In 1977, she made history by becoming Prichard's first female police officer.

Throughout her career, Jacqueline has worked in almost every division, including a patrol officer, detective, and the supervisor of the records division.

In 1996, Jacqueline was assigned as a juvenile officer. She was both a role model to juvenile offenders and an encouraging mother figure to many young people who would otherwise not have had a positive influence in their lives. She was also an inspiration to a number of other female officers, seven of whom followed her example and joined the Prichard Police Department.

In recognition of her many remarkable accomplishments, Jacqueline has been awarded numerous departmental commendations throughout her distinguished career. Last month, Mayor Ron Davis, Prichard City Council members, and Police Chief Lawrence Battiste named Sergeant Jacqueline Davis Officer of the Year.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. Sergeant Jacqueline F. Arnold is an outstanding example of the quality of individuals who have devoted their lives to law enforcement. On behalf of all those who have benefited from her good heart and dedicated service, permit me to extend thanks for her many efforts in making Prichard and south Alabama a better place.

On behalf of a grateful community, I wish her the best of luck in all her future endeavors.

A TRIBUTE TO HAMILTON SOUTHEASTERN HIGH SCHOOL

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the students of Hamilton Southeastern High School for receiving Honorable Mention at the annual ''We the People'' Contest recently held here in Washington, D.C. The ''We the People'' contest is a grueling 3-day-long event where teams of students from every State of the Union and several U.S. Territories compete in a series of simulated congressional hearings to apply constitutional principles and historical facts to

contemporary situations. The event culminates with the Top Ten teams conducting their mock hearings right here on Capitol Hill in either a Senate or House hearing room.

I am proud to say that Indiana teams have made the Top Ten almost every year the competition has been held; and this year will mark Hamilton Southeastern High School's second trip to the Top Ten. I ask all my colleagues to join me in recognizing the outstanding Hoosiers of Hamilton Southeastern High School, students and staff, for their hard work and dedication to academic excellence. And I ask my colleagues to join with me to congratulate the Hamilton Southeastern High School Team—Teacher Jill Baisinger, and students, Kellie Devore-Gogola; Adam Gauthier; Alex Gillham; Caitlin Graovac; John Holt; Alana Kane; Matthew Knafel; Jaclyn Lauer; Matthew Lymbcropoulos; Mark Mace; Samuel Morgan; Eric Ogle; Jonathan Sorg; Julia Strzeskowski; and Mitchell West—for their outstanding performance at the 2009 "We the People" contest. I look forward to next year's competition when I'm sure that Hamilton Southeastern High School will not only be back in the Top Ten but win it all.

HONORING NANCY OLMSTEAD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Nancy Olmstead for her dedication to her family and community. Mrs. Olmstead passed away on Saturday, May 30, 2009 at her home in Madera, California after a long battle with cancer.

Nancy Olmstead was born in Des Moines, Iowa to Cecil and Ethel Olson. She worked for Sears for a number of years. In 1970 she went into the insurance business. During her twenty-five-year career in the insurance business, she was a member and past president of the Fresno Life Underwriters Association. Mrs. Olmstead was also an active member of the Madera Republican Party and the California Republican Party.

Mrs. Olmstead is preceded in death by her parents and her brothers, Richard and Jerry Olson. She is survived by her husband, John Olmstead; her daughter, Diana Nole of Fresno; her son, Rodney Ede of Springfield, Oregon; and granddaughter, Jennifer Nole of Fresno.

Madam Speaker, I rise today to posthumously honor Nancy Olmstead. I invite my colleagues to join me in honoring her life and wishing the best for her family.

TRIBUTE TO MASTER SERGEANT. DOUGLAS A. RUSTAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize MSG Douglas A. Rustan of Ayrshire, Iowa, as a recipient of a Bronze Star Medal for heroic achievement during combat operations in support of Operation Iraqi Freedom. The Bronze Star is the fourth highest award that the Department of Defense gives for bravery, heroism, and meritorious service.

Master Sergeant. Rustan earned the Bronze Star while serving at an overseas forward operating base. Master Sergeant. Rustin, a 1982 graduate of Ayrshire High School, is a senior intelligence analyst with 20 years of military service and is assigned to the 70th Intelligence Surveillance and Reconnaissance Wing, Fort Meade, Laurel, Maryland.

I commend MSG Douglas A. Rustan's courageousness and service to our great nation. His sacrifices go above and beyond what we are asked of as citizens of this nation. I am honored to represent Master Sergeant. Rustan in the United States Congress and I know that all of the members of this body join me in thanking him for his service to this great nation and wishing him the best in his future service.

HONORING THE MEMORY OF MR. ROBERT ERASTUS HANKS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Robert Hanks, known to his many friends as Coach Hanks or Colonel Hanks, was a Jones Mill native and became a lieutenant in the U.S. Navy. He was in command of the landing craft aboard the USS *Adair* and took part in the invasions Okinawa, Leyte and Luzon in the Philippines. He earned Bronze Stars for his service.

Following the war, Mr. Hanks returned to Alabama and began a 32 year teaching, coaching, and administration career at Mobile's University Military School (UMS). He earned Master's Degrees in Physical Education and School Administration from the University of Alabama, and while at UMS, he served as a history teacher, football and basketball coach, assistant superintendent, and superintendent.

As headmaster, Mr. Hanks supervised the transition from UMS to UMS Preparatory School. He was also a devoted member of Dauphin Way Baptist Church for 60 years where he served as Sunday School director and chairman of the deacons. His influence of integrity, honor, and self discipline shaped the lives of hundreds of individuals.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. Mr. Robert Hanks will be deeply missed by his family—his wife of 66 years, Katherlin Hanks; his sister, Robbie McEachern; his daughter, Kathy Gault; his son, Dr. Robert Hanks; his grandchildren, Jennifer Dodge, Amy Coggin, Brian Hanks, and Dr. Meredith Gault; his great-grandchildren, Logan, Kate and Abby Dodge, and John Mark, Audrey and Julianne Coggin—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

IN TRIBUTE TO DABNEY MONTGOMERY, AN AMERICAN HERO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Dabney Montgomery, a member of the ground crew of the Tuskegee Airmen, who later served as a bodyguard for Martin Luther King during the historic 1965 march from Selma to Montgomery, Alabama. Mr. Montgomery is being honored by the International Brotherhood of Teamsters, Local 237, at an event in my district on Friday, June 5, 2009. Mr. Montgomery is a retired New York City Housing Authority housing assistant.

Mr. Montgomery was born in Selma, Alabama in 1923. He was inducted into the armed forces in 1943 and underwent basic training in Biloxi, Mississippi, followed by a course in the mechanics of army supplies at Camp Lee, Virginia. He was one of three men in his course who were selected for the Army Air Corps in Oscoda, Michigan. By the time he arrived in Michigan, the unit was already packing to ship out. He was assigned to the 1051st Company of the 96th Air Service group, in charge of making sure that the units were supplied with food and clothing.

Tuskegee Institute was awarded the U.S. Army Air Corps contract to help train America's first Black military aviators because it had already invested in the development of an airfield, had a proven civilian pilot training program and its graduates performed highest on flight aptitude exams. The project was considered an experiment because it was designed to refute a racist 1920s theory that suggested that blacks could not tolerate the sharp curves and dives that were needed to fly a fighter plane. Eleanor Roosevelt was much impressed by the pilots she met at the Tuskegee Institute in 1941, and persuaded her husband to use these talented men in combat missions. With nearly 1,000 pilots and as many as 19,000 support personnel ranging from mechanics to nurses, the Tuskegee Airmen were credited with shooting down more than 100 enemy aircraft. Their success paved the way for today's integrated armed forces.

Some members of the Tuskegee Airmen went home and lived quiet lives. Mr. Montgomery went on to become actively involved in the civil rights movement. Mr. Montgomery first met Martin Luther King, Jr. as a student in Boston where Mr. Montgomery studied. They shared the same godmother.

In 1965, Mr. Montgomery was living in New York City, working as a social service investigator for the Welfare Department. One night he saw a news broadcast of blacks being beaten and gassed in Alabama for wanting to vote. Outraged that this could happen in America, he decided to return to Selma to take part in the protests. He took a leave of absence from his job, and arrived in Selma on the bus. He didn't tell his parents or his friends that he was in town, but went directly to the Brown Chapel AME Church, the march headquarters.

Mr. Montgomery had experienced Alabama's discriminatory registration practices himself, and remembers the anger and frustration he felt at being denied the right to vote.

In 1946 when he returned to Selma after the war, he went to the courthouse to register. He was given three forms that had to be signed by three white men testifying that he was "a good boy." He persuaded three men who knew his father to sign the forms, but that was not sufficient. He also had to show that he owned $3,000 worth of land—not cash, which he had, but real property. So he gave up. As he walked down the courthouse steps, he met a white veteran going to register to vote. The white man just signed up—no forms, no attestations, no real property. Having experienced the discrimination himself, Mr. Montgomery wanted to change the system. He was moved by having the opportunity to join with the other protesters, where they prayed on the steps of the very courthouse where his registration had been rejected. A sheriff with a large gun came by and advised them to go pray in church. Mr. Montgomery says he told him, "We feel sorry for you. All you have on your side is your gun. We have truth on our side, we have God on our side, and the truth and God will last forever; your gun will disintegrate."

Mr. Montgomery volunteered to be a bodyguard for Mr. King during the march from Selma to Montgomery. The first time the marchers tried to cross the bridge, they were turned back. A federal court gave permission and more than 3,000 people marched over the Edmund Pettus Bridge. White people drove by and called them names. Undeterred, they made the 54 mile march that helped bring about the Voting Rights Act saying that all Americans should have the right to vote. In recent years, Mr. Montgomery's service is earning him honors. In 2007, he and the other surviving Tuskegee Airmen were awarded the Congressional Gold Medal of Honor. On the morning of his inauguration, President Barack Obama had breakfast with the Tuskegee Airman, and Mr. Montgomery was there. He also took part in the reading of the U.S. Constitution at the Newseum. Fittingly, he was given Amendment 24, sections 1 and 2, barring a poll tax. Local 237 President Greg Floyd will present him with a Trailblazer Award at the Retiree Division's Founders Day celebration tomorrow.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the achievements of Dabney Montgomery, an outstanding veteran, hero, civil rights activist and civil servant.

RECOGNIZING THE DEDICATION OF SAMUEL L. GRAVELY, JR. ELEMENTARY SCHOOL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the dedication of the Samuel L. Gravely, Jr. Elementary School in Haymarket, Virginia. The school is named in honor of Vice Admiral Gravely, a Virginia native, who forged the way for a more diverse United States Navy. I cannot think of a more appropriate person to inspire our children to break barriers and achieve their highest potential.

On December 14, 1944, Samuel L. Gravely, Jr. became the first African American to be commissioned as a United States Naval Officer through the Navy Reserve Officer Training Course. He went on to become the Navy's first African American vice admiral.

During his distinguished 38-year career in the Navy, Vice Admiral Gravely became the first African American to command a warship, the USS Theodore E. Chandler; the first African American to command a major warship, the USS Jouett; the first African American to achieve flag rank and eventually vice admiral; and the first African American to command a numbered fleet.

However, his service was not just one of firsts. Admiral Gravely was highly decorated with the Legion of Merit, a Bronze Star, the Meritorious Service Medal, and the Navy Commendation Medal. He moved to Haymarket, Virginia upon his retirement in 1980, and passed away on October 22, 2004.

Just two weeks ago, the U.S. Navy commissioned a new Arleigh Burke-class destroyer in honor of Vice Admiral Gravely during a ceremony at the shipyard in Pascagoula, Mississippi. His widow, Alma Gravely broke a bottle of champagne across the bow to christen the vessel.

Vice Admiral Gravely's life accomplishments and service to his country represent the values that we would like to instill into our future generations. The Prince William County Public Schools' vision statement identifies a commitment to a diverse, multicultural education that produces students who enjoy a life-long pursuit of learning. Vice Admiral Gravely lived up to these ideals by setting a precedent of diversity in our nation's military and continuing his education throughout his life. Whether it was at Virginia Union University, Columbia University or the Naval War College; his thirst for knowledge never ceased. Vice Admiral Gravely's life embodied the vision that the Prince William County School System has for its students.

Madam Speaker, I ask that my colleagues join me honoring this American hero and endorsing the example he set for our nation's younger generation. I applaud Prince William County Public Schools for their decision to dedicate this school to Vice Admiral Samuel L. Gravely, Jr.

ADDRESS TO ESCAMBIA COUNTY HIGH SCHOOL'S CLASS OF 2009 AS READ BY TRAY SMITH, CLASS SALUTATORIAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BONNER. Madam Speaker, last month I had the privilege of giving the commencement address to Escambia County High School's Class of 2009. My friend, Tray Smith of Atmore, the class salutatorian, also had the opportunity to address his fellow classmates. In just 18 years, Tray has already compiled an impressive list of accomplishments. In 2008, he served as a page in the U.S. House of Representatives in Washington, D.C., and earlier this year, he was named Atmore's 2008 "Citizen of the Year."

I rise today to ask that his address be entered into the CONGRESSIONAL RECORD for I believe it to be one of the finest and most inspiring addresses given by a high school student that I have ever heard:

LEAVING OUR CHILDREN A BETTER COUNTRY THAN WE INHERIT

(By Tray Smith)

Thirty-five years ago, my father graduated from ECHS. Then, the country was shaken by the scandal of Watergate and the Vietnam War. Every year since, a different group of faces has arrived here during its own unique period in our history. Over time, America and the world have greatly changed. So now, we, the Class of 2009, come to graduate under different circumstances than those that faced our parents. Yet, the challenges that face us are just as great as those that faced them. And just as our moms and dads responded to the problems facing our nation by spreading freedom to every continent and the Internet to almost every home, we will meet our own challenges. For we know as our parents knew, that our greatest responsibility as Americans is to leave our children a better country than the one we are about to inherit.

Graduation means we are ready to meet this task—not because we know everything we will ever need to learn, but because we know how to learn anything we will ever need to find out.

I have the honor of commemorating this moment as the salutatorian of a class that has many talented students. And it is a special honor to stand before Joy Marshall, our valedictorian and my good friend. Joy, I am so proud for you, I will miss you, and I know this school will miss you, as well.

Congressman Bonner, Mr. Means, parents, teachers, friends, guests, and members of the community; thank you all for being here to join with us in this great moment in our lives. And on behalf of the entire Class of 2009, I extend a sincere thanks to you all, especially our parents and grandparents, for the contributions you have made to make this moment possible.

I want to specifically thank Congressman Bonner for making this event a priority. Congressman, the fact you are here signifies your strong commitment to our young people, and our future. While in Congress, you have done many great things for this district. On a personal basis, though, I am most appreciative for the life changing doors you have opened for me, a young kid from Atmore. I can't imagine my high school years without the experiences I had working in Washington as your page. And the reason my class wanted you to come speak tonight is because, as we look forward to the future, there is no better person for us to emulate. Again, thank you.

Even though we graduate tonight, we will still depend on many of you in this room. I am sure I will not be the only member of the Class of 2009 to call Mom every time I have to do laundry in college. I still have no clue how to work the machines. Okay, I might be alone on that one. But I want our parents and mentors to know we will always be open to your advice and appreciate your insight.

Mom and Dad, Nee Nee and Paw Paw, Aunts and Uncles, Mrs. Bonnie and Mrs. West, other family members and friends, I love you all and I am so thankful for the role you have played in my life. And I know for all of my 132 fellow graduates, there are an equal number of people who share in the credit for this day, and who will share in the credit for the successes that come in the future.

When Mom asked me to describe my first day at ECHS years ago, I said it was like walking through the mall. But now, after having spent several years with classmates in school, at events, and serving our extracurricular responsibilities, the faces that

were once like strangers in the mall to me are now the familiar faces of friends I pass daily in the hallway.

They are the faces of Nakeidra Brown and Brittney Martin arguing with Gordon Nichols and me in Algebra. They are the many happy faces of Lashae Powers defending me in SGA meetings. They are the ever-frustrated faces of Katie Coon, adamantly insisting that she and I are not related. And they are the almost indistinguishable, but always smiling, faces of the Forney twins.

And these faces will remain familiar long after this commencement exercise is over. Because the bonds that exist between us are not only the bonds of classmates, they are the bonds of friends, and they will endure.

They will endure because they have been forged in a place where everyone looks out for their neighbors, in a town that respects traditional values, by people who cherish family and friendship. Growing up in Atmore, we may not have had easy access to Wal Mart or Starbucks, but we have had each other. That, my friends, has made all the difference.

From this moment, we will all go down different paths: some of us will go on to college, others will enter the workforce, and some will start families. Yet, as graduates, we are now all adults in the world's greatest and most democratic country. As such, we have both an opportunity to make a difference and a responsibility to make a contribution.

Regardless of where we end up, there will be fatherless children in need of mentors and hungry people in need of food. These needs belong not just to individuals, but to the entire nation. And as President John Fitzgerald Kennedy once said, by lending a helping hand to those people, we serve not only our fellow countrymen, but also our country.

Our record at ECHS gives me faith in our ability to live up to that standard of service. In our four years here, we have had three principles and five assistant principals. In these periods of transition, students have had to step forward and carry the mantle of leadership. I am confident that we leave behind a dedicated team with Mr. Means, Mrs. Shuford, and Mr. Lanier, but I am also proud to say future students at this school will benefit from what the Class of 2009 accomplished, from saving the newspaper to starting the scholars' bowl team to reinvigorating our athletic programs.

However, the difficult tasks that come with significant roles in society are much more consequential and much more trying. Thankfully, some of our classmates are already rising nobly to those challenges. Tonight, I want to ask Hierry Carter, Cortina James, Thomas Johnson, and Wade Johnson to stand.

As the rest of us enjoy our newfound freedom as graduates, these members of the Class of 2009 have chosen to serve as the guardians of that freedom in perhaps distant and dark corners of the world. They have chosen to join the United States Military. They deserve our respect, our admiration, and our applause. Thank you.

As we go forward, let us remember with gratitude these brave individuals. Let their willingness to sacrifice selflessly for a cause greater than themselves inspire us all. And let us all remember that God put us in this place in history, at this moment in time, because He trusted no other generation with the charges that are already confronting us. And it is in God's glory that we must heed the call of duty to defend our freedoms, preserve our values, and maintain our way of life. So that when we are all long gone and the history of this generation is written, it can be said that the graduates of the ECHS Class of 2009 were men and women of integrity, who did not give into the false choices and pretexts that so often corrupt our way of thinking, bow to the forces of mediocrity that so often restrain our true potential, or enslave ourselves to the prejudices and stereotypes that have for years crippled our society.

Let it be said that we, the Class of 2009, never forgot the lessons learned growing up here, in Atmore. That we, the Class of 2009, never forgot the people—moms and dads, teachers and administrators, pastors and friends and grandparents—who raised us. That we never forgot the importance of service or the significance of being Americans. That we never forgot our purpose, and worked tirelessly to make sure our purpose was fulfilled. Thank you. May God bless you and may God bless this honorable class.

COMMEMORATING NATIONAL SMALL BUSINESS WEEK: MAY 17–MAY 23

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. CUMMINGS. Madam Speaker, over the last decade, small businesses have created 70 percent of our new jobs, and they are responsible for half of all the jobs in our nation's workforce. In fact, in my home State of Maryland, more than 500,000 small businesses provide our State with more jobs than any other source—except the federal government.

This job creating potential is even more important during economic downswings like the current one. It is interesting to note that, despite declines in corporate America, the entrepreneurial spirit is alive and well. Every month, 400,000 new businesses start up across the country. For these reasons, providing small businesses with the tools they need to grow and thrive again will be critical to the nation's overall economic recovery. It is with this knowledge and appreciation that I proudly express my support for President Obama's declaration of May 17–May 23 as National Small Business Week.

As a former small business owner for nearly 20 years, I know first-hand that one of the most pressing challenges facing small businesses is access to affordable credit and capital. I know how hard it can be to meet one's payroll, day after day and week after week. I also know what it is like to be turned down for the business loan that you desperately need (and deserve)—even while other less qualified competitors somehow receive that essential capital support.

In my thirteen years in the U.S. House of Representatives, I have supported efforts that have uplifted the small business community—and 2009 has been another marquee year. During National Small Business Week, the House passed a number of bills aimed at providing business owners with the requisite tools. H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009 would provide critical resources to help businesses grow and adapt. Specifically, it creates a grant program designed to assist small firms in securing capital, supplementing the new small business lending generated by the American Reinvestment and Recovery Act, which was signed into law by President Obama in February 2009.

These entrepreneurial development programs are a wise investment in our economy. It is estimated that for every $1 spent on these programs, there is a $2.87 return to the Treasury—and these programs have helped to create 73,000 jobs in 2008 alone.

As I close, I will also take this opportunity to align myself with the vision expressed by President Obama, who recently stated that ''it is imperative that we do all we can to celebrate the achievements of small business owners and encourage the creation of new businesses.''

Americans are exploring new ways to conduct business, and small business owners are an invaluable resource in this national effort. They are the real heroes of American industry—and May 17–May 23 is deservedly theirs.

TRIBUTE TO CHRISTOPHER H. MOFFITT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Christopher H. Moffitt, an automobile dealer and resident of Boone, Iowa.

Christopher, president of Moffitt's Ford Lincoln Mercury, was recently nominated for the 2009 TIME Magazine Dealer of the Year award sponsored by TIME Magazine and Goodyear Tire. Christopher was nominated by Gary W. Thomas, President of the Iowa Automobile Dealers Association, and recently was honored at the National Automobile Dealers Association Convention & Exposition in New Orleans. The TIME Magazine Dealer of the Year award is one of the auto industry's most prestigious awards, recognizing both success in auto sales and outstanding community service.

Christopher is a third generation family dealer who owns a dealership that was first opened by his grandfather over 81 years ago. He began washing cars at the dealership at age 13, and while attending college at Iowa State University, he began selling cars part-time before becoming a full time sales manager after graduating in 1987.

In addition to his dedicated service at the dealership, Christopher has spent considerable time giving back to the community. From 1993–2000, Christopher was chairman of Good Connections, an organization that employed mentally and physically challenged individuals. He also received a YMCA Leadership Award after playing a pivotal role in reopening the Boone County Family YMCA in 2005 while serving as board chairman. The location had closed in the 1990's but is now growing and serving all of Boone County.

I know my colleagues in the United States Congress join me in congratulating Christopher Moffitt for his nomination for TIME Magazine Dealer of the Year, and thank him for his dedicated community service efforts. It is an honor to represent Christopher in Congress, and I wish him and his family happiness and success in the future.

HONORING THE MEMORY OF MAYOR C.W. SKIDMORE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BONNER. Madam Speaker, the city of Saraland and all of southwest Alabama recently lost a dear friend, and I rise today to honor C.W. Skidmore and pay tribute to his memory.

Mayor Skidmore, known to his many friends as ''Bill,'' was a native of Russellville and longtime resident of Saraland. He served as a city councilman from 1957, when Saraland was incorporated, until 1960. In 1964, he was elected mayor and served two terms.

Bill set out to be the mayor of Saraland with the intention of changing the reputation the city had received after the murder of its first mayor. During his time serving as mayor, Bill also focused on commercial and residential growth, as well as the development of city services.

When Saraland celebrated its 50th anniversary, Mayor Skidmore was honored. The city also named a football park on Norton Avenue in his honor. In addition to a lifetime of public service, Mayor Skidmore owned and operated Skidmore Oil Company and Skidmore Construction. He also served on the South Alabama Regional Planning Commission.

Madam Speaker, I ask my colleagues to join me in remembering a beloved friend to many throughout southwest Alabama. Mayor Skidmore will be dearly missed by his family—his wife, Took; his children, Billy and his wife Sheila, Mary and her husband Bruce, and Tammie and her husband Rick; his 13 grandchildren; and his great-grandchildren—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

HONORING JOHN BRENNEMAN

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PUTNAM. Madam Speaker, today I rise to recognize John Brenneman, an outstanding naturalist and public servant from the 12th Congressional District of Florida. John has worked tirelessly for the Florida Cooperative Extension Service and Imperial Polk County for 30 years. His devotion to improving local water quality and educating lakefront homeowners is evident through his continuing commitment to serve the public with excellence and integrity.

John's academic achievements have shaped his career in water management. He earned both his B.S. in Agriculture and his Masters of Agricultural Management and Resource Development from the University of Florida. He is also a certified instructor for the Florida Master Naturalist Program Wetland, Coastal and Upland Modules. With this certification, he actively assists rural pond owners in becoming good stewards of their water property. He has taught them how to manage surface waters and fisheries to enhance the aesthetics of their pond, while maintaining sound water quality.

John has an obvious passion for educating the public and is responsible for developing a program to educate lakefront residents entitled, ''Living at the Lake.'' This primer has been used extensively for Florida's lakefront homeowners and by others interested in central Florida's lake resources. John also coordinates the Polk County Extension Water School. This program is designed to provide local officials with valuable information to prepare them for addressing important water issues and policies.

John has also molded young minds and shaped lives through his work as a 4–H Agent. For many years, John chaperoned trips to 4–H Congress and 4–H Camps where he taught courses, led fishing expeditions and counseled young people on character and values. His own example is what provides the best lesson for a life of service, love, and faith. I say this as one who benefited from his mentoring.

John's experience and influence reaches beyond Polk County lines. For ten years, John worked to educate businesses and residents through the natural resource education program as a multi-county agent. Additionally, John has worked with volunteers associated with the University of Florida's LAKEWATCH program which was designed to monitor water quality in local lakes. As a result of John's efforts, data was collected from local lakes on a monthly basis and entered into an extensive database used for profiling the local waterscape.

John and his wife, Terri, have been married for almost 36 years. They have one daughter, Emily, and three sons Jacob, Adam, and Joseph. When not tending to his work or bragging about his grandkids, John is a Sunday school teacher and Deacon at the First Baptist Church at the Mall.

GLOBAL WARMING PETITION SIGNED BY 31,478 SCIENTISTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. PAUL. Madam Speaker, before voting on the ''cap-and-trade'' legislation, my colleagues should consider the views expressed in the following petition that has been signed by 31,478 American scientists:

''We urge the United States government to reject the global warming agreement that was written in Kyoto, Japan in December, 1997, and any other similar proposals. The proposed limits on greenhouse gases would harm the environment, hinder the advance of science and technology, and damage the health and welfare of mankind.

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.''

Circulated through the mail by a distinguished group of American physical scientists and supported by a definitive review of the peer-reviewed scientific literature, this may be the strongest and most widely supported statement on this subject that has been made by the scientific community. A state-by-state listing of the signers, which include 9,029 men and women with PhD degrees, a listing of their academic specialties, and a peer-reviewed summary of the science on this subject are available at www.petitionproiect.org.

The peer-reviewed summary, ''Environmental Effects of Increased Atmospheric Carbon Dioxide'' by A. B. Robinson, N. E. Robinson, and W. Soon includes 132 references to the scientific literature and was circulated with the petition.

Signers of this petition include 3,803 with specific training in atmospheric, earth, and environmental sciences. All 31,478 of the signers have the necessary training in physics, chemistry, and mathematics to understand and evaluate the scientific data relevant to the human-caused global warming hypothesis and to the effects of human activities upon environmental quality.

In a letter circulated with this petition, Frederick Seitz—past President of the U.S. National Academy of Sciences, President Emeritus of Rockefeller University, and recipient of honorary doctorate degrees from 32 universities throughout the world—wrote:

''The United States is very close to adopting an international agreement that would ration the use of energy and of technologies that depend upon coal, oil, and natural gas and some other organic compounds.

This treaty is, in our opinion, based upon flawed ideas. Research data on climate change do not show that human use of hydrocarbons is harmful. To the contrary, there is good evidence that increased atmospheric carbon dioxide is environmentally helpful.

The proposed agreement we have very negative effects upon the technology of nations throughout the world; especially those that are currently attempting to lift from poverty and provide opportunities to the over 4 billion people in technologically underdeveloped countries.

It is especially important for America to hear from its citizens who have the training necessary to evaluate the relevant data and offer sound advice.''

We urge you to sign and return the enclosed petition card. If you would like more cards for use by your colleagues, these will be sent.''

Madam Speaker, at a time when our nation is faced with a severe shortage of domestically produced energy and a serious economic contraction; we should be reducing the taxation and regulation that plagues our energy-producing industries.

Yet, we will soon be considering so-called ''cap and trade'' legislation that would increase the taxation and regulation of our energy industries. ''Cap and-trade'' will do at least as much, if not more, damage to the economy as the treaty referred by Professor Seitz! This legislation is being supported by the claims of ''global warming'' and ''climate change'' advocates—claims that, as demonstrated by the 31,477 signatures to Professor Seitz' petition, many American scientists believe is disproved by extensive experimental and observational work.

It is time that we look beyond those few who seek increased taxation and increased

regulation and control of the American people. Our energy policies must be based upon scientific truth—not fictional movies or self-interested international agendas. They should be based upon the accomplishments of technological free enterprise that have provided our modern civilization, including our energy industries. That free enterprise must not be hindered by bogus claims about imaginary disasters.

Above all, we must never forget our contract with the American people—the Constitution that provides the sole source of legitimacy of our government. That Constitution requires that we preserve the basic human rights of our people—including the right to freely manufacture, use, and sell energy produced by any means they devise—including nuclear, hydrocarbon, solar, wind, or even bicycle generators.

While it is evident that the human right to produce and use energy does not extend to activities that actually endanger the climate of the Earth upon which we all depend, bogus claims about climate dangers should not be used as a justification to further limit the American people's freedom.

In conclusion, I once again urge my colleagues to carefully consider the arguments made by the 31,478 American scientists who have signed this petition before voting on any legislation imposing new regulations or taxes on the American people in the name of halting climate change.

CONGRATULATING MAYOR CHARLES MURPHY FOR BEING ELECTED VICE PRESIDENT OF THE ALABAMA LEAGUE OF MUNICIPALITIES

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to congratulate Robertsdale Mayor Charles Murphy for being elected vice president of the Alabama League of Municipalities. As the elected vice president, Mayor Murphy will become president of the League in 2010 and will also become the fourth Baldwin County mayor to preside over the Alabama League of Municipalities in the organization's 74 year history.

Born in Missouri, Mayor Murphy was raised on a cotton and cattle farm near Bossier City, Louisiana. After high school, he began his career with the U.S. Navy. After his discharge, he joined South Central Bell, now BellSouth, in 1973. In 1976, BellSouth transferred him to south Alabama to work in the company's construction department. He continues to work for BellSouth today and is currently the manager of the supply division for the Gulf Coast.

Mayor Murphy's public service career began in 1983 when he was appointed to Robertsdale's Zoning Board of Adjustments. In 1988, he was elected to the city council, and just four years later, he was elected mayor of Robertsdale. He serves on the board of directors for the Alabama Municipal Insurance Corporation and is the chairman of the Baldwin County Mayor's Association.

As president of the Alabama League of Municipalities, Mayor Murphy will oversee an organization that serves as the voice of the cities and towns of Alabama. Since 1935, the organization has brought municipalities together to promote legislation, provide legal advice, and establish education programs for city and town officials.

Madam Speaker, on behalf of the city of Robertsdale and Alabama's First Congressional District, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. On behalf of all those who have benefited from his good heart and generous spirit, permit me to extend thanks for his many efforts in making Robertsdale and all of Alabama a better place.

INTRODUCTION OF THE MEDICARE SAVINGS PROGRAM IMPROVEMENT ACT OF 2009

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BECERRA. Madam Speaker, I rise today to introduce the Medicare Savings Program Improvement Act of 2009 with my colleague Congressman LLOYD DOGGETT (D–TX). Senator BINGAMAN (D–NM) is introducing similar legislation in the Senate. This legislation makes long overdue improvements to the Medicare Savings Program by providing additional assistance to modest income seniors for their health care out-of pocket expenses.

Numerous advocacy groups have endorsed the bill, including AARP, Families USA, Consumers Union, the Center for Medicare Advocacy, the Medicare Rights Center, the National Committee to Preserve Social Security and Medicare, the National Council on Aging, and the National Senior Citizens Law Center.

Currently, the Medicare Savings Program provides needed financial assistance for more than 6.2 million of the sickest and most vulnerable Medicare beneficiaries. The program has three major categories of beneficiaries: Qualified Medicare Beneficiaries (QMBs), Specified Low-Income Medicare Beneficiaries (SLMBs) and Qualified Individuals (QI). These categories provide varying amounts of benefits to Medicare beneficiaries whose annual incomes are less than 135 percent of the federal poverty level (annual incomes of $14,623 for an individual and $19,670 for couples in 2009) and annual resources are no more than $4,000 for individuals and $6,000 for couples.

Unfortunately, the Medicare Savings Program does not reach many eligible beneficiaries because the benefit rules are very restrictive and confusing, and it is difficult to apply for the program. The Congressional Budget Office estimated that only 33 percent of eligible QMBs and 13 percent of eligible SLMBs actually are enrolled in the program. This enrollment rate is much lower than other federal benefit programs. For instance, 75 percent of eligible beneficiaries receive the Earned Income Tax Credit, 66 to 73 percent of eligible recipients enroll in the Supplemental Security Income program and 66 to 70 percent of eligible beneficiaries enroll in Medicaid.

The National Academy of Social Insurance found that many potential beneficiaries do not apply for these benefits because they incorrectly assume that they have too many resources. And for many more modest-income Medicare beneficiaries, the extremely low asset test of the Medicare Savings Program disqualifies them from receiving these important benefits. A 2002 Commonwealth Fund study found that only 48 percent of those who met the income requirements for the Medicare Savings Program in effect that year also met the asset requirements.

This inability to access the Medicare Savings Program benefit has real consequences for these seniors and individuals with disabilities. MedPAC has cited a study finding that QMB qualifying nonenrollees were twice as likely to avoid visiting a physician because of cost than QMB enrollees. As a result, QMB qualifying nonenrollees are more likely to access hospital emergency rooms than QMB enrollees.

Both the National Academy of Social Insurance and the Henry J. Kaiser Family Foundation in separate studies cite similar reasons for the low enrollment in the Medicare Savings Program. They include: enrollment in Medicaid offices (welfare stigma), asset reporting, lack of awareness (79 percent of unenrolled eligible beneficiaries never heard of the program), hard-to-reach population (eligible individuals are older, poorer, sicker and often cannot read or speak English), and a burdensome application process (two-thirds of enrollees need help with the application).

Recognizing the shortcomings of the current program, Congress did make modest, but important modifications in the rules of the program last year. As part of ''The Medicare Improvements for Patients and Providers Act'' (P.L. 110–275), Congress allowed seniors to begin their application process in Social Security offices, modestly increased asset limits and eliminated a provision that allowed states to recover assets upon a beneficiary's death. These provisions did simplify the application process, make more individuals aware of the program and increase outreach to hard-to-reach individuals. However, much more needs to be done.

Even with these changes, the Medicare Savings Program's current design still makes it difficult for eligible seniors to enroll for the benefits and its eligibility requirements are significantly stricter than the Medicare low-income drug subsidy program. Recognizing these issues in 2008, MedPAC recommended that Congress raise the Medicare income and asset criteria to conform to the low-income drug subsidy and standardize program requirements so that the Social Security Administration could screen low-income drug subsidy applicants for federal Medicare Savings Program eligibility.

In response, the Medicare Savings Program Improvement Act of 2009 proposes to accomplish three goals. First, the bill aligns the Medicare Savings Program with the low-income drug subsidy program by reducing it to two beneficiary categories and standardizing the definition of income and assets for both programs.

Second, it would expand access by increasing the income eligibility limits for Qualified Medicare Beneficiaries up to 150 percent (an annual income level of $16,245 for individuals and $21,855 for families in 2009) and Specified Low-Income Beneficiaries up to 200 percent (an annual income of up to $21,660 for individuals and up to $29,140 in 2009) of the federal poverty level. And annual resource limits would be raised to $27,000 for individuals

and $55,000 for families. Representative DOGGETT has introduced legislation that changes resource and income limits for the Medicare low-income drug subsidy program to the same levels as this bill.

Finally, the bill continues to simplify the application process. For instance, the legislation makes it easier for non-native English speaking Medicare beneficiaries to access enrollment materials.

Improving the Medicare Savings Program will create increased access to health benefits for our sickest and poorest seniors and the disabled. I urge my colleagues to support this bill and ensure that low-income Medicare beneficiaries are able to fully access the important health benefits provided by Medicare.

THE INTRODUCTION OF THE CLEAN UP ACT

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. SARBANES. Madam Speaker, I rise today to introduce the Correction of Longstanding Errors in Agencies Unsustainable Procurements, CLEAN UP, Act. This legislation will reform the badly flawed competitive sourcing process—saving taxpayer dollars and reinvigorating our civil service.

This bill is about good government. Over the last decade, we have been much too quick to outsource many of government's most basic functions to the private sector. The desire to do so reflected a political ideology of shrinking government at all costs—even if it meant diminishing the quality of certain government services that are paid for and overwhelmingly supported by American taxpayers. This course of action negatively impacted everything from national defense and border security to the collection of taxes and the stewardship of our public lands. In many cases, work was outsourced with little or no competition—subverting the public interest and wasting billions in taxpayer dollars.

This bill is not about punishing the contractor community or criticizing the work that they do. The vast majority of these firms want to do the right thing and have performed many important functions on behalf of the government. However, there is some government work that is not appropriately awarded to the lowest bidder. Often this work is about providing a service as a matter of policy without regard to profit. The process by which we make decisions to hire government workers or to contract with the private sector for certain functions must reflect a mature understanding of the real differences between the mission of government and that of business.

More recently, the Congress has begun to reign in Administrative procurement policy by requiring more robust competition in contracting and ensuring that the core functions of government are performed by government employees. The CLEAN UP Act seeks to reverse the damage that has already been done by requiring agencies to develop plans to bring inherently governmental work back in-house and ensuring that future procurement decisions are made based on the best interest of the government and the taxpayer. The CLEAN UP Act will make the contracting process fair to federal employees and accountable to taxpayers.

Congress has heard from federal workers and advocates in and out of government and their conclusions are the same—the current system is broken. We must develop a clear, government-wide standard for what work should or must be performed by government workers and put in place a fair process for competing all other work. That is why, with the support of 50 of my colleagues of both parties, I have introduced the bipartisan CLEAN UP Act.

The CLEAN UP Act will: Impose a uniform, government-wide standard for government work, distinguishing between the functions which can and must be done by our civil servants and those functions that may be done competently by the private sector; incrementally bring work that should be performed by federal employees back in-house; encourage agencies to consider assigning new work to federal employees if they would be more efficient rather than pursuing a policy of contracting-out, frequently through sole-source or limited competition contracts; require agencies to determine where there are or will be shortages of federal employees and develop plans to address these shortages; maintain the existing suspension of the use of the Office of Management and Budget, OMB, Circular A–76 process until OMB determines that the reforms required by this legislation have been implemented; direct Agencies to implement an alternative to the A–76 process in order to continually improve and streamline services—developing a more efficient process without the costs and controversies of the A–76 process.

We have some of the best and brightest in our civil service; public servants with a deep and abiding love for this country. They have important missions—to make the next scientific breakthrough; to protect our nation from foreign threats; to keep our communities safe from crime or disaster; to maintain our critical infrastructure. By enacting the CLEAN UP Act, we have an opportunity to support our federal workforce, save taxpayer dollars, restore good government, and reduce waste, fraud, and abuse.

HONORING SANDY REMPE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. GRAVES. Madam Speaker, I rise today to recognize Sandy Rempe of the Missouri Department of Public Safety. Her direction of the department's Juvenile Justice Program and the dedication and compassion she has shown for today's youth is to be commended. Due to her exemplary leadership, she has earned the prestigious Tony Gobar Award, an honor that recognizes excellence in the field of juvenile justice.

Ms. Rempe has worked as the Department of Public Safety Juvenile Justice Program Manager for 12 years. Under her leadership, the program distributes federal grants that provide funding to 60 state and local agencies in Missouri to help support juvenile justice and delinquency prevention initiatives. Additionally, grant funds are utilized for training on juvenile justice, systems improvements, and intervention programs. Ms. Rempe also serves on many groups, committees and commissions including the Mental Health Transformation Leadership Work Group and the Drug Court Commission.

Madam Speaker, I proudly ask you to join me in commending Sandy Rempe for this prestigious accomplishment with the Missouri Department of Public Safety and for her tireless efforts in helping Missouri's youth.

IN MEMORY OF HAROLD F. ''HAL'' EBERLE, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. WILSON of South Carolina. Madam Speaker, on May 27th, South Carolina lost a long time friend and leader with the passing of Hal Eberle. Hal spent a lifetime in service to his nation and his community. As a young man, he served as a pilot, navigator, bombardier, and radar observer during World War II. In Washington, he worked as an Administrative Assistant to the late Congressmen Robert J. Corbett of Pennsylvania and Victor V. Veysey of California from 1961 to 1972. From 1972 to 1973, he served as Congressional Relations Chief of the Overseas Private Investment Corporation. From 1973 to 1974, he was Congressional Relations Chief of the Office of Management and Budget. From 1975 to 1977, he served President Ford as Assistant Secretary of the Treasury for Legislative Affairs.

After retiring, Hal traveled the world visiting numerous nations including the former Soviet Union, Bulgaria, Australia, Africa, and South America. He was known for taking great enjoyment in sailing along the Atlantic Coast and down to the Bahamas. In 1988, he became Executive Vice President of the South Carolina Policy Council serving with President Ed McMullen.

The South Carolina Policy Council, founded by the legendary Tom Roe, has transformed the political landscape of South Carolina. Hal was the author and editor of the Policy Council Scorecards of the State Senate and State House votes. His rankings of conservative/liberal ratings were crucial to promote accountability in the State House. For the first time, recorded votes were required on all crucial issues promoting extraordinary reforms of state government. Hal was tireless in his monitoring of the State Senate from the gallery, and during votes, the question was respectively asked ''What is the Policy Council position?'' Hal advanced the ideals of limited government and expanded freedom promoting the Reagan Revolution on the state level.

Hal was buried on June 2nd at the Fort Jackson National Cemetery in South Carolina. Our thoughts and prayers are with his friends and family including his son Mark and sister Betty.

THE INTRODUCTION OF THE REUNITING FAMILIES ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Ms. HIRONO. Madam Speaker, aloha! I rise today in support of the Reuniting Families Act, a bill introduced by Congressman MICHAEL HONDA. I am proud to be an original cosponsor of this important bill.

There are currently 5.8 million people in the family immigration backlog waiting unconscionable periods of time to reunite with their family members. The Reunifying Families Act takes important steps toward fixing our broken family immigration system by reducing the waiting times for legal immigrants.

One important piece of Mr. HONDA's bill is the inclusion of the Filipino Veterans Family Reunification Act (H.R. 2412), a bill I have introduced for the past two congressional sessions. My bill would exempt the sons and daughters of Filipino World War II veterans from the cap on immigration numbers that have resulted in waiting periods for up to two decades for immigrant visas to the United States.

I have listened to many heartbreaking stories of our Filipino veterans, many of whom are in their 80s and 90s, waiting patiently with the hope that one day that their children will be able to come to the United States to care for them. I am glad that the Filipino Veterans Family Reunification Act is a part of the Reuniting Families Act.

The family bond is precious and it is the bedrock of society. Any policy that would keep family members apart for decades at a time, husband from wife, mother from child, is not morally defensible. The real solution is to reward immigrants for following the law, not punish them with unreasonably long separations.

I look forward to working with my colleagues by providing for the reunification of all our families.

HONORING THE MEMORY OF WALTER WYATT SHORTER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. BONNER. Madam Speaker, the city of Camden and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to the memory of Walter Wyatt Shorter.

For more than 50 years, Mr. Shorter dedicated his life to serving his country, church, family and career.

Born in New York City, Mr. Shorter survived polio as a young child. In 1949, he graduated from the Fishburne Military Academy in Waynesboro, Virginia. He then enrolled in the Virginia Military Institute where he attained the rank of company commander of C Company and earned a Bachelor of Arts in Chemistry. He was commissioned as an officer in the Marine Corps and rose to the rank of captain where he admirably served his country on several military campaigns.

Mr. Shorter continued his education and received a Master of Science in Pulp and Paper Science and Chemical Engineering from the University of Maine and was inducted into Tau Beta Pi and the Society of the Sigma Xi.

Throughout his lifetime, Mr. Shorter was devoted to serving the community in the paper industry. He was a frontrunner in the development of recycled paper use in corrugated containers. He spent 21 years working for Union Camp Corporation and held the positions of vice president and residential manager at the Prattville mill. He became president of MacMillan Bloedel, Inc. in 1978 and managed the successful expansion of MacMillan Bloedel in Pine Hill.

Mr. Shorter served as national president of the Paper Industry Management Association, president of the Alabama State Chamber of Commerce, chairman of the Alabama Alliance of Business and Industry, director of the Fourdrinier Kraft Board Group and was a member of the Alabama Council on Economic Education.

He had a genuine love for the people of Camden, serving as a volunteer for his church, local school systems and the J. Paul Jones Hospital. He served as a trustee for Huntingdon College, a Lay leader in the Episcopal Church and a member of the ''13'' in Montgomery. He also served on the boards of the First Alabama Bankshares, Jenkins Brick Corporation, and The Nature Conservancy of Alabama.

Madam Speaker, Walter Wyatt Shorter dedicated his entire life to the service of others, all-the-while being a devoted husband, father to five children, and grandfather to 11 wonderful grandchildren.

He will be missed by his family—his wife of 51 years, Gayle Prince Shorter; their children, Walter Wyatt Shorter Jr., Margaret Shorter Robinson, Mathew Peasley Shorter, John David Shorter, and Charles Christopher Shorter; his grandchildren, Mary Margaret Wadsworth, Samantha Glenn Shorter, Margaret Ashley Shorter, Emily Wyatt Shorter, Katherine Gibbs Shorter, Jackson Sean Ours, Olivia Grace Shorter, Noelle Elizabeth Shorter, Calder Christopher Shorter, Davis Troy Shorter, Maggie-Alisabeth Gayle Shorter; and his nephews, Jeffery Douglas and Edward Morfel—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

TIANANMEN SQUARE MASSACRE CONTINUES IN CHINA OFTEN OUT OF SIGHT BEHIND CLOSED DOORS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. SMITH of New Jersey. Madam Speaker, the brave and tenacious heroes of Tiananmen Square will never be forgotten nor will their huge sacrifice—for some torture and for others even death—be in vain.

Future generations of Chinese—and other advocates of democracy worldwide—will forever honor their courage, vision and dream of democracy. The Chinese people deserve no less. The Chinese are a great people—and deserve democratic institutions and respect for the rule of law that reflects that greatness.

Twenty years after Tiananmen, pro-democracy advocates remain in concentration camps subjected to torture, myriad forms of humiliation and degrading treatment.

They must be freed, unconditionally.

The Tiananmen Square massacre was a turning point in China—and not for the better. The hard-liners in Beijing have since unleashed unprecedented cruelty on labor leaders, political prisoners, religious believers, and have committed massive crimes against women and children through forced abortion.

The ugly spirit of the Tiananmen Square massacre continues today unabated throughout China, with brutality and efficiency only the Nazis could love.

With some notable exceptions including last year's savage crackdown on Tibetans the Chinese leadership has taken their murder and torture behind closed doors, where the cries, screams, and tears of thousands of dissidents are heard by no one except the torturers themselves.

For its part, the international community has failed to seriously challenge China's massive human rights violations—and that includes the weak and feckless response of the United States of America. That includes the Bush Administration, that includes the Clinton Administration, that includes the Obama Administration and that includes Congress.

That must change.

When Secretary of State Hillary Clinton visited China a few months ago to peddle U.S. treasury bonds to finance U.S. debt, she said human rights shouldn't be allowed to ''interfere'' with that and other issues.

Wittingly or not, that attitude enables the Chinese dictatorship to continue brutalizing its own people.

And while I respect President Obama's outreach to Muslims in Cairo today, that event surely could have been scheduled for any other day but the 20th Anniversary of the Tiananmen Square massacre.

This solemn remembrance of the victims of mass murder at Tiananmen Square and the crushing of their bodies and hopes by tanks and bayonets, should have been the White House's major event today.

Meanwhile, on this tragic 20th anniversary of the Tiananmen Square Massacre, I am afraid that, American technology and know-how is actually enabling the Chinese Government to repress the truth about what happened on that day—about which it is absolutely vital that the Chinese people know the truth. After all, it is the truth about their history.

Similarly, while the internet has opened up commercial opportunities and provided access to vast amounts of information for people the world over, the internet has also become a malicious tool: a cyber sledgehammer of repression of the government of China. As soon as the promise of the Internet began to be fulfilled—when brave Chinese began to email each other and others about human rights issues and corruption by government leaders—the Party cracked down. To date, an estimated 49 cyber-dissidents and 32 journalists have been imprisoned by the PRC for merely posting information on the Internet critical of the regime. And that's likely to be only the tip of the iceberg. Of course, one of the points on which the Chinese Government is most eager to crack down is dissemination of the truth about Tiananmen.

Tragically, history shows us that American companies and their subsidiaries have provided the technology to crush human rights in

the past. Edwin Black's book IBM and the Holocaust reveals the dark story of IBM's strategic alliance with Nazi Germany. Thanks to IBM's enabling technologies, from programs for identification and cataloging to the use of IBM's punch card technology, Hitler and the Third Reich were able to automate the genocide of the Jews.

U.S. technology companies today are engaged in a similar sickening collaboration, decapitating the voice of the dissidents. In 2005, Yahoo's cooperation with Chinese secret police led to the imprisonment of the cyber-dissident Shi Tao. And this was not the first time. According to Reporters Without Borders, Yahoo also handed over data to Chinese authorities on another of its users, Li Zhi. Li Zhi was sentenced on December 10, 2003 to eight years in prison for ''inciting subversion.'' His ''crime'' was to criticize in online discussion groups and articles the well-known corruption of local officials.

Women and men are going to the gulag and being tortured as a direct result of information handed over to Chinese officials. When Yahoo was asked to explain its actions, Yahoo said that it must adhere to local laws in all countries where it operates. But my response to that is: if the secret police a half century ago asked where Anne Frank was hiding, would the correct answer be to hand over the information in order to comply with local laws? These are not victimless crimes. We must stand with the oppressed, not the oppressors.

I believe that two of the most essential pillars that prop up totalitarian regimes are the secret police and propaganda. Yet for the sake of market share and profits, leading U.S. companies like Google, Yahoo, Cisco and Microsoft have compromised both the integrity of their product and their duties as responsible corporate citizens. They have aided and abetted the Chinese regime to prop up both of these pillars, propagating the message of the dictatorship unabated and supporting the secret police in a myriad of ways, including surveillance and invasion of privacy, in order to effectuate the massive crackdown on its citizens.

Through an approach that monitors, filters, and blocks content with the use of technology and human monitors, the Chinese people have little access to uncensored information about any political or human rights topic, unless of course, Big Brother wants them to see it. Google.cn, China's search engine, is guaranteed to take you to the virtual land of deceit, disinformation and the big lie. As such, the Chinese government utilizes the technology of U.S. IT companies combined with human censors—led by an estimated force of 30,000 cyber police—to control information in China. Websites that provide the Chinese people news about their country and the world, such as AP, UPI, Reuters, and AFP, as well as Voice of America and Radio Free Asia, are regularly blocked in China. In addition, when a user enters a forbidden word, such as ''democracy,'' ''China torture'' or ''Falun Gong,'' the search results are blocked, or you are redirected to a misleading site, and the user's computer can be frozen for unspecified periods of time.

Google censors what are euphemistically called ''politically sensitive'' terms, such as ''Tiananmen,'' ''democracy,'' ''China human rights,'' ''China torture'' and the like on its Chinese search site, Google.cn. A search for terms such as ''Tiananmen Square'' produces two very different results. The one from Google.cn shows a picture of a smiling couple, but the results from Google.com show scores of photos depicting the mayhem and brutality of the 1989 Tiananmen square massacre.

Google claims that some information is better than nothing. But in this case, the limited information displayed amounts to disinformation. A half truth is not the truth—it is a lie. And a lie is worse than nothing. It is hard not to draw the conclusion that Google has seriously compromised its ''Don't Be Evil'' policy. It has become evil's accomplice.

And that continues. Last summer Frank Wolf and I were in Beijing. We tried to look up ''Tiananmen Square'' on the tightly-controlled Chinese Internet. Of course, mere mention of the slaughter has been removed from the Chinese Internet. We walked across Tiananmen Square—officials searched us before we entered the square, and squads of police surrounded us while we were on it, terrified we might hold up a simple sign or banner.

Standing for human rights has never been easy or without price, and companies are extremely reluctant to pay that price. That's why our government also has a major role to play in this critical area, and that a more comprehensive framework is needed to protect and promote human rights.

This is why I have re-introduced The Global Online Freedom Act, H.R. 2271. I believe it can be an important lever to help disseminate the truth—about Tiananmen and so many more things in the history of China—to the Chinese people by means of the Internet.

I'd like to ask you to support this bill, which would prevent U.S. high-tech Internet companies from turning over to the Chinese police information that identifies individual Internet users who express political and religious ideas that the communists are trying to suppress. It would also require companies to disclose how the Chinese version of their search engines censors the Internet.

In the last Congress, the bill passed the Foreign Affairs Committee and was ready for a floor vote, but influential lobbies prevented a vote on the bill.

I also want to mention the exciting firewall-busting technology that a group of dedicated Chinese human rights activists are promoting. They have technology that enables users in China to bypass the Chinese government's so-called ''Golden Shield'' censorship effort and surf the Internet freely. With this technology, which has been demonstrated to me in my office, Chinese users can visit the same Internet you and I do, and there is nothing the Chinese government can do about it. I think we should all ask the State Department to financially support this technology—which could produce a human rights and rule of law revolution in China.

Today provides us an important reminder that the fight the Tiananmen protestors took on 20 years ago is still going on, in the streets, the internet café's and here today. To the brave men and women who continue to fight for the rights of the Chinese people—we say, we stand with you, we remember you, and we will not abandon the fight for your freedoms.

HONORING THE SERVICE AND SACRIFICE OF D-DAY WARRIORS

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Ms. GIFFORDS. Madam Speaker, sixty-five years ago, our nation's greatest military minds gathered with our European allies deep beneath London to set into motion a plan called Overlord. Unsure if the weather would clear long enough for the operation, planners reluctantly gave the order—advance to Normandy.

On the morning of June 6, 1944, forces approached from the sea in silence, under cover of darkness seeking single points on a map. Their names—Omaha and Utah, Juno, Sword and Gold—are forever stained by the fateful events of that day.

All told, the Allies mustered nearly 3 million Soldiers, Sailors and Airmen. Nearly 160,000 troops came across the English Channel on D-Day with another 2 million in the months after.

Those brave many boarded landing craft and aircraft, bound for an uncertain fate against a war-tested opponent that had become the most feared army to cross Europe in two millennia.

Tossed by rough seas and unsettled by the distant echo of machine gun fire, young men from every corner of America stepped into the breach, wading through neck-deep water to open a beachfront in France and blaze a trail of liberation to Berlin.

American landing forces at Utah beach faced the lightest resistance of the invasion's 50 mile breadth. 197 brave souls lost their lives at Utah, but most of the 23,000—men like Raymond Jackson, a Tucsonan with the 15th Cavalry Recon Squadron—came ashore and linked up with the 101st Airborne in Normandy's first major success.

Omaha was less absolute. High bluffs were defended by mortars, machine gunners and pillboxes. The German forces atop the steep, sandy cliffs were highly trained and combat tested. They repelled Allied landing craft and destroyed American tanks as they hit the beach. Commanders considered abandoning Omaha. But our brave Soldiers persisted.

Led by signalmen like Norm Hartline from Tucson, more than 50,000 men in all came ashore at Omaha. More than 5,000 wouldn't advance past the surf line. Killed and wounded lay in the wake and behind parapets for hours or days. History tells us that it took until June 9th for American infantry units from Omaha to successfully establish a beach head at Omaha.

Today, we once again pull back the curtains of history to honor those American and Allied heroes who stood as the point of liberty's spear. Within boundless volumes on World War II are the eulogies of Bradley and Eisenhower, Patton and Montgomery—leaders of the Allied liberation of Europe.

But where we find D-Day's true heroes are not within the dust jackets of history books or news clippings from the day. They haven't lived lives of great fanfare. Our greatest generation arose from America's factories and farms, from our inner cities to our outlying territories. And to these places they returned.

On their backs we won a great victory for freedom and liberty, against oppression and

hatred. Then on those same backs we built the world's greatest democracy, serving as a beacon of light, a shining city atop a hill. Many of the true heroes of D-Day have forever gone unrecognized because they sought not the special recognition afforded their heroism. To these heroes, it was a patriotic duty—a level of selfless sacrifice that transcends medals and citations. And in small towns and big cities across America, the few remaining true heroes of D-Day continue to live quiet lives.

But as these standard bearers for virtue pass on and the torches that marked their trail to liberty are extinguished, we take a proud moment to offer our sincerest gratitude and our indebted praise to those brave warriors who stood between humanity and evil to save mankind from the brink.

And we remember in our hearts and prayers those who gave their last full measure of devotion—for freedom.

IN RECOGNITION OF THE FANNIE W. FITZGERALD ELEMENTARY SCHOOL DEDICATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the dedication of Fannie W. Fitzgerald Elementary School in Woodbridge, Virginia. Mrs. Fitzgerald was one of four African-American educators who took on the task of integrating Prince William County public schools in the 1960s. I consider myself fortunate to live in a time when we celebrate the accomplishments of a woman like Mrs. Fitzgerald and honor the sentiment of her life's work.

The unanimous Supreme Court Decision, Brown v. Board of Education, was handed down in 1954, calling for the desegregation of America's public schools. Ten years later in 1964, it was Mrs. Fitzgerald's challenging task to integrate Fred Lynn Elementary and Middle School. ''With all deliberate speed,'' Mrs. Fitzgerald desegregated the school by the following September. Her success will forever be remembered in the diversity of the Prince William County Public School System and its mission statement, which identifies a commitment to a diverse and multicultural learning environment.

Mrs. Fitzgerald's work in the Prince William education system continued for twenty-three years after desegregation. As an elementary school teacher and learning disabilities specialist she witnessed the realization of the changes she initiated in 1964. President Barack Obama, the United States' first African-American President, was just three years old at the time of Mrs. Fitzgerald's desegregation efforts. His landmark Presidency is a testament to the courage and hard work of Mrs. Fitzgerald and her vision for this country's children.

Madam Speaker, I ask that my colleagues join me in honoring this remarkable educator and champion of civil rights. She has enriched the lives of Prince William students with an unqualified opportunity for education, and it is time we thank her for her contribution to our school system. I commend the Prince William County Public School System for this most appropriate dedication. I know Fannie W. Fitzgerald will inspire children to attempt the difficult and accomplish the unlikely for years to come.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6135–S6230

Measures Introduced: Seventeen bills and two resolutions were introduced, as follows: S. 1179–1195, and S. Res. 168–169. **Pages S6185–86**

Measures Reported:

S. 407, to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, with an amendment in the nature of a substitute. (S. Rept. No. 111–24) **Page S6185**

Measures Passed:

Commending the University of Washington Women's Softball: Senate agreed to S. Res. 168, commending the University of Washington women's softball team for winning the 2009 NCAA Women's College World Series. **Pages S6228–29**

Measures Considered:

Family Smoking Prevention and Tobacco Control Act: Senate continued consideration of H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, taking action on the following amendments proposed thereto: **Pages S6170–71**

Pending:

Dodd Amendment No. 1247, in the nature of a substitute. **Pages S6170–71**

Burr/Hagan Amendment No. 1246 (to Amendment No. 1247), in the nature of a substitute. **Page S6170**

Schumer (for Lieberman) Amendment No. 1256 (to Amendment No. 1247), to modify provisions relating to Federal employees retirement. **Page S6170**

A motion was entered to close further debate on Dodd Amendment No. 1247, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, June 4, 2009, a vote on cloture will occur at 5:30 p.m., on Monday, June 8, 2009. **Page S6171**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Monday, June 8, 2009. **Page S6171**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at approximately 5:30 p.m., on Monday, June 8, 2009; provided further, that the filing deadline for first-degree amendments be 3 p.m., on Monday June 9, 2009, and the filing deadline for second-degree amendments be 4:30 p.m., on Monday, June 9, 2009. **Page S6228**

Travel Promotion Act—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the Committee on Commerce, Science, and Transportation be authorized to report S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States, on Friday, June 5, 2009, from 10 a.m. to noon. **Page S6228**

Nomination Confirmed: Senate confirmed the following nomination:

David Heyman, of the District of Columbia, to be an Assistant Secretary of Homeland Security. **Pages S6228, S6230**

Nominations Received: Senate received the following nominations:

Julia Akins Clark, of Maryland, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

Ernest W. Dubester, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2012.

Preet Bharara, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

Tristram J. Coffin, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Jenny A. Durkan, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Paul Joseph Fishman, of New Jersey, to be United States Attorney for the District of New Jersey for the term of four years.

B. Todd Jones, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

John P. Kacavas, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.

Joyce White Vance, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

2 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

Routine lists in the Navy. **Pages S6229–30**

Messages from the House: **Page S6183**

Measures Referred: **Page S6183**

Executive Communications: **Pages S6183–85**

Executive Reports of Committees: **Page S6185**

Additional Cosponsors: **Pages S6186–87**

Statements on Introduced Bills/Resolutions: **Pages S6187–S6216**

Additional Statements: **Pages S6181–83**

Amendments Submitted: **Pages S6216–28**

Notices of Hearings/Meetings: **Page S6228**

Authorities for Committees to Meet: **Page S6228**

Privileges of the Floor: **Page S6228**

Adjournment: Senate convened at 9:31 a.m. and adjourned at 6:32 p.m., until 2 p.m. on Monday, June 8, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6229.)

Committee Meetings

(Committees not listed did not meet)

REGULATORY REFORM AND DERIVATIVES MARKETS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine regulatory reform and derivatives markets, after receiving testimony from Gary Gensler, Chairman, Commodity Futures Trading Commission; Lynn A. Stout, University of California Los Angeles School of Law; Mark Lenczowski, JPMorgan Chase and Co., Washington, D.C.; David Dines, Cargill Risk Management, Hopkins, Minnesota; Michael W. Masters, Masters Capital Management, LLC, Atlanta, Georgia; Daniel A. Driscoll, National Futures Association, Chicago, Illinois; and Richard Bookstaber, New York, New York.

APPROPRIATIONS: FEDERAL BUREAU OF INVESTIGATION

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded open and closed hearings to examine proposed budget estimates for fiscal year 2010 for the Federal Bureau of Investigation, after receiving testimony from Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice.

APPROPRIATIONS: DEPARTMENT OF THE AIR FORCE

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of the Air Force, after receiving testimony from Michael B. Donley, Secretary, and General Norton A. Schwartz, Chief of Staff, both of the United States Air Force, Department of Defense.

APPROPRIATIONS: DEPARTMENT OF AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies to examine proposed budget estimates for fiscal year 2010 for the Department of Agriculture, after receiving testimony from Tom Vilsack, Secretary, Kathleen Merrigan, Deputy Secretary, Joseph Glauber, Chief Economist, and Scott Steele, Budget Officer, all of the Department of Agriculture.

APPROPRIATIONS: LIBRARY OF CONGRESS AND OPEN WORLD LEADERSHIP CENTER

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Library of Congress and the Open World Leadership Center, after receiving testimony from James H. Billington, Librarian of Congress, and John O'Keefe, Executive Director, Open World Leadership Center, both of the Library of Congress.

DEPARTMENT OF THE NAVY BUDGET

Committee on Armed Services: Committee concluded a hearing to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for the Department of the Navy, after receiving testimony from Raymond E. Mabus, Jr., Secretary of the Navy, Admiral Gary Roughhead, USN, Chief of Naval Operations, and General James

T. Conway, USMC, Commandant of the Marine Corps, all of the Department of Defense.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nomination of Herbert M. Allison, Jr., of Connecticut, to be Assistant Secretary of the Treasury for Financial Stability, after the nominee, who was introduced by Senator Dodd, testified and answered questions in his own behalf.

U.S.-CHINA COOPERATION ON CLIMATE CHANGE

Committee on Foreign Relations: Committee concluded a hearing to examine challenges and opportunities for U.S.-China cooperation on climate change, after receiving testimony from William Chandler, Carnegie Endowment for International Peace Energy and Climate Program, and Kenneth Lieberthal, The Brookings Institution, both of Washington, D.C.; and Elizabeth Economy, Council on Foreign Relations Asia Studies, New York, New York.

2009 HURRICANE SEASON

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a hearing to examine a status report on emergency preparedness for the 2009 hurricane season, after receiving testimony from W. Craig Fugate, Administrator, Federal Emergency Management Agency, and George Foresman, former Under Secretary for Preparedness and Emergency Response, both of the Department of Homeland Security; Major General Frank J. Grass, Director of Operations, United States Northern Command, Department of Defense; Armond T. Mascelli, American Red Cross, Washington, D.C.; and Janet Durden, United Way of Northern Louisiana, Monroe.

NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, Andre M. Davis, of Maryland, to be United States Circuit Judge for the Fourth Circuit, and Thomas E. Perez, of Maryland, to be Assistant Attorney General, Civil Rights Division, Department of Justice.

FEDERAL RESEARCH AND DEVELOPMENT

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine SBIR and STTR reauthorization, focusing on ensuring a strong future for small business in federal research and development, after receiving testimony from Charles Wessner, Director, Technology, Innovation, and Entrepreneurship, National Academy of Sciences; Cheryl Williams, Assistant Director, Government Accountability Office; Sally J. Rockey, Acting Deputy Director for Extramural Research, National Institutes of Health, Department of Health and Human Services; Linda B. Oliver, Acting Director of Small Business Programs, Office of the Under Secretary of Defense for Acquisitions, Technology, and Logistics; Laura Mann Eyester, Attorney Advisor, Office of General Counsel, and Subash Ayer, Special Assistant to the Administrator, both of the Small Business Administration; Gary McGarrity, VIRxSYS, Gaithersburg, Maryland; Jim Barry, Creare, Inc., Hanover, New Hampshire; Keith Crandell, ARCH Venture Partners, Chicago, Illinois; Jere N. Glover, Small Business Technology Council, Washington, D.C.; Kunal Mehra, Scientific Systems Company, Woburn, Massachusetts; and Kathy Wyatt, Louisiana Tech University, Ruston.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 48 public bills, H.R. 2695–2742; and 14 resolutions, H.J. Res. 56; H. Con. Res. 144; and H. Res. 503–514, were introduced. **Pages H6262–65**

Additional Cosponsors: **Pages H6265–67**

Reports Filed: Reports were filed today as follows:

H. Res. 404, directing the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of documents relating to the Department of Homeland Security Intelligence Assessment titled, ''Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment'', with an amendment (H. Rept. 111–134);

H.R. 1320, to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees (H. Rept. 111–135); and

H.R. 2410, to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011 and to modernize the Foreign Service, with an amendment (H. Rept. 111–136). **Page H6262**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Kenneth L. Simon, New Bethel Baptist Church, Youngstown, Ohio. **Page H6157**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, June 3rd:

John S. Wilder Post Office Building Designation Act: H.R. 1817, to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building'', by a ⅔ yea-and-nay vote of 420 yeas with none voting ''nay'', Roll No. 302. **Pages H6168–69**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, June 2nd:

Congratulating the University of Tennessee women's basketball team (the "Lady Vols") and Head Coach Pat Summitt on her 1000th victory: H. Res. 196, to congratulate the University of Tennessee women's basketball team (the ''Lady Vols'') and Head Coach Pat Summitt on her 1000th victory, by a ⅔ recorded vote of 417 ayes with none voting ''no'', Roll No. 303 and **Pages H6169–70**

Recognizing and commending the Toys for Tots Literacy Program: H. Res. 232, to recognize and commend the Toys for Tots Literacy Program for its contributions in raising awareness of illiteracy, promoting children's literacy, and fighting poverty through the support of literacy. **Page H6240**

Transportation Security Administration Authorization Act: The House passed H.R. 2200, to authorize the Transportation Security Administration's programs relating to the provision of transportation security, by a recorded vote of 397 ayes to 25 noes, Roll No. 307. **Pages H6170–H6216**

Agreed to the King (NY) motion to recommit the bill to the Committee on Homeland Security with instructions to report the same back to the House forthwith with an amendment by voice vote. Subsequently, Representative Thompson (MS) reported the bill back to the House with the amendment and the amendment was agreed to by a recorded vote of 412 ayes to 12 noes, Roll No. 306. **Pages H6213–15**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H6183**

Agreed to:

Thompson (MS) manager's amendment (No. 1 printed in H. Rept. 111–127) that clarifies which aviation facilities qualify for general aviation security grants, including helicopter operators and heliports, establishes a plan and implements a program for screening air passengers with metal implants, improves transportation security assistance, studies the creation of new transportation security positions at TSA, and has a GAO review of other transportation security functions at TSA; **Pages H6193–96**

Mica amendment (No. 3 printed in H. Rept. 111–127), as modified, that requires the Assistant Secretary to establish a ''known air traveler credential'' that incorporates biometric identifier technology; **Pages H6198–H6200**

Bachus amendment (No. 4 printed in H. Rept. 111–127) that directs the Transportation Security Administration (TSA) to develop and implement an expedited security screening program for members of the Armed Forces traveling on official orders while in uniform through commercial airports. Additionally, family members would be eligible to accompany the servicemembers through the expedited screening process onto the concourse; **Pages H6200–01**

Hastings (FL) amendment (No. 5 printed in H. Rept. 111–127) that requires the TSA, within 6 months of enactment, to submit a report to Congress on complaints and claims received by the TSA for loss of property with respect to passenger baggage screened by the TSA; **Page H6201**

Lincoln Diaz-Balart (FL) amendment (No. 6 printed in H. Rept. 111–127), as modified, that reimburses airports for eligible costs incurred before August 3, 2007, that were previously reimbursed at 90% of such costs. The Secretary will reimburse such airports an amount equal to the difference for such eligible costs; **Pages H6201–02**

Castor (FL) amendment (No. 7 printed in H. Rept. 111–127) that directs the Secretary of Homeland Security to prohibit states from requiring separate security background checks for transportation security cards, and waives application of the prohibition if a compelling homeland security reason necessitates a separate background check; **Pages H6202–05**

Flake amendment (No. 8 printed in H. Rept. 111–127) that prevents earmarking in a new grant program established in the bill, and clarifies that Congress presumes that grants awarded through that program will be awarded on a risk-based competitive basis, and if they are not, require the Assistant Secretary to submit a report to Congress explaining the reason; **Page H6205**

Lynch amendment (No. 9 printed in H. Rept. 111–127) that provides that any TSA personnel voluntarily may wear personal protective equipment (including surgical and N95 masks, gloves, and hand sanitizer) during any public health emergency; **Pages H6205–06**

Bordallo amendment (No. 11 printed in H. Rept. 111–127) that directs the Secretary of Homeland Security to report to Congress on a review to be conducted by the Transportation Security Administration (TSA) for preferred and alternative methods of having the airports in U.S. territories comply with TSA security regulations. The report will also address the cost differences and financing opportunities for such airports to fully comply with the TSA regulations; **Pages H6208–09**

Hastings (WA) amendment (No. 12 printed in H. Rept. 111–127) that requires TSA to increase the number of canine detection teams used for air cargo screening by a minimum of 100 from the date of enactment; **Pages H6209–10**

Butterfield amendment (No. 13 printed in H. Rept. 111–127) that requires a study on the use of the combination of facial and iris recognition to rapidly identify individuals in security checkpoint lines. The study will focus on increased accuracy of facial and iris recognition and the possibility of using this advanced technology broadly for accurate identification of individuals; **Pages H6210–11**

Roskam amendment (No. 14 printed in H. Rept. 111–127) that requires the Secretary of Homeland Security to collect public comments from transit agencies to determine the extent to which current allowable uses of grant funds under the Transit Security Grant Program are sufficient to address security improvement priorities identified by transit agencies. Where security improvement priorities identified by local transit agencies are not met by the regulations implementing the grant program, the Secretary will report to Congress on how such regulations should be changed to accommodate them or why these are not appropriate priorities; **Page H6211**

Mica amendment (No. 2 printed in H. Rept. 111–127) that alters the standard for when TSA can issue an emergency regulation or security device without adhering to the rule making and public notice and comment provisions of the Administrative Procedures Act (APA). Allows TSA to issue a regulation or security directive when needed ''to respond to an imminent threat of finite duration'' and requires TSA to comply with the rule making requirements of the APA when a security directive or emergency order has been in place for more than 180 days (by a recorded vote of 219 ayes to 211 noes, Roll No. 304); and **Pages H6196–98, H6212**

Chaffetz amendment (No. 10 printed in H. Rept. 111–127) that prohibits the TSA from using Whole Body-Imaging machines for primary screening at airports, and requires the TSA to give passengers the option of a pat-down search in place of going through a WBI machine, information on the images generated by the WBI, the privacy policies in place, and the right to request a pat-down search, and prohibits the TSA from storing, transferring, or copying the images (by a recorded vote of 310 ayes to 118 noes, Roll No. 305). **Pages H6206–08**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H6216**

H. Res. 474, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 243 yeas to 179 nays, Roll No. 301, after it was agreed to order the previous question without objection. **Pages H6161–68**

Federal Employees Paid Parental Leave Act of 2009: The House passed H.R. 626, to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, by a recorded vote of 258 ayes to 154 noes with 1 voting ''present'', Roll No. 310. **Pages H6223–40**

Rejected the Issa motion to recommit the bill to the Committee on Oversight and Government Reform with instructions to report the bill back to the

House forthwith with an amendment, by a recorded vote of 171 ayes to 241 noes, Roll No. 309. **Pages H6237–39**

Agreed to:

Al Green (TX) amendment (No. 2 printed in H. Rept. 111–133) that directs the Office of Personnel Management to take into consideration the impact of increased paid parental leave on lower-income and economically disadvantaged employees and their children when evaluating whether to promulgate regulations increasing the amount of paid parental leave offered to federal employees and **Pages H6235–36**

Bright amendment (No. 3 printed in H. Rept. 111–133) that clarifies that federal employees (including those in the executive branch, legislative branch, Library of Congress, and GAO) who are called into active duty as members of the National Guard or Reserves will be allowed to count the time of that service towards their total time of employment, for purposes of receiving benefits created in the underlying bill. **Pages H6236–37**

Rejected:

Issa amendment (No. 1 printed in H. Rept. 111–133) that would have required employees to use all accrued leave before receiving additional paid parental leave and would require additional paid parental leave to be treated as a repayable advance (by a recorded vote of 157 ayes to 258 noes, Roll No. 308). **Pages H6234–35, H6237**

H. Res. 501, the rule providing for consideration of the bill, was agreed to by voice vote after it was agreed to order the previous question without objection. **Pages H6216–23**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, June 8th for morning hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, June 9th for morning hour debate. **Pages H6242–43**

Late Report: Agreed that the Committee on Energy and Commerce have until 11:59 p.m. on June 5th to file a report on H.R. 2454, to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy. **Page H6243**

Quorum Calls—Votes: Two yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H6168, H6168–69, H6169–70, H6212, H6213, H6215, H6216, H6237, H6238–39, and H6239–40. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:27 p.m.

Committee Meetings

CFTC v. ZELENER CASE

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to review implications of the CFTC v. Zelener case. Testimony was heard from Stephen J. Obie, Acting Director, Division on Enforcement, CFTC; and public witnesses.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies approved for full Committee action the Commerce, Justice, Science, and Related Agencies Appropriations for Fiscal Year 2010.

TRANSPORTATION, HUD, RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies held a hearing on the Secretary of Transportation. Testimony was heard from Ray LaHood, Secretary of Transportation.

PROFESSIONAL MILITARY EDUCATION SCHOOLS

Committee on Armed Services: Subcommittee on Oversight and Investigations, hearing on Thinkers and Practitioners: Do Senior Professional Military Education Schools Produce Strategists? Testimony was heard from the following officials of the Department of Defense: RADM Garry E. Hall, USN, Commandant The Industrial College of the Armed Forces; MG Robert P. Steel, USAF, Commandant, The National War College; RADM James P. Wisecup, USN, President, The National War College; MG Robert M. Williams, USA, Commandant, The Army War College; MG Maurice Forsyth, USAF, Commander, Spaatz Center and Commandant, The Air War College, and COL. Michael Belcher, USMC, Director, The Marine Corps War College.

SPECIAL OPERATIONS COMMAND BUDGET

Committee on Armed Services: Subcommittee on Terrorism Unconventional Threats and Capabilities held a hearing on the Fiscal Year 2010 National Authorization Budget Request for the U.S. Special Operations Command. Testimony was heard from ADM Eric T. Olson, USN, Commander, U.S. Special Operations Command, Department of Defense.

CHARTER SCHOOLS

Committee on Education and Labor: Held a hearing on Building on What Works at Charter Schools. Testimony was heard from Jim Shelton, Assistant Deputy Secretary, Office of Innovation and Improvement, Department of Education; Lt. Gov. Barbara O'Brien, State of Colorado; and public witnesses.

OVERSIGHT—INTERNET DOMAIN NAME REGISTRATION

Committee on Energy and Commerce: Subcommittee on Communications, Technology and the Internet held a hearing on oversight of the Internet Corporation for Assigned Names and Numbers (ICANN). Testimony was heard from Fiona Alexander, Associate Administrator, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce; Paul Twomey, President and CEO, ICANN; and other public witnesses.

COMMERCIAL MILITARY TECHNOLOGIES SALES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Commercial Sales of Military Technologies." Testimony was heard from the following officials of GAO: Gregory Kutz, Managing Director, Forensic Audits and Special Investigations; and Anne-Marie Lasowski, Director, Acquisition and Sourcing Management; the following officials of the Department of Commerce: Matthew Borman, Deputy Assistant Secretary, Bureau of Industry and Security; and Thomas Madigan, Director, Office of Export Enforcement, Bureau of Industry and Security; and public witnesses.

SECTION 8 VOUCHER FUNDING AND ADMINISTRATION

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "The Section 8 Voucher Reform Act." Testimony was heard from public witnesses.

LOCAL/REGIONAL FOOD AID PURCHASES

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on Local and Regional Purchases: Opportunities to Enhance U.S. Food Aid. Testimony was heard from Thomas Melito, Director, International Affairs and Trade Team GAO; Jon C. Brause, Deputy Assistant Administrator, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development, Department of State; Bud Philbrook, Deputy Under Secretary, Farm and Foreign Agricultural Services, USDA; Jean McKeever, Associate Administrator, Business and Workforce Development, Office of Cargo Preference Program, Maritime Administration, Department of Transportation; and a public witness.

AGENT ORANGE IMPACT IN VIETNAM

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific and Global Environment held a hearing on Agent Orange: What Efforts Are Being Made To Address The Continuing Impact of Dioxin in Vietnam? Testimony was heard from Scot Marciel, Deputy Assistant Secretary and Ambassador for ASEAN Affairs, Bureau of East Asian and Pacific Affairs, Department of State; and public witnesses.

HOMELAND SECURITY MANAGEMENT AND OPERATION BUDGET

Committee on Homeland Security: Subcommittee on Management, Investigations, and Oversight held a hearing entitled "The FY 2010 Budget for Departmental Management and Operations at DHS." Testimony was heard from Elaine C. Duke, Under Secretary, Department of Homeland Security.

SUNSHINE IN LITIGATION ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 1508, Sunshine in Litigation Act of 2009. Testimony was heard from Judge Mark R. Kravitz, U.S. District Court for the District of Columbia, on behalf of the Committee on Rules of Practice and Procedure and the Advisory Committee on Civil Rules of the Judicial Conference of the United States; and public witnesses.

STATE SECRET PROTECTION ACT

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on H.R. 984, State Secret Protection Act of 2009. Testimony was heard from Patricia M. Wald, retired Chief Judge, U.S. Court of Appeals for the District of Columbia; and public witnesses.

INDIGENT REPRESENTATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on Indigent Representation: A Growing National Crisis. Testimony was heard from Rhoda Billings, former Justice and Chief Justice, North Carolina Supreme Court; and public witnesses.

UNCONVENTIONAL FUELS/SHALE GAS

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled "Unconventional Fuels, Part I: Shale Gas Potential." Testimony was heard from Douglas Duncan, Associate Coordinator, Energy Resources Program, U.S. Geological Survey, Department of the

Interior; Albert F. Appleton, former Director, Water and Sewer System, New York City; and public witnesses.

WHITE-NOSE SYNDROME IN BATS

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands and the Subcommittee on Insular Affairs, Oceans and Wildlife held a joint oversight hearing on White-nose Syndrome: What's Killing Bats in the Northeast. Testimony was heard from Marvin Moriarty, Northeast Regional Director, U.S. Fish and Wildlife Service, Department of the Interior; Joe Holtrop, Deputy Chief, National Forest System, USDA; Scott Darling, Wildlife Biologist, Department of Fish and Wildlife, State of Vermont; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following measures: H.R. 2646, as amended, Government Accountability Office Improvement Act of 2009; H.R. 1345, District of Columbia Hatch Act Reform Act of 2009; H.R. 2392, amended, Government Information Transparency Act; H. Res. 420, Celebrating the symbol of the United States Flag and supporting the goals and ideals of Flag Day; H. Res. 435, amended, Celebrating Asian Pacific American Heritage Month; H.R. 2325, To designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office;" H.R. 2422, amended, To designate the facility of the United States Postal Service located at 702 East University Avenue in Georgetown, Texas, as the "Lyle G. West Post Office Building;" and H.R. 2470, To designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building."

FEDERAL OIL SPILL RESEARCH/ DEVELOPMENT

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on a New Direction for Federal Oil Spill Research and Development. Testimony was heard from Doug Helton, Incident Operations Coordinator, Office of Response and Restoration, NOAA, Department of Commerce; Albert D. Venosa, Director, Land Remediation and Pollution Control Division, National Risk Management Research Laboratory, Office of Research and Development, EPA; RADM James Watson, USCG, Director, Prevention Policy for Marine Safety, Security and Stewardship, U.S. Coast Guard, Department of Homeland Security; and Stephen Edinger, Director, Office of Spill Prevention and Response, Department of Fish and Game, State of California.

INNOVATION RESEARCH/TECHNOLOGY PROGRAMS

Committee on Small Business: Subcommittee on Contracting and Technology held a hearing entitled "Legislative Initiatives to Strengthen and Modernize the SBIR and STTR programs." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 2093, amended, Clean Coastal Environment and Public Health Act of 2009; H.R. 2650, Maritime Safety Act of 2009; H.R. 2651, Maritime Workforce Development Act; H.R. 2652, amended, Coast Guard Modernization Act; H.R. 1687, amended, To designate the Federal building and United States Courthouse located at McKinley Avenue and Third Street, S.W., Canton, Ohio, as the "Ralph Regula Federal Office Building and United States Courthouse;" H.R. 2053, To designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse;" H.R. 2498, To designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building;" H. Res. 410, Recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States; H. Res. 472, Congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and their dedication to general aviation, safety and the important contribution general aviation provides to the United States; H. Res. 484, Expressing support for designation of June 10th as the "National Pipeline Safety Day;" and General Services Administration Building Resolutions.

VETERANS' MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity approved for full Committee action the following bills: H.R. 1037, amended, Pilot College Work Study Programs for Veterans Act of 2009; H.R. 1098, amended, Veterans' Worker Retaining Act of 2009; H.R. 1172, amended, To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans affairs a list of organizations that provide scholarships to veterans and their survivors; H.R. 1821, amended, Equity for Injured Veterans Act of 2009; and H.R. 2180, To amend title 38, United States Code, to waive housing loan fees for certain veterans with service-connected disabilities called to active service.

WOMEN VETERANS HEALTH CARE; VETERANS FAMILY CAREGIVER NEEDS

Committee on Veterans' Affairs: Subcommittee on Health approved for full Committee action, as amended, H.R. 1211, Women Veterans Health Care Improvement Act.

The Subcommittee also held a hearing on Meeting the Needs of Family Caregivers of Veterans. Testimony was heard from Madhulika Agarwal, Chief Patient Care Services Officer, Veterans Health Administration, Department of Veterans Affairs; Edwin L. Walker, Acting Assistant Secretary, Aging, Administration on Aging, Department of Health and Human Services; Noel Koch, Deputy Under Secretary, Office of Transition Policy and Care Coordination, Department of Defense; representatives of veterans organizations; and public witnesses.

IRS OPERATIONS/BUDGET

Committee on Ways and Means: Subcommittee on Oversight held a hearing on IRS operations, the fiscal year 2010 budget proposals, and the 2009 tax return filing season. Testimony was heard from Douglas Shulman, Commissioner, IRS, Department of the Treasury.

INTELLIGENCE MATTERS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Intelligence Matters. The Committee was briefed by departmental witnesses.

INTELLIGENCE MATTERS

Permanent Select Committee on Intelligence: Subcommittee on Oversight and Investigations met in executive session to hold a hearing on Intelligence Matters. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 5, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: to hold hearings to examine the nominations of Miriam E. Sapiro, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador, George Wheeler Madison, of Connecticut, to be General Counsel, and Kim N. Wallace, of Texas, to be Deputy Under Secretary for Legislative Affairs, both of the Department of the Treasury, 10 a.m., SD–215.

House

No committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for May 2009, 9:30 a.m., SD–106.

CONGRESSIONAL PROGRAM AHEAD

Week of June 8 through June 13, 2009

Senate Chamber

On *Monday*, at approximately 5:30 p.m., Senate will resume consideration of H.R. 1256, Family Smoking Prevention and Tobacco Control Act, and vote on the motion to invoke cloture on Dodd Amendment No. 1247, to be followed by a vote on the motion to invoke cloture on the bill.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: June 9, Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Defense, 10:30 a.m., SD–192.

June 9, Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of the Treasury and the Internal Revenue Service, 10:30 a.m., SD–138.

June 9, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Health and Human Services, 2:30 p.m., SD–124.

June 11, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Housing and Urban Development, 9:30 a.m., SD–138.

June 11, Subcommittee on Military Construction and Veterans' Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Veterans Affairs, 2 p.m., SD–124.

Committee on Armed Services: June 9, Subcommittee on Airland, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for tactical aviation programs, 2:30 p.m., SR–222.

June 11, Full Committee, to hold hearings to examine the nominations of Gordon S. Heddell, of the District of Columbia, to be Inspector General, J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Zachary J. Lemnios, of Massachusetts, to be Director of Defense Research and Engineering, Dennis M. McCarthy, of Ohio, to be Assistant Secretary for Reserve Affairs, and Jamie Michael Morin, of Michigan, to be Assistant Secretary for Financial Management and Comptroller, and Daniel Ginsberg, of the District of Columbia,

to be Assistant Secretary for Manpower and Reserve Affairs, both of the Air Force, all of the Department of Defense, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: June 10, to hold hearings to examine the state of the domestic automobile industry, focusing on the impact of federal assistance, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: June 9, Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine the role of the oceans in our nation's economic future, 9:30 a.m., SR–253.

June 10, Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine aviation safety, focusing on the Federal Aviation Administration's role in the oversight of air carriers, 2:30 p.m., SR–253.

June 11, Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine President's proposed budget request for fiscal year 2010 for the National Oceanic and Atmospheric Administration (NOAA), 11 a.m., SR–253.

Committee on Energy and Natural Resources: June 9, business meeting to consider pending energy legislation, 10 a.m., SD–366.

Committee on Environment and Public Works: June 9, with the Subcommittee on Oversight, to hold joint hearings to examine scientific integrity and transparency reforms at the Environmental Protection Agency, 10 a.m., SD–406.

Committee on Foreign Relations: June 9, to hold hearings to examine the nomination of Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security, 10 a.m., SD–419.

June 9, Full Committee, to hold hearings to examine the nomination of Eric P. Goosby, of California, to be Ambassador at Large and Coordinator of United States Government Activities to Combat HIV/AIDS Globally, Department of State, 2:30 p.m., SD–419.

June 10, Full Committee, to hold hearings to examine the nomination of Kurt M. Campbell, of the District of Columbia, to be Assistant Secretary of State for East Asian and Pacific Affairs, 9:30 a.m., SD–419.

June 11, Full Committee, to hold hearings to examine certain North Korea issues, 2 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: June 10, business meeting to consider any pending nominations, Time to be announced, Room to be announced.

Committee on Homeland Security and Governmental Affairs: June 8, business meeting to consider the nominations of Rand Beers, of the District of Columbia, to be Under Secretary of Homeland Security for National Protection and Programs, and Martha N. Johnson, of Maryland, to be Administrator, General Services Administration, 5:30 p.m., S–216, Capitol.

June 10, Full Committee, to hold hearings to examine the nominations of Tara Jeanne O'Toole, of Maryland, to be Under Secretary for Science and Technology, Department of Homeland Security, and Jeffrey D. Zients, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget, 10 a.m., SD–342.

June 11, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine S. 372, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, 2:30 p.m., SD–342.

Committee on Indian Affairs: June 11, to hold hearings to examine reforming the Indian health care system, 2:15 p.m., SD–628.

Committee on the Judiciary: June 9, Subcommittee on the Constitution, to hold hearings to examine the legal, moral, and national security consequences of prolonged detention, 10 a.m., SD–226.

June 10, Full Committee, to hold hearings to examine the continued importance of the Violence Against Women Act, 10 a.m., SD–226.

June 11, Full Committee, business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1107, to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and the nominations of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit, and Mary L. Smith, of Illinois, to be Assistant Attorney General, Tax Division, Department of Justice, 10 a.m., SD–226.

June 11, Subcommittee on Crime and Drugs, to hold hearings to examine the National Criminal Justice Act of 2009, 2:30 p.m., SD–226.

Committee on Rules and Administration: June 10, to hold hearings to examine the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission, 2:30 p.m., SR–301.

June 10, Full Committee, business meeting to consider the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission, 3 p.m., SR–301.

Committee on Veterans' Affairs: June 10, to hold an oversight hearing to examine the Department of Veterans Affairs' construction process, 9:30 a.m., SR–418.

Select Committee on Intelligence: June 9, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., S–407, Capitol.

June 11, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., S–407, Capitol.

House Committees

Committee on Agriculture, June 10, Subcommittee on Rural Development, Biotechnology, Specialty Crops and Foreign Agriculture, hearing to review rural development programs operated by the U.S. Department of Agriculture and status of American Recovery and Reinvestment Act funds for these programs, 10 a.m., 1300 Longworth.

June 11, Subcommittee on Conservation, Credit, Energy, and Research, hearing to review conditions in rural America, 10 a.m., 1300 Longworth.

Committee on Appropriations, June 9, Subcommittee on Defense, hearing on Army Posture, 9 a.m., H–240 Capitol.

Committee on Armed Services, June 11, Subcommittee on Military Personnel, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 11 a.m., 2212 Rayburn.

June 11, Subcommittee on Strategic Forces, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 1 p.m., 2118 Rayburn.

June 11, Subcommittee on Terrorism, Unconventional Threats and Capabilities, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 9 a.m., 2118 Rayburn.

June 12, Subcommittee on Air and Land Forces, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 9 a.m., 2118 Rayburn.

June 12, Subcommittee on Readiness, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 1 p.m., 2118 Rayburn.

June 12, Subcommittee on Seapower and Expeditionary Forces, to mark up H.R. 2647, To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, 11 a.m., 2212 Rayburn.

Committee on Education and Labor, June 10, Subcommittee on Health, Employment, Labor and Pensions, hearing on Examining the Single Payer Health Care Option, 10:30 a.m., 2175 Rayburn.

June 11, Subcommittee on Workforce Protections, hearing on the following bills: H.R. 2339, Family Income to Response to Significant Transitions Act, and H.R. 2460, Healthy Families Act, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, June 9, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "It's Too Easy Being Green: Defining Fair Green Marketing Practices," 10 a.m., 2123 Rayburn.

June 9, Subcommittee on Energy and Environment, hearing entitled "Allowance Allocation Policies in Climate Legislation: Assisting Consumers, Investing in A Clean Energy Future, and Adapting to Climate Change," 9:30 a.m., 2322 Rayburn.

June 10, Subcommittee on Communications, Technology and the Internet, hearing on the following bills: H.R. 1084, Commercial Advertisement Loudness Mitigation Act (CALM); H.R. 1147, Local Community Radio Act of 2009; and H.R. 1133, Family Telephone Connection Protection Act of 2009, 10 a.m., 2322 Rayburn.

June 10, Subcommittee on Health, hearing on the forthcoming Federal Trade Commission report entitled "Emerging Health Care Issues: Follow-on Biologic Drug Competition," 10 a.m., 2123 Rayburn.

Committee on Financial Services, June 9, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled "The Effective Regulation of the Over-the-Counter Derivatives Markets," 10:30 a.m., 2128 Rayburn.

June 11, full Committee, hearing entitled "Compensation Structure and Systemic Risk," 10 a.m., 2128 Rayburn.

June 11, Subcommittee on Housing and Community Opportunity, hearing on H.R. 2336, GREEN Act of 2009. 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, June 9, Subcommittee on Western Hemisphere, hearing on Guatemala at a Crossroads, 2 p.m., 2172 Rayburn.

June 10, Subcommittee on International Organizations, Human Rights and Oversight, hearing on the Uighurs: A History of Persecution, 9 a.m., 2172 Rayburn.

June 10, Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Foreign Policy Implications of U.S. Efforts to Address the International Financial Crisis: TARP, TALF and the G–20 Plan. 1 p.m., 2172 Rayburn.

Committee on Homeland Security, June 9, Subcommittee Emergency Communications, Preparedness and Response, hearing entitled " The FY 2010 Budget for the Federal Emergency Management Agency," 10 a.m., 311 Cannon.

June 9, Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, hearing entitled " The FY 2010 Budget for the Directorate for Science and Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office," 2 p.m., 311 Cannon.

June 11, Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled " The FY 2010 Budget for Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard," 10 a.m., 311 Cannon.

Committee on the Judiciary, June 9, Subcommittee on Commercial and Administrative Law, hearing on H.R. 1521, Cell Tax Fairness Act of 2009, 10 a.m., 2141 Rayburn.

June 9, Subcommittee on Crime, Terrorism and Homeland Security, hearing on H.R. 2289, Juvenile Justice Accountability and Improvement Act of 2009, 2:30 p.m., 2141 Rayburn.

Committee on Natural Resources, June 9, Subcommittee on Insular Affairs, Oceans and Wildlife, oversight hearing entitled "Overdose: How Drugs and Chemicals in Water Supplies and the Environment are Harming our Fish and Wildlife," 10:30 a.m., 1324 Longworth.

June 10, full Committee, to mark up the following bills: H.R. 1612, Public Lands Service Corps Act of 2009; H.R. 1916, Migratory Bird Habitat Investment and Enhancement Act; H.R. 556, Southern Sea Otter Recovery and Research Act; H.R. 934, To convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; H.R. 1080, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009; H.R. 2188, Joint Ventures for Bird Habitat Conservation Act of 2009; H.R. 509, Marine Turtle Conservation Reauthorization Act of 2009; H.R. 1454, Multinational Species Conservation Funds Semipostal Stamp Act of 2009; H.R. 1275, Utah Recreational Land Exchange Act of 2009; H.R. 1442, To provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; H.R. 129, To authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; H.R. 409, To provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway; and H.R. 762, To validate final patent number 27–2005–0081, 10 a.m., 1324 Longworth.

June 11, full Committee, hearing on H.R. 2314, Native Hawaiian Government Reorganization Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, June 10, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, oversight hearing on the Environmental Restoration Program at Spring Valley, 2 p.m., 2247 Rayburn.

June 11, Subcommittee on Oversight and Government Reform and the Subcommittee on the Domestic Policy, joint hearing entitled "Bank of America and Merrill Lynch: How Did a Private Deal Turn Into a Federal Bailout?" 10 a.m., 2154 Rayburn.

Committee on Science and Technology, June 9, Subcommittee on Energy and Environment, hearing on Environmental Research at the Department of Energy, 10 a.m., 2318 Rayburn.

June 10, Subcommittee on Research and Science Education, hearing on Cyber Security R&D, 10 a.m., 2318 Rayburn.

June 11, Subcommittee on Investigations and Oversight, hearing on Fixing EPA's Broken Integrated Risk Information System, 1 p.m., 2318 Rayburn.

June 11, Subcommittee on Technology and Innovation, hearing on the Reauthorization of the National Earthquake Hazards Reduction Program: R&D for Disaster Resilient Communities, 10 a.m., 2318 Rayburn.

Committee on Small Business. June 10, hearing entitled "Laying the Groundwork for Economic Recovery: Expanding Small Business Access to Capital," 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, June 10, Subcommittee on Coast Guard and Maritime Transportation, hearing on Control of Anti-Fouling Systems on Ships, 2 p.m., 2167 Rayburn.

June 11, Subcommittee on Aviation, hearing on Regional Air Carriers and Pilot Workforce Issues, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, June 9, Subcommittee on Health, hearing on Assessing CARES and the Future of VA's Health Infrastructure, 10 a.m., 334 Cannon.

June 10, full Committee, to mark up pending legislation, 10 a.m., 334 Cannon.

Committee on Ways and Means, June 9, Subcommittee on Income Security and Family Support, hearing on Proposals to Provide Federal Funding for Early Childhood Home Visitation Programs, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, June 9, executive, hearing on HUMINT, 1 p.m., 304–HVC Capitol.

June 9, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Hot Spots, 3 p.m., 304–HVC, Capitol.

June 10, Subcommittee on Technical and Tactical Intelligence, executive, briefing on Tasking, Processing, Exploitation and Dissemination Integration, 10:30 a.m., and, executive, briefing on Cyber Update, 2 p.m., 304–HVC Capitol.

June 11, full Committee, executive, hearing on Cyber Initiative Budget, 2 p.m., 304–HVC Capitol.

Joint Meetings

Joint Economic Committee: June 9, to hold hearings to examine the Troubled Asset Relief Program (TARP) accountability and oversight, focusing on the strength of financial institutions, 10 a.m., 210 Cannon Building.

Next Meeting of the **SENATE**

2 p.m., Monday, June 8

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 5:30 p.m.), Senate will resume consideration of H.R. 1256, Family Smoking Prevention and Tobacco Control Act, and vote on the motion to invoke cloture on Dodd Amendment No. 1247 at 5:30 p.m., to be followed by a vote on the motion to invoke cloture on the bill.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Monday, June 8

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.