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No. 102

## House of Representatives

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
July 9, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.  
NANCY PELOSI,  
Speaker of the House of Representatives.

### PRAYER

Reverend Anthony L. Bennett, Mount Aery Baptist Church, Bridgeport, Connecticut, offered the following prayer:

Good morning, God, our Creator, Provider and Sustainer. It is to You, our refuge, strength, and one God who is known by many names. To You God, we give thanks for this day; a day in which we have another chance to manifest Your divine essence upon the Earth. You have given us another opportunity to demonstrate Your love for us in how we treat one another.

And so, on today, I lift the Members and staff of this, the United States House of Representatives. I pray Your wisdom and guidance will consume them so that they understand the individuals, families and, yes, even the nations that will be impacted by their decisions today. So teach them and all of us to do justice, to love kindness, and to walk humbly with our God.

In the name of Jesus, I pray. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas 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 REVEREND ANTHONY L. BENNETT

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

There was no objection.

Mr. HIMES. Mr. Speaker, it is an honor for me to introduce today to the Congress of the United States, Pastor Anthony L. Bennett of the Mount Aery Baptist Church in Bridgeport, Connecticut.

Pastor Bennett is accompanied today by his wife, First Lady Bennett, and their young and energetic son, Ahmad.

The Mount Aery Baptist Church draws its name from the biblical Mount Ararat where Noah's ark is believed to have come to rest after the cataclysmic floods. This is an apt metaphor because Mount Aery is a beacon, a refuge, a house of good works in a very troubled city, one of the poorest in Connecticut, in fact, one of the poorest in the Nation.

But under Pastor Bennett's leadership, the Mount Aery Church has sponsored ministries for children, for teenagers, for those at risk of dependency or recovering from dependency. He has fostered educational outreach programs that have made a difference in a very, very troubled location.

One of the most personally moving things I have experienced in the last several years was when the Mount Aery Baptist Church raised up recent

high school graduates of the city of Bridgeport at a time and in a place where half of the city's high school students do not graduate from high school.

Pastor Bennett is a leader, a minister, and a pastor; and I can't help but thinking this morning that if all of us strove to match his example, we would be a better country, indeed.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

### PUBLIC OPTION IN HEALTH REFORM

(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 to voice my support for a strong public option as part of our health reform bill. Health care is not a place for playing political games; it is simply too precious. That is why we need to pass a meaningful bill, one that actually achieves the goal of providing everyone with affordable access to quality care.

If private competition alone could have achieved this, it would have already. I am supporting comprehensive health reform for patients, for each one of us who has a loved one who has needed care but was denied by their insurance company and couldn't afford the out-of-pocket expenses. Let's give those companies a reason to provide us with better, more affordable coverage, and give patients greater choice in who will be their insurer.

I urge my colleagues to join me in supporting the inclusion of a viable public option in our health reform legislation.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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### HEALTH CARE REFORM IS DISASTER

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, health care reform is a disaster. The cost of the Democrat health care bill is \$1.5 trillion, and we still don't know how they intend to pay for it. That is on top of the fact that the Democrats have spent nearly \$1 trillion on the stimulus to create jobs that we have yet to see, plus \$400 billion on a so-called emergency spending bill.

They doled out billions to the auto industry, billions to Wall Street, and a whopping \$182 billion to AIG. And that is on top of the \$700 billion housing rescue. And now they want a \$1.5 trillion health care plan.

The problem with our health care system isn't that we don't spend enough; it is that we spend it inefficiently. We can and we must do better for our children and our grandchildren.

America, let's stop the red ink now.

### HELP WITH HEALTH INSURANCE

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

Ms. HIRONO. Mr. Speaker, over 45 million people in America have no health insurance, and over 8 million of them are children. Millions more don't have enough health insurance; that is dramatic, but abstract.

Let me make it more real and tell you about two of these people I met in Hawaii last week. One woman told me that she is self-employed and pays all of her taxes. She works hard, but for her entire life she has taken care of herself because she can't afford health care. For years she self-treated a busted knee. It finally got to the point she had to see a doctor, but she couldn't afford it. She did something nobody should ever have to do: she used a friend's insurance card to get the care she needed.

Another man bravely told me he was homeless. He doesn't fit the stereotype. He has a college degree and works two jobs. One of his job provides him with health insurance, but he cannot afford the 20 percent copay. He needs that money to buy food for his wife and children, and to buy gasoline to drive his car to work. So he goes without regular doctor visits and hopes for the best.

These people aren't asking for a handout. They are asking for a little bit of help. It is time we provided it.

### THE GREEN RELIGION SUPPRESSES FREE SPEECH

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

Mr. POE of Texas. Mr. Speaker, the most toxic atmosphere today is the po-

litical climate. At the EPA, scientists are not allowed to disagree with the rabid dogma about climate change.

Recently, Alan Carlin, a 35-year veteran scientist at the EPA, issued a report that challenged the theory of global warming. Carlin pointed out serious problems with the science used to draw false EPA conclusions. He revealed new research that contradicts dire predictions that mankind is destroying the world. He pointed to evidence that the Earth is actually cooling. The EPA suppressed the report.

Carlin's boss warned him that he had better not talk about the report or disagree with the EPA's green agenda.

The suppression of speech and information undermines the very foundation of self-governance. Yet there is a systematic suppression of information that contradicts what has become a green religion at the EPA.

Thousands of scientists have challenged the claims of global warming. Science is supposed to be about the uncorrupted search for the truth and the facts. The EPA's actions are reminiscent of those who said the Earth was flat and persecuted the "heretics" who said it was round.

And that's just the way it is.

### WELCOMING AMBASSADOR VASSILIS KASKARELIS

(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, I rise today to welcome the new Ambassador from Greece to Washington. Ambassador Vassilis Kaskarelis has a long and distinguished diplomatic career having represented Greece at the U.N., NATO, and the E.U., among other posts. No doubt he will be an excellent partner as we move to strengthen Greek-American relations on issues like Cyprus and the ecumenical patriarch, for example, as well as on Greece's pivotal position in the geopolitics of the region and in the new global economy.

I also congratulate Greece on the recent opening of the spectacular Acropolis Museum. I was honored to represent President Obama and the United States at its inauguration. Built in stone from the region and bathed in natural light reflected from the nearby Aegean, it houses some of the world's greatest antiquities. Accordingly, it cries out for the return of the Parthenon Marbles from the British Museum.

### USE WHAT YOU VOTE FOR

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

Mr. FLEMING. Mr. Speaker, gradually the details of the Democrat health plan are leaking out to the American people. Call it whatever you like, this proposal is nothing more than a government-run health care plan if it has

a government-run option. Interestingly, it exempts Members of Congress from having to join a government-run health care system.

As a physician for many years, I am amazed at the number of Congressmen who have enjoined high-quality, personalized health care in this country but are now willing to force post office-style medicine on our people.

In response to this, I have offered a resolution that will give Members of Congress an opportunity to finally be accountable for the decisions we make and how they affect the lives of ordinary Americans. Most Americans feel that Congressmen who vote for legislation creating a government-run health care plan should lead by example and enroll themselves in the same public plan. I agree with them. As a result, I have introduced House Resolution 615 with a number of cosponsors that simply says that if you vote for a government-run health care option, you agree to choose government-run health care for yourself and your family.

I ask Members of both parties to vote for my resolution.

### CLEAN ENERGY TECHNOLOGY CREATES JOBS

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

Mr. HALL of New York. Mr. Speaker, I rise today to talk about how clean energy technology is creating jobs in my district and why we need the Senate to follow our lead and pass the American Clean Energy Security bill to create even more jobs in the Hudson Valley and throughout the country.

Mercury Solar in my district started 3 years ago with five employees and now employs 60 people, expecting to have 80 by year's end.

Spectra Watt, a solar cell manufacturer, will be employing 150 people in their new Dutchess County facility by next year.

Business is growing by leaps and bounds because of the market created by New York's renewable energy requirements, because of the Federal tax incentives that we passed here in Congress and because of the economic stimulus package. But more needs to be done, and that's why we need the Waxman-Markey bill, the Energy and Jobs bill, to be passed by the Senate.

It is time to invest in our future for America to reclaim first place in the field of energy technology and to create the middle class jobs of the 21st century.

I urge the Senate to quickly pass the Waxman-Markey Energy and Jobs bill.

### AMERICANS DESERVE REAL PLAN, REAL RECOVERY

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

Mr. PENCE. Mr. Speaker, at the close of last year, it was obvious: America was sliding into a serious recession. And to this very day, the American people are struggling in this difficult economy.

Well, in February, this Democrat Congress passed a \$1 trillion stimulus bill, and the results are starting to come in: 1.6 million jobs lost since the stimulus bill was signed. Unemployment was 12.4 million; it is 14.7 million today. The unemployment rate was 7.5 percent; it is 9.5 percent today, the highest in 26 years. And, remarkably, the President last week said that the recovery bill had "done its job." Done its job?

Look, the American people are starting to get wise to the Democrat plan here. They understand the Democrat agenda is nothing more than more government, more debt, more spending, a national energy tax, and a government takeover of health care.

The Republican plan: fiscal discipline for Washington, D.C. and tax relief for working families, small businesses and family farms.

The American people are hurting. They deserve a real plan for a real recovery, not more spending, more taxes, more debt, and more unemployment.

□ 1015

#### LET'S FIX OUR BROKEN IMMIGRATION SYSTEM

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

Mr. POLIS. Yesterday, the Senate voted to extend the border wall between the U.S. and Mexico and to expand E-Verify, making this flawed employment verification system both mandatory and permanent for Federal contractors.

The American people don't want to see political posturing; they want to see real, meaningful immigration reform. These provisions attempt to enforce immigration laws without getting to the heart of the issue. Building a bigger wall at the U.S.-Mexico border is going to spend millions of taxpayer dollars and will not stop illegal immigration; reforming our immigration system will.

Forcing Federal contractors to implement a costly employment verification program isn't going to stop illegal immigration. Instead, a mandatory E-Verify clause would force cash-strapped small businesses to make the painful decisions between losing government contracts and spending millions of dollars on a flawed and expensive employment verification system.

It's not that we shouldn't talk about border security or employment verification. We must. These are conversations we need to have as part of a larger debate on comprehensive immigration reform, not as amendments to an appropriations bill. Instead of trying to

act tough, Members of Congress should be tough and fix our broken immigration system.

#### PRESCRIPTION OF THE DAY: PHYSICIAN PAYMENT REFORM

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

Mr. BURGESS. Mr. Speaker, here's the problem: Every 6, 12, or 18 months for the last several years, doctors who participate in Medicare, a public option, have faced steep payment cuts, threatening their ability to keep their doors open.

This Congress, and many Congresses before it, instead of biting the bullet and working to find a long-term and permanent solution to the problem, passes short-term fixes, leaving America's doctors uncertain about their ability to continue serving our Nation's seniors and practicing medicine. Doctors need a stable and reasonable predictor of their Medicare reimbursement rates, and the current formula, the Sustainable Growth Rate formula, is flawed and outdated.

For the past several years I have introduced legislation that will correct this formula, and it is incumbent upon this Congress to address this issue. We need a permanent fix. Our doctors are forced to live under the ax of yearly cuts just for the privilege of seeing our Nation's seniors.

Reforms to the system are important. I urge constituents to go to the Web site [healthcaucus.org](http://healthcaucus.org), weigh in on this issue, and stay abreast on all of the health care debates that are going on in this Congress.

#### THE AMERICAN CLEAN ENERGY AND SECURITY ACT

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to address the role of American energy sources as articulated in the recently passed Clean Energy and Security Act.

The leadership of the minority party claims that this legislation discriminates against energy sources such as coal, nuclear, and hydroelectric power. Nothing could be further from the truth. This act will make historic investments in coal technology. That's the reason that coal-dependent companies like Duke Energy and American Electric Power, as well as the United Mineworkers, have endorsed the bill.

The American Clean Energy and Security Act will strengthen market incentives for nuclear energy by deducting new nuclear from the baseline of renewable electricity standards. That's why Exelon and Entergy, America's first and second largest nuclear energy producers, have endorsed the bill.

The American Clean Energy and Security Act will create strong incentives

for new hydroelectric generation when new turbines are placed on existing dams. That's why Pacific Gas and Electric and Seattle City Light, two utilities with substantial investments in hydroelectric, have endorsed the bill.

Mr. Speaker, don't take my word for it. These companies that rely on coal, nuclear, and hydro would not support the bill if it didn't help their industry.

#### HEALTH CARE'S PUBLIC OPTION

(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, some of my colleagues on the other side of the aisle want to see a so-called "public option" as a part of any health care reform plan. The key question for any public health option is, would this plan be subsidized with taxpayer money? If not, then the public option would simply be a nonprofit insurance business which anyone could create now. But if taxpayer money will subsidize this option, and I believe it will, the public option will only serve to crowd out other choices.

A public option will not save any money; it will compete and undermine private plans. And I'm afraid many companies will end up dumping employees under the public plan. A public option is nothing more than a back door to government-owned health care which will ultimately result in rationed care and bureaucrats in charge of your health care choices.

#### COMBATING OBESITY IN AMERICA

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

Mrs. DAHLKEMPER. Mr. Speaker, as I travel throughout my district, the primary concern I hear over and over again from Republicans, Independents, and Democrats, is that we need to reform our Nation's health care system. However, any meaningful reform must begin by taking control over the skyrocketing costs of health care. As a clinical dietitian for 25 years, I know that this can only be achieved with serious commitment to healthy living and combating obesity in America.

A recent study by the National Center for Education Statistics found that one out of every five American 4-year-olds is obese. I would like to repeat that. One out of every five 4-year-olds in America is obese. Why is this a problem? The CDC estimated recently that the total cost of obesity in the United States is \$117 billion.

Mr. Speaker, as a Nation, if we are serious about reforming our health care system, we need to get serious about combating obesity. I urge my colleagues to join me in ensuring healthy living, wellness, and prevention are major components of the final health care bill. The success of our reform depends on it.

### LET THE AMERICAN PEOPLE BE HEARD ON HEALTH CARE REFORM

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

Mr. WITTMAN. Mr. Speaker, I come here today to ask that you include all of our voices in crafting responsible health care reform legislation. This issue is too large and impacts too many people to write a bill from only one side of the aisle.

In my home State of Virginia, more than 1.1 million individuals are uninsured, and health care premiums grow another 10 percent annually. Back in the First District, I formed and work with a Health Care Advisory Council comprised of local patient advocates, physicians, nurses, students, insurance providers, hospitals, community health centers, and other stakeholders in the health care reform debate. These folks have great ideas that deserve an opportunity to be heard. They are clear-cut ideas on which both sides can agree.

We must let Americans who like their health care coverage keep it and give all Americans the freedom to choose the health plan that best meets their needs. We must also focus on prevention, disease management, and wellness programs, as well as the development of new treatments and cures for life-threatening diseases.

We must also allow the Federal Government to partner with States to improve programs that guarantee access to affordable coverage for those with preexisting conditions.

Finally, we must increase transparency to improve patient access to the best health care information available.

These are things upon which Republicans and Democrats can agree in order to provide relief to the American people.

### HEALTH CARE REFORM

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

Mr. MAFFEI. Mr. Speaker, I hosted a town hall meeting in my district in Syracuse, New York. The town hall was extremely well attended, with over 400 constituents from across central New York in attendance, and everyone was interested. I think there may have even been 400 different opinions in the room. The ones who were the most passionate, of course, were the ones on both sides of it and the extreme sides of it. There was the crowd that wanted a government-run, single-payer health care system and wouldn't settle for much else, and then there were about an equal number equally convinced that the government should have absolutely no role in health care whatsoever and that any role at all would be socialism. I think most of the people in my district, though, are somewhere in the middle.

I would like to share just one story from my town hall. At the end of the evening, after some pretty heated rhetoric, a man named Doug West of Skaneateles, New York, came down to the front of the auditorium to show me his monthly insurance bill and how it went from about \$350 about 6 years ago to more than \$800 today. Doug is a retired engineer from a local company, and unless there are some dramatic changes, Doug is not going to be able to afford that rising cost forever.

Doug and his family are examples of the constituents that I will be focused on in my advocacy for higher quality and more affordable health care.

### DEMOCRAT HEALTH CARE BILL

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

Mr. STEARNS. Mr. Speaker, as both the House and Senate Democrats attempt to pass a multitrillion-dollar government-run health care bill, there are some facts that have come out that we can now all see.

These three facts are now evident about the House Democrat legislation:

First, the bill will force 114 million Americans out of their current health care coverage into a new government-controlled health care plan;

Second, the bipartisan Congressional Budget Office states that the bill will cost the American taxpayers \$1.5 trillion;

And third, 29 million Americans will still remain uninsured if this disastrous piece of legislation becomes law.

But 83 percent of Americans like the insurance they now have. Yes, we must reform the system to include those without insurance, but we must not throw out what is working.

The American people need real reforms, not government-run medicine.

### 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, as a mother of a young 2-year-old son, like millions of moms in America, health care is very important to me. And I want to know that I have the freedom to go to whatever doctor I choose and have the medical treatment that is best for my son, Cole.

We are facing a serious health care crisis, and we must do everything we can to fix the problem. Last week, I was back home in eastern Washington. Everywhere I went I heard about the lack of doctors and nurses, the high cost of health insurance, and the limited access to quality health care, especially in the rural areas. I also heard fears that the government may take over our health care, parents who are worried their child won't be able to see the pediatrician of their choice, or sen-

iors who worry that the doctor they trusted for decades may drop his or her coverage because the government doesn't pay them enough to keep practicing.

During this debate, let us not forget that doctors are the true experts. We can reform our system and cover the uninsured without the Federal Government setting up shop as a health insurance company and a health care gatekeeper, and without sacrificing that important doctor-patient relationship.

### REMEMBERING BOB SHORT

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

Mr. SNYDER. Mr. Speaker, Bob Short died yesterday. Most people don't know the name Bob Short, but if you go back several decades and think back to the beginning of the first book series, "The Gospel According to Peanuts," you are reading Bob Short.

I got to know him later in life when he began attending my wife's church at Quapaw Quarter United Methodist Church in Little Rock, Arkansas, just a few years ago. He developed an illness several months ago, and we lost a great American, a man who had great impact on the thinking of a lot of Americans, particularly those who loved Charlie Schultz and the Peanuts comic strips. Bob Short will be missed.

### MOTION TO ADJOURN

Mrs. McMORRIS RODGERS. Mr. Speaker, I move that the House do now adjourn.

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

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

Mrs. McMORRIS RODGERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 31, nays 385, answered "present" 1, not voting 15, as follows:

[Roll No. 497]

#### YEAS—31

Bartlett	Gingrey (GA)	Paul
Barton (TX)	Gohmert	Price (GA)
Blackburn	Hensarling	Sessions
Broun (GA)	Johnson (IL)	Shadegg
Campbell	King (IA)	Souder
Chaffetz	Lamborn	Spratt
Coffman (CO)	Marchant	Thornberry
Connolly (VA)	McHenry	Tiahrt
Fleming	Murtha	Young (AK)
Foxx	Olson	
Garrett (NJ)	Pascrell	

#### NAYS—385

Abercrombie	Bachmann	Biggert
Ackerman	Bachus	Bilbray
Aderholt	Baldwin	Bilirakis
Adler (NJ)	Barrett (SC)	Bishop (GA)
Akin	Barrow	Bishop (NY)
Alexander	Bean	Blumenauer
Altmire	Becerra	Blunt
Arcuri	Berkley	Bocieri
Austria	Berman	Boehner
Baca	Berry	Bonner

Bono Mack  
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 Boren  
 Boswell  
 Boustany  
 Boyd  
 Brady (PA)  
 Brady (TX)  
 Braley (IA)  
 Bright  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
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 Burgess  
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 Butterfield  
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 Cassidy  
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 Courtney  
 Crenshaw  
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 Davis (KY)  
 Davis (TN)  
 Deal (GA)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
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 Doggett  
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 Frelinghuysen  
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 Gerlach  
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 Gonzalez  
 Goodlatte  
 Gordon (TN)  
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Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
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 Guthrie  
 Gutierrez  
 Hall (NY)  
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 Jackson (IL)  
 Jackson-Lee  
     (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 King (NY)  
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 Kirk  
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 Kissell  
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 Lee (CA)  
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 Lewis (CA)  
 Lewis (GA)  
 Linder  
 Lipinski  
 LoBiondo  
 Loebsock  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lummis  
 Lungren, Daniel  
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 Lynch  
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 Maffei  
 Maloney  
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 Markey (CO)  
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 McCarthy (CA)

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 Miller, Gary  
 Miller, George  
 Minnick  
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 Murphy, Tim  
 Myrick  
 Nadler (NY)  
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 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sánchez, Linda  
     T.  
 Sanchez, Loretta  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader

Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Shuster  
 Simpson  
 Sires  
 Skelton  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Space  
 Speier  
 Stark  
 Stearns

Stupak  
 Sullivan  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden

Walz  
 Wamp  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth  
 Young (FL)

ANSWERED "PRESENT"—1

Bishop (UT)

NOT VOTING—15

Andrews  
 Baird  
 Boucher  
 Cantor  
 Costa  
 Doyle  
 Engel  
 Fudge  
 Granger  
 Murphy (NY)  
 Murphy, Patrick  
 Ruppersberger  
 Shuler  
 Slaughter  
 Westmoreland

The SPEAKER pro tempore. There is 1 minute remaining in this vote.

□ 1054

Messrs. CARNEY, McCLINTOCK, Ms. KILPATRICK of Michigan, Mr. BRIGHT, Mrs. NAPOLITANO, Mr. BERRY, Ms. CLARKE, Messrs. COHEN and DICKS changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 609 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2997.

□ 1054

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 further consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, July 8, 2009, a request for a recorded vote on amendment No. 7 printed in part B of House Report 111-191 by the gentleman from Georgia (Mr. KINGSTON) had been postponed and the bill had been read through page 74, line 22.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those

amendments printed in House Report 111-191 on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Ms. DELAURO of Connecticut.

Amendment No. 2 printed in part B by Mr. BRADY of Texas.

Amendment No. 4 printed in part B by Mrs. CAPITO of West Virginia.

Amendment No. 3 printed in part B by Mr. BROUN of Georgia.

Amendment No. 1 printed in part B by Mrs. BLACKBURN of Tennessee.

Amendment No. 6 printed in part E by Mr. HENSARLING of Texas.

Amendment No. 2 printed in part C by Mr. CAMPBELL of California.

Amendment No. 9 printed in part D by Mr. FLAKE of Arizona.

Amendment No. 4 printed in part D by Mr. FLAKE of Arizona.

Amendment No. 12 printed in part D by Mr. FLAKE of Arizona.

Amendment No. 7 printed in part B by Mr. KINGSTON of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PARLIAMENTARY INQUIRY

Mr. MICA. Parliamentary inquiry, Mr. MICA.

The CHAIR. The gentleman will state his parliamentary inquiry.

Mr. MICA. Mr. Chair, it is my understanding that the first amendment that will be considered is the DeLauro amendment, which is a manager's amendment that incorporates a number of provisions that do, in fact, legislate on an appropriations measure.

Is it not correct, Mr. Chair, that within the rule, H. Res. 609, providing for consideration of this measure before the House, all points of order were waived against any objection to legislating on an appropriations measure?

So, in fact, Mr. Chair, is it not correct that we are legislating on an appropriations measure with some of the provisions contained in this first amendment to be voted on by the House and, in fact, that a provision of the rule does waive any point of order against that action?

The CHAIR. The Chair does not interpret the content of the amendment.

Mr. MICA. Does it not, in fact, contain measures that are new?

The CHAIR. The gentleman is not stating a parliamentary inquiry.

Mr. MICA. Point of order. This does legislate on an appropriations measure which I was denied the opportunity to do but in fact they're doing in this first amendment?

The CHAIR. The gentleman has not made a point of order.

Mr. MICA. I appeal the decision of the Chair.

The CHAIR. The Chair has not conferred recognition at this point to make a point of order. That decision is not subject to appeal.

Mr. MICA. I thank the Chair.

PART A AMENDMENT NO. 1 OFFERED BY MS. DELAURO

The CHAIR. The unfinished business is the demand for a recorded vote on

the amendment offered by the gentlewoman from Connecticut (Ms. DeLAURO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Ms. DeLAURO:

Page 3, line 19, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 5, line 4, after the dollar amount, insert “(reduced by \$500,000)”.

Page 5, line 5, after the dollar amount, insert “(reduced by \$500,000)”.

Page 6, line 9, after the dollar amount, insert “(reduced by \$4,000,000)”.

Page 8, line 1, after the dollar amount, insert “(increased by \$500,000)”.

Page 9, line 10, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 10, line 25, after the dollar amount, insert “(increased by \$3,519,000)”.

Page 11, line 8, after the dollar amount, insert “(increased by \$3,000,000)”.

Page 11, line 23, after the dollar amount, insert “(increased by \$519,000)”.

Page 25, line 22, after each of the dollar amounts, insert “(reduced by \$519,000)”.

Page 57, line 8, after the dollar amount, insert “(increased by \$235,000,000)”.

Page 57, line 20, strike “and”.

Page 57, line 23, insert before the colon the following: “; and \$235,000,000 shall be derived from tobacco product user fees authorized by section 919 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of the Family Smoking Prevention and Tobacco Control Act (Public Law 111-31), and shall be credited to this account and remain available until expended”.

Page 57, line 25, strike “and animal generic drug” and insert “animal generic drug, and tobacco product”.

Page 58, line 21, strike “(7) not to exceed \$115,882,000” and insert the following: “(7) \$216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$117,225,000”.

Page 58, line 25, strike “(8) not to exceed \$168,728,000” and insert “(9) not to exceed \$171,526,000”.

Page 59, line 2, strike “(9) not to exceed \$185,793,000” and insert “(10) not to exceed \$200,129,000”.

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

SEC. \_\_\_\_ . There is appropriated for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a), hereby derived from the amount provided in this Act for “Rural Development Salaries and Expenses”, \$2,000,000.

SEC. \_\_\_\_ . None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

#### 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 266, noes 161, not voting 11, as follows:

[Roll No. 498]

AYES—266

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

NOES—161

Aderholt  
Akin  
Alexander

Austria  
Bachmann  
Bachus

Biggert	Gingrey (GA)	Myrick
Billray	Gohmert	Neugebauer
Billirakis	Goodlatte	Nunes
Bishop (UT)	Graves	Olson
Blackburn	Guthrie	Paul
Blunt	Hall (TX)	Pence
Boehner	Harper	Petri
Bonner	Hastings (WA)	Pitts
Bono Mack	Hensarling	Poe (TX)
Boozman	Herger	Posey
Boustany	Hoekstra	Radanovich
Brady (TX)	Hunter	Rehberg
Broun (GA)	Issa	Reichert
Brown (SC)	Jenkins	Roe (TN)
Buchanan	Johnson, Sam	Rogers (AL)
Burgess	Jones	Rogers (KY)
Burton (IN)	Jordan (OH)	Rogers (MI)
Buyer	King (IA)	Rooney
Calvert	King (NY)	Rohrabacher
Camp	Kingston	Rohy
Campbell	Klaine (MN)	Ros-Lehtinen
Cantor	Kratovil	Roskam
Capito	Lamborn	Royce
Carter	Lance	Ryan (WI)
Cassidy	Latham	Scalise
Castle	LaTourette	Schmidt
Chaffetz	Latta	Sensenbrenner
Coble	Lee (NY)	Sessions
Coffman (CO)	Lewis (CA)	Shadegg
Cole	Linder	Shimkus
Conaway	Lucas	Shuler
Crenshaw	Luetkemeyer	Shuster
Culberson	Lummis	Simpson
Davis (KY)	Lungren, Daniel	Smith (NE)
Deal (GA)	E.	Smith (TX)
Diaz-Balart, L.	Mack	Souder
Diaz-Balart, M.	Manzullo	Stearns
Dreier	Marchant	Sullivan
Duncan	McCarthy (CA)	Thompson (PA)
Ehlers	McCaul	Thornberry
Emerson	McClintock	Tiahrt
Etheridge	McCotter	Tiberi
Fallin	McHenry	Turner
Flake	McHugh	Upton
Fleming	McIntyre	Walden
Forbes	McKeon	Wamp
Fox	Mica	Westmoreland
Franks (AZ)	Miller (FL)	Whitfield
Frelinghuysen	Miller (MI)	Wilson (SC)
Gallely	Miller, Gary	Wolf
Garrett (NJ)	Moran (KS)	Young (AK)
		Young (FL)

NOT VOTING—11

Baird	McCarthy (NY)	Stupak
Fudge	Murphy (NY)	Tonko
Granger	Schakowsky	Waxman
Inglis	Slaughter	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 5 minutes remaining on the vote.

□ 1116

Messrs. SHULER and MARCHANT changed their vote from “aye” to “no.” Mr. WITTMAN changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. TONKO. Mr. Chair, on rollcall No. 498, I was unavoidably detained at a science and technology subcommittee hearing, as I was questioning a witness who had presented testimony on energy turbine efficiency. Had I been present, I would have voted “aye.”

PART B AMENDMENT NO. 2 OFFERED BY MR.

BRADY OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BRADY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Barrett (SC)  
Bartlett  
Barton (TX)





Klein (FL)           Murphy, Tim  
Kline (MN)           Murtha  
Kosmas               Myrick  
Kratovil             Nadler (NY)  
Kucinich             Napolitano  
Lamborn             Neal (MA)  
Lance                 Neugebauer  
Langevin             Norton  
Larsen (WA)         Nunes  
Larson (CT)         Nye  
Latham               Oberstar  
LaTourette         Obey  
Latta                 Olson  
Lee (CA)             Oliver  
Lee (NY)             Ortiz  
Levin                 Pallone  
Lewis (CA)           Pascarell  
Lewis (GA)           Pastor (AZ)  
Linder               Paul  
Lipinski             Paulsen  
LoBiondo            Payne  
Loeb sack            Pence  
Lowey                Perlmutter  
Lucas                Perriello  
Luetkemeyer        Peters  
Luján                Peterson  
Lummis              Petri  
Lungren, Daniel E.  
                        Pierluisi  
                        Pingree (ME)  
Lynch                Pitts  
Mack                 Platts  
Maffei               Poe (TX)  
Maloney             Polis (CO)  
Manzullo            Pomeroy  
Marchant            Posey  
Markey (CO)        Price (GA)  
Markey (MA)        Price (NC)  
Marshall            Putnam  
Massa                Quigley  
Matheson            Radanovich  
Matsui              Rahall  
McCarthy (CA)     Rangel  
McCarthy (NY)     Rehberg  
McCaul             Reichert  
McClintock        Richardson  
McCollum           Rodriguez  
McCotter           Roe (TN)  
McGovern           Rogers (AL)  
McHenry            Rogers (KY)  
McHugh             Rogers (MI)  
McIntyre           Rohrabacher  
McKeon             Rooney  
McMahon            Ros-Lehtinen  
McMorris           Roskam  
Rodgers             Ross  
McNerney           Rothman (NJ)  
Meek (FL)           Roybal-Allard  
Meeks (NY)         Royce  
Melancon           Ruppersberger  
Mica                Rush  
Michaud            Ryan (OH)  
Miller (FL)         Ryan (WI)  
Miller (MI)         Sablan  
Miller (NC)         Salazar  
Miller, Gary        Sánchez, Linda  
Miller, George     T.  
Minnick            Sanchez, Loretta  
Mitchell            Sarbanes  
Mollohan           Scalise  
Moore (KS)         Schauer  
Moore (WI)         Schiff  
Moran (KS)         Schmidt  
Murphy (CT)        Schock  
Murphy, Patrick    Schrader

NOES—3

Cannolly (VA)     Lofgren, Zoe     Moran (VA)

NOT VOTING—9

Christensen       Granger           Murphy (NY)  
Farr               Honda             Reyes  
Fudge             McDermott        Schakowsky

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1124

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 3 OFFERED BY MR. BROWN OF GEORGIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROWN) on

which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. BROWN of Georgia:

Page 57, line 8, insert after the dollar amount the following: “(reduced by \$373,000,000)”.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 292, not voting 11, as follows:

[Roll No. 501]

AYES—135

Adler (NJ)           Gallely  
Akin                 Garrett (NJ)  
Alexander           Gohmert  
Austria             Goodlatte  
Bachmann           Graves  
Bachus              Guthrie  
Barrett (SC)       Hall (TX)  
Bartlett            Harper  
Barton (TX)         Hastings (WA)  
Berkley             Heller  
Bibray              Hensarling  
Bishop (UT)         Herger  
Blackburn           Hunter  
Boehner             Issa  
Bonner              Johnson (IL)  
Bono Mack           Johnson, Sam  
Boozman             Jones  
Boustany            Jordan (OH)  
Bright              King (IA)  
Broun (GA)         Kingston  
Brown (SC)         Kline (MN)  
Buchanan           Lamborn  
Burton (IN)         Lance  
Calvert             Latham  
Campbell            Latta  
Cantor              Lee (NY)  
Capito              Lewis (CA)  
Carter              Linder  
Chaffetz            Lucas  
Chaffetz            Coble  
Coffman (CO)       Lummis  
Cole                 Lungren, Daniel E.  
Conaway            Mack  
Crenshaw           Manzullo  
Diaz-Balart, L.     Marchant  
Diaz-Balart, M.    McCarthy (CA)  
Dreier              McClintock  
Duncan             McCotter  
Ehlers              McHenry  
Emerson             McKeon  
Fallin              McMorris  
Flake                Rodgers  
Fleming             Mica  
Foxy                 Miller (FL)  
Franks (AZ)        Miller (MI)

NOES—292

Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Burgess  
Butterfield  
Buyer  
Camp  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)

Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Forbes  
Fortenberry  
Foster  
Frank (MA)  
Frelinghuysen  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hiron  
Hodes  
Scalise  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Inglis  
Inslee  
Israel  
Jackson (IL)  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kirkpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk

NOT VOTING—11

Aderholt           Gutierrez  
Christensen        Jackson-Lee  
Fudge              (TX)  
Granger            Kosmas  
Murphy (NY)  
Reyes  
Richardson  
Towns

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1127

Mr. CARSON of Indiana changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.



PART B AMENDMENT NO. 1 OFFERED BY MRS. BLACKBURN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of amendment is as follows:

Part B amendment No. 1 offered by Mrs. BLACKBURN:

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

SEC. \_\_\_\_ . Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 248, not voting 5, as follows:

[Roll No. 502]

AYES—185

Aderholt	Duncan	McCarthy (CA)
Adler (NJ)	Ehlers	McCaul
Akin	Emerson	McClintock
Alexander	Fallin	McCotter
Altmire	Flake	McHenry
Arcuri	Fleming	McKeon
Austria	Forbes	McMorris
Bachmann	Fox	Rodgers
Bachus	Franks (AZ)	Mica
Barrett (SC)	Frelinghuysen	Miller (FL)
Bartlett	Galleghy	Miller (MI)
Barton (TX)	Garrett (NJ)	Miller, Gary
Bean	Gerlach	Minnick
Biggart	Gingrey (GA)	Mitchell
Bilbray	Gohmert	Moran (KS)
Bilirakis	Goodlatte	Murphy, Patrick
Blackburn	Graves	Myrick
Blunt	Guthrie	Neugebauer
Boehner	Hall (TX)	Nunes
Bonner	Harper	Nye
Bono Mack	Hastings (WA)	Olson
Boozman	Heinrich	Paul
Boren	Heller	Paulsen
Boustany	Hensarling	Pence
Brady (TX)	Herger	Peters
Bright	Himes	Petri
Broun (GA)	Hoekstra	Pitts
Brown (SC)	Hunter	Platts
Brown-Waite,	Inglis	Poe (TX)
Ginny	Issa	Posey
Buchanan	Jenkins	Price (GA)
Burgess	Johnson (IL)	Putnam
Burton (IN)	Johnson, Sam	Radanovich
Calvert	Jones	Rehberg
Camp	Jordan (OH)	Reichert
Campbell	King (IA)	Roe (TN)
Cantor	Kingston	Rogers (KY)
Capito	Kirk	Rogers (MI)
Carter	Kirkpatrick (AZ)	Rohrabacher
Cassidy	Kline (MN)	Rooney
Castle	Kosmas	Ros-Lehtinen
Chaffetz	Kratovil	Roskam
Childers	Lamborn	Royce
Coble	Lance	Ryan (WI)
Coffman (CO)	Latham	Scalise
Cole	Latta	Schmidt
Conaway	Lee (NY)	Schock
Cooper	Lewis (CA)	Sensenbrenner
Crenshaw	Linder	Sessions
Culberson	Lucas	Shadegg
Davis (KY)	Luetkemeyer	Shimkus
Deal (GA)	Lummis	Shuster
Dent	Lungren, Daniel	Simpson
Diaz-Balart, L.	E.	Smith (NE)
Diaz-Balart, M.	Mack	Smith (TX)
Donnelly (IN)	Manzullo	Souder
Dreier	Marchant	Stearns
Driehaus	Massa	Sullivan

Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Brale (IA)
Brown, Corrine
Butterfield
Buyer
Cao
Capps
Capuano
Cardoza
Carmahan
Carney
Carson (IN)
Castor (FL)
Chandler
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
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson

NOES—248

Hare
Harman
Hastings (FL)
Hereth Sandlin
Higgins
Hill
Hinche
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeke (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Oliver
Ortiz
Pallone

NOT VOTING—5

Bishop (UT)
Christensen
Fudge
Granger

Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—248

Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—248

Murphy (NY)
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ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1130

So the amendment was rejected. The result of the vote was announced as above recorded.

PART E AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part E amendment No. 6 offered by Mr. HENSARLING:

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

SEC. \_\_\_\_ . None of the funds provided in this Act under the heading "Animal and Plant Health Inspection Service—Salaries and Expenses" shall be available for the National Biodiversity Conservation Strategy project, Kiski Basin, Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by \$200,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 307, not voting 9, as follows:

[Roll No. 503]

AYES—122

Akin	Gingrey (GA)	Myrick
Austria	Gohmert	Neugebauer
Bachmann	Goodlatte	Nunes
Bachus	Graves	Olson
Barrett (SC)	Hall (TX)	Paul
Barton (TX)	Harper	Paulsen
Bean	Heller	Pence
Bilbray	Hensarling	Petri
Bishop (UT)	Herger	Pitts
Blackburn	Hoekstra	Poe (TX)
Blunt	Inglis	Posey
Boehner	Issa	Price (GA)
Bono Mack	Jenkins	Roe (TN)
Boozman	Johnson, Sam	Rogers (MI)
Brady (TX)	Jordan (OH)	Rohrabacher
Bright	King (IA)	Roskam
Broun (GA)	Kline (MN)	Royce
Buchanan	Kucinich	Ryan (WI)
Burgess	Lamborn	Scalise
Burton (IN)	Lance	Schmidt
Buyer	Latta	Schock
Camp	Linder	Sensenbrenner
Campbell	Luetkemeyer	Sessions
Cantor	Lummis	Shadegg
Cassidy	Lungren, Daniel	Shimkus
Castle	E.	Shuster
Chaffetz	Mack	Smith (NE)
Coble	Manzullo	Souder
Coffman (CO)	Marchant	Stearns
Conaway	Matheson	Sullivan
Cooper	McCarthy (CA)	Terry
Crenshaw	McCaul	Thornberry
Deal (GA)	McClintock	Tiberi
Duncan	McCotter	Upton
Fallin	McHenry	Walden
Flake	McMorris	Wamp
Fleming	Rodgers	Westmoreland
Forbes	Mica	Wilson (SC)
Foster	Miller (FL)	Wittman
Fox	Miller (MI)	Wolf
Franks (AZ)	Minnick	
Garrett (NJ)	Mitchell	

NOES—307

Abercrombie	Altmire	Baldwin
Ackerman	Andrews	Barrow
Aderholt	Arcuri	Bartlett
Adler (NJ)	Baca	Becerra
Alexander	Baird	Berkley

Berman  
 Berry  
 Biggert  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Boccieri  
 Bonner  
 Bordallo  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Boyd  
 Brady (PA)  
 Braley (IA)  
 Brown (SC)  
 Brown, Corrine  
 Butterfield  
 Calvert  
 Cao  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carney  
 Carson (IN)  
 Carter  
 Castor (FL)  
 Chandler  
 Childers  
 Christensen  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Cohen  
 Cole  
 Connolly (VA)  
 Conyers  
 Costa  
 Costello  
 Courtney  
 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  
 Faleomavaega  
 Farr  
 Fattah  
 Filner  
 Fortenberry  
 Frank (MA)  
 Frelinghuysen  
 Gallegly  
 Gerlach  
 Giffords  
 Gonzalez  
 Gordon (TN)  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Guthrie  
 Hall (NY)  
 Halvorson  
 Hare  
 Harman

Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Herseht Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inslee  
 Israel  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Jones  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 King (NY)  
 Kingston  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kratovil  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loeb sack  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Lujan  
 Lynch  
 Maffei  
 Maloney  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McHugh  
 McIntyre  
 McKeon  
 McMahon  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Michaud  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy, Patrick  
 Murphy, Tim  
 Murtha  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Norton  
 Nye  
 Oberstar  
 Olver  
 Ortiz

Pallone  
 Pascrell  
 Pastor (AZ)  
 Payne  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Pierluisi  
 Pingree (ME)  
 Platts  
 Polis (CO)  
 Pomeroy  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Rooney  
 Ros-Lehtinen  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Sablan  
 Salazar  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schauer  
 Schiff  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sestak  
 Shea-Porter  
 Sherman  
 Shuler  
 Simpson  
 Sires  
 Skelton  
 Slaughter  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Space  
 Spratt  
 Stark  
 Stupak  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Tiahrt  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Van Hollen  
 Velázquez  
 Vislosky  
 Bono Mack  
 Walz  
 Wasserman  
 Schultz  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Woolsey  
 Wu  
 Yarmuth  
 Coble  
 Coffman (CO)  
 Conaway

## NOT VOTING—9

Brown-Waite,  
 Ginny  
 Carnahan  
 Fudge

Granger  
 Gutierrez  
 Kosmas  
 Murphy (NY)

Speier  
 Waters

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1134

Mrs. CAPITO changed her vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Kansas. Mr. Chair, I submit clarification of my vote on rollcall No. 503 the Hensarling Amendment No. 6, to H.R. 2997. I mistakenly voted “nay” when I intended to vote “yea.”

PART C AMENDMENT NO. 2 OFFERED BY MR.

CAMPBELL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C amendment No. 2 offered by Mr. CAMPBELL:

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

SEC. \_\_\_\_ None of the funds provided in this Act under the heading “National Institute of Food and Agriculture—Research and Education Activities” shall be available for the special grant for Specialty Crops in Indiana, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by \$235,000.

RECORDED VOTE

Diaz CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 111, noes 320, not voting 7, as follows:

[Roll No. 504]

AYES—111

Akin  
 Austria  
 Bachmann  
 Barrett (SC)  
 Barton (TX)  
 Bilbray  
 Bilirakis  
 Blackburn  
 Blunt  
 Boehner  
 Bono Mack  
 Boozman  
 Boustany  
 Brady (TX)  
 Brown (GA)  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Campbell  
 Cantor  
 Cassidy  
 Chaffetz  
 Coble  
 Coffman (CO)  
 Conaway

Cooper  
 Deal (GA)  
 Duncan  
 Ehlers  
 Fallin  
 Flake  
 Fleming  
 Forbes  
 Fox  
 Franks (AZ)  
 Garrett (NJ)  
 Gerlach  
 Gingrey (GA)  
 Goodlatte  
 Graves  
 Hall (TX)  
 Heller  
 Hensarling  
 Herger  
 Hoekstra  
 Inglis  
 Issa  
 Jenkins  
 Johnson, Sam  
 Jordan (OH)  
 King (IA)  
 Kline (MN)

Lamborn  
 Lance  
 Latta  
 Linder  
 Luetkemeyer  
 Lummis  
 Lungren, Daniel  
 E.  
 Mack  
 Manzullo  
 Marchant  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCotter  
 McHenry  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Minnick  
 Mitchell  
 Moran (KS)  
 Myrick  
 Neugebauer  
 Nunes  
 Olson  
 Paul

Paulsen  
 Pence  
 Petri  
 Pitts  
 Platts  
 Poe (TX)  
 Posey  
 Price (GA)  
 Radanovich  
 Roe (TN)  
 Rogers (MI)

Rohrabacher  
 Rooney  
 Roskam  
 Royce  
 Ryan (WI)  
 Scalise  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shuster  
 Smith (NE)

Stearns  
 Sullivan  
 Terry  
 Thornberry  
 Tiahrt  
 Tiberi  
 Wamp  
 Westmoreland  
 Wilson (SC)  
 Wittman

## NOES—320

Abercrombie  
 Ackerman  
 Aderholt  
 Adler (NJ)  
 Alexander  
 Altmire  
 Andrews  
 Arcuri  
 Baca  
 Bachus  
 Baird  
 Baldwin  
 Barrow  
 Bartlett  
 Bean  
 Becerra  
 Berkley  
 Berman  
 Berry  
 Biggert  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blumenauer  
 Boccieri  
 Bonner  
 Bordallo  
 Boren  
 Boswell  
 Boucher  
 Boyd  
 Brady (PA)  
 Braley (IA)  
 Bright  
 Brown (SC)  
 Brown, Corrine  
 Butterfield  
 Buyer  
 Calvert  
 Camp  
 Cao  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carney  
 Carson (IN)  
 Carter  
 Castle  
 Castor (FL)  
 Chandler  
 Childers  
 Christensen  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Cohen  
 Cole  
 Connolly (VA)  
 Conyers  
 Costa  
 Costello  
 Courtney  
 Crenshaw  
 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (IL)  
 Davis (KY)  
 Davis (TN)  
 DeFazio  
 DeGette  
 DeLauro  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)

Doyle  
 Dreier  
 Driehaus  
 Edwards (MD)  
 Edwards (TX)  
 Ellison  
 Ellsworth  
 Emerson  
 Engel  
 Eshoo  
 Etheridge  
 Faleomavaega  
 Farr  
 Fattah  
 Filner  
 Fortenberry  
 Foster  
 Frelinghuysen  
 Gallegly  
 Giffords  
 Gohmert  
 Gonzalez  
 Gordon (TN)  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Halvorson  
 Hare  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Herseht Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inslee  
 Israel  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Jones  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 King (NY)  
 Kingston  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kosmas  
 Kratovil  
 Kucinich  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 LaTourette  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)

Lipinski  
 LoBiondo  
 Loeb sack  
 Lofgren, Zoe  
 Lucas  
 Lujan  
 Lynch  
 Maffei  
 Maloney  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McHugh  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
 Rodgers  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Michaud  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (VA)  
 Murphy (CT)  
 Murphy, Patrick  
 Murphy, Tim  
 Murtha  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Norton  
 Nye  
 Oberstar  
 Olver  
 Ortiz  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Payne  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Pierluisi  
 Pingree (ME)  
 Polis (CO)  
 Pomeroy  
 Price (NC)  
 Putnam  
 Quigley  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Ros-Lehtinen  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Sablan  
 Salazar  
 Sanchez, Linda  
 T.



Fallin  
Flake  
Fleming  
Forbes  
Foss  
Franks (AZ)  
Garrett (NJ)  
Giffords  
Goodlatte  
Graves  
Hall (TX)  
Heller  
Hensarling  
Herger  
Hoekstra  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
Kind  
King (IA)  
Kline (MN)  
Lamborn  
Lance  
Latta

Linder  
Lofgren, Zoe  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
Miller (FL)  
Miller (MI)  
Minnick  
Mitchell  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen

Pence  
Petri  
Pitts  
Poe (TX)  
Posey  
Price (GA)  
Radanovich  
Roe (TN)  
Royce  
Ryan (WI)  
Scalise  
Sensenbrenner  
Sessions  
Shadegg  
Smith (NE)  
Souder  
Speier  
Stearns  
Sullivan  
Thornberry  
Tiberti  
Upton  
Wamp  
Westmoreland  
Wilson (SC)  
Wittman

Miller (NC)  
Miller, Gary  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Platts  
Polis (CO)  
Pomeroy  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Stupak  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)

Snyder  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiahrt  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Turner  
Van Hollen  
Velazquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wolf  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

[Roll No. 507]

## AYES—97

Akin  
Bachmann  
Barrett (SC)  
Bean  
Blackburn  
Boehner  
Bono Mack  
Boozman  
Boustany  
Bright  
Broun (GA)  
Burgess  
Burton (IN)  
Campbell  
Cantor  
Cassidy  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Cooper  
Deal (GA)  
Duncan  
Ehlers  
Fallin  
Flake  
Fleming  
Forbes  
Foster  
Foss  
Franks (AZ)  
Garrett (NJ)  
Giffords

Gingrey (GA)  
Gohmert  
Goodlatte  
Graves  
Hall (TX)  
Heller  
Hensarling  
Herger  
Hodes  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
Kind  
Kline (MN)  
Lamborn  
Lance  
Latta  
Linder  
Lummis  
Lungren, Daniel  
E.

Miller (MI)  
Minnick  
Mitchell  
Moore (WI)  
Moran (KS)  
Myrick  
Neugebauer  
Olson  
Paul  
Pence  
Petri  
Pitts  
Posey  
Price (GA)  
Roe (TN)  
Rohrabacher  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Sensenbrenner  
Sessions  
Shadegg  
Souder  
Speier  
Stearns  
Sullivan  
Thornberry  
Wamp  
Westmoreland  
Wilson (SC)  
Wittman

## NOES—328

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Billirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Blunt  
Bocchieri  
Bonner  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Butterfield  
Buyer  
Calvert  
Camp  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Castor (FL)  
Chandler  
Childers  
Christensen  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
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  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Fortenberry  
Foster  
Frank (MA)  
Frelinghuysen  
Gallegly  
Gerlach  
Gingrey (GA)  
Gohmert  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa

Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inslie  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourrette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsack  
Lowe  
Lucas  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCullum  
McDermott  
McGovern  
McHugh  
McIntyre  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud

Fudge  
Granger  
Kagen  
Murphy (CT)  
Murphy (NY)  
Pascrell

## NOT VOTING—7

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1143

So the amendment was rejected.  
The result of the vote was announced as above recorded.

## PART D AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part D amendment No. 12 offered by Mr. FLAKE:

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

SEC. \_\_\_\_ . None of the funds provided in this Act under the heading “National Institute of Food and Agriculture—Research and Education Activities” shall be available for special grants for Potato Research in Idaho, Oregon, and Washington, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by \$1,037,000.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote. The vote was taken by electronic device, and there were—ayes 97, noes 333, not voting 8, as follows:

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Billbray  
Billirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Blunt  
Bocchieri  
Bonner  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brady (IA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Butterfield  
Buyer  
Calvert  
Camp  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Castle  
Castor (FL)  
Chandler  
Childers  
Christensen  
Clarke

## NOES—333

Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Costa  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Fortenberry  
Frank (MA)  
Frelinghuysen  
Gallegly  
Gerlach  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)

Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inslie  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourrette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsack  
Lofgren, Zoe  
Lowe  
Lucas  
Lujan

Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCullum  
McDermott  
McGovern  
McHugh  
McIntyre  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (NC)  
Miller, Gary  
Miller, George  
Mollohan  
Moore (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nunes  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Perlmutter  
Perriello

Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Sutton  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Turner  
Ryan (OH)  
Sablan  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schwader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster

Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Vislosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

Buchanan  
Costello  
Fudge

NOT VOTING—8

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1147

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SMITH of Nebraska. Mr. Chair, on roll-call No. 507, I was unavoidably detained. Had I been present, I would have voted "aye."

PART B AMENDMENT NO. 7 OFFERED BY MR.

KINGSTON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. KINGSTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 7 offered by Mr. KINGSTON:

Page 74, after line 22, insert the following:  
SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to administer, or pay the salary or expenses of personnel for the administration of, the provision of broadband loans or loan guarantees made using authorities under this Act on or before September 15, 2010.

RECORDED VOTE  
The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.  
The CHAIR. This is a 2-minute vote.  
The vote was taken by electronic device, and there were—ayes 140, noes 292, not voting 6, as follows:

[Roll No. 508]  
AYES—140

Aderholt  
Akin  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Bilbray  
Bilirakis  
Bishop (UT)  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Campbell  
Cantor  
Cao  
Carter  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry

Abercrombie  
Ackerman  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blumenauer  
Bocchieri  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Brown-Waite, Ginny  
Butterfield  
Camp  
Capito

Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Graves  
Guthrie  
Hall (TX)  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hunter  
Inglis  
Issa  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Latta  
Lewis (CA)  
Linder  
LoBiondo  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
McCarthy (CA)  
McClintock  
McCotter  
McDuncan  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller, Gary  
Minnick

NOES—292

Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castor (FL)  
Chandler  
Childers  
Christensen  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent

Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Lujan  
Lynch  
Maffei  
Maloney  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)

McCaul  
McCullum  
McDermott  
McGovern  
McHugh  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
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  
Petri  
Pierluisi  
Pingree (ME)  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Rooney  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger

NOT VOTING—6

Bordallo  
Fudge

Granger  
Murphy (NY)

Ryan (OH)  
Sestak

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute is remaining on the vote.

□ 1150

Mr. BRIGHT changed his vote from "aye" to "no."

So the amendment was rejected.  
The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.  
The Clerk read as follows:

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010".

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. SNYDER, 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.

2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 609, he 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.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it true that under this rule, we cannot get separate votes in the House on each amendment that was adopted in the Committee of the Whole?

The SPEAKER pro tempore. Pursuant to the rule, the Chair will put the question on the amendments en gros.

Mr. WESTMORELAND. So is it true that we will not be able to get a separate vote on the amendments that were passed in the Committee of the Whole?

The SPEAKER pro tempore. The Chair will put the question on the amendments en gros pursuant to the rule.

Mr. WESTMORELAND. Thank you, Mr. Speaker. I'm assuming that is a "no" answer.

The SPEAKER pro tempore. Pursuant to House Resolution 609, the question on adoption of the amendments will be put 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. KINGSTON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KINGSTON. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kingston moves to recommit the bill back to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment:

At the end of the bill, insert the following new section:

**SEC. . REGULAR ORDER ON APPROPRIATIONS BILLS.**

(a) FINDINGS.—

(1) On October 6, 2000, the gentleman from Wisconsin, Mr. Obey, made the following statement regarding the appropriations process: "We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy'. The reason that we have stuck to regular order as long as we have in this institution is to protect the

rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world."

(2) On that same day, the gentleman from Wisconsin, Mr. Obey went on to say, "I believe that this incredible centralization of decision-making in the hands of staff in the House leadership offices means that for most Members representing their districts in this body is diminishing every day in terms of their ability to have a say in what goes on around here."

(3) On July 8, 2009, the House adopted a rule governing consideration of this bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010 that deviated from the regular order by making in order no more than 13 amendments and by specifically preventing 39 Members from offering amendments that they had publicly indicated a desire to have debated.

(4) The following Members were specifically denied the right to participate in the deliberations on this bill by having one or more of their amendments denied the right to be debated:

The gentlewoman from Illinois, Ms. Bean;  
The gentlewoman from Tennessee, Ms. Blackburn;  
The gentleman from Texas, Mr. Brady;  
The gentleman from Georgia, Mr. Broun;  
The gentleman from North Carolina, Mr. Butterfield;  
The gentleman from California, Mr. Campbell;  
The gentleman from Pennsylvania, Mr. Carney;  
The gentleman from Louisiana, Mr. Cassidy;  
The gentleman from Utah, Mr. Chaffetz;  
The gentleman from Texas, Mr. Conaway;  
The gentleman from Connecticut, Mr. Courtney;  
The gentleman from Oregon, Mr. DeFazio;  
The gentleman from Arizona, Mr. Flake;  
The gentleman from Georgia, Mr. Gingrey;  
The gentleman from New York, Mr. Hall;  
The gentleman from Texas, Mr. Hensarling;  
The gentleman from New York, Mr. Higgins;  
The gentleman from New Hampshire, Mr. Hodes;  
The gentleman from Ohio, Mr. Jordan;  
The gentleman from Georgia, Mr. Kingston;  
The gentleman from Ohio, Mr. Kucinich;  
The gentleman from New York, Mr. Lee;  
The gentleman from Oklahoma, Mr. Lucas;  
The gentlewoman from Wyoming, Ms. Lummis;  
The gentleman from Florida, Mr. Mack;  
The gentleman from Texas, Mr. McCaul;  
The gentlewoman from Washington, Ms. McMorris Rodgers;  
The gentleman from Florida, Mr. Mica;  
The gentleman from Pennsylvania, Mr. Murphy;  
The gentleman from Georgia, Mr. Price;  
The gentleman from Florida, Mr. Putnam;  
The gentlewoman from New Hampshire, Ms. Shea-Porter;  
The gentleman from Florida, Mr. Stearns;  
The gentleman from Michigan, Mr. Stupak;  
The gentleman from Kansas, Mr. Tiahrt;  
The gentleman from New York, Mr. Tonko;  
The gentleman from New York, Mr. Weiner;  
The gentleman from Vermont, Mr. Welch;  
and,  
The gentleman from Virginia, Mr. Wittman.

(5) As each of these Members represents approximately 650,000 Americans, approxi-

mately 25,350,000 Americans were denied their right to be represented because the restrictive rule supported by the gentleman from Wisconsin, Mr. Obey, failed to follow the precedents and procedures of the House;

(6) The gentleman from Wisconsin, Mr. Obey, was correct that a true representative democracy is impossible when 25,350,000 Americans have their representative to Congress shut-out of the legislative process;

(7) As a result of the restrictive rule implemented by the Democratic majority, the House was not allowed to vote or even debate pertinent issues such as:

An amendment that would reduce spending by 1 percent saving taxpayers \$229,000,000;

An amendment to prohibit ineligible individual from receiving food stamps;

An amendment that would reduce the cost of construction projects in rural areas;

An amendment to end taxpayer subsidies for mohair producers;

An amendment to prevent Federal employees from being paid to do union activities during their official work hours;

An amendment to permit Federal agencies to purchase alternative fuels;

An amendment to terminate taxpayer funded marketing programs for private companies;

An amendment to reduce this bill and the deficit by \$4,800,000,000;

An amendment to ensure that Federal contractors only hire legal workers;

An amendment to prohibit the provision of taxpayer funded rental housing to illegal aliens;

An amendment to support our dairy farmers in the northeast;

An amendment to assist farmers in Florida hit by a natural disaster;

An amendment to prohibit funds in the bill from being spent on projects named after sitting Members of Congress;

An amendment to ensure that the Federal government works with state agencies on food safety issues;

An amendment to protect whistleblower employees from retaliation for providing Congress or the public with information; and,

An amendment to terminate taxpayer subsidies for wool producers.

(8) The gentleman from Wisconsin, Mr. Obey, was correct that the House loses the right to be called the "greatest deliberative body left in the world" if it refuses to even debate, let alone vote, on these issues.

(b) POLICY.—It is the policy of the U.S. House of Representatives that this bill should be reopened for amendment under the regular order procedures advocated by the gentleman from Wisconsin, Mr. Obey, on October 6, 2000.

Ms. DELAURO (during the reading). Mr. Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. A point of order is reserved.

□ 1200

POINT OF ORDER

Ms. DELAURO. I make a point of order against the motion to recommit because it is in violation of clause 2, rule XXI, legislating.

I ask for a ruling of the Chair.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. KINGSTON. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. KINGSTON. I thank my colleague from Connecticut for the opportunity to speak on this. And I want to

talk to the Members of the House on why this motion to recommit is important to all of us.

We are on the verge of voting on a \$123.8 billion bill which represents a 14 percent increase over last year's spending level in the backdrop of a nation that has an \$11 trillion national debt.

The SPEAKER pro tempore. The gentleman will confine his remarks to the point of order.

The gentleman may proceed.

Mr. KINGSTON. Mr. Speaker, this administration has spent nearly \$2 trillion in deficit spending. Now, what this motion to recommit does is says that we were not allowed to vote on 90 different amendments offered by Democrats and Republicans, representing nearly 650,000 people each. These amendments, had we had the opportunity to vote on them, would have improved the bill. One of them, for example, was a 1 percent savings—

The SPEAKER pro tempore. The gentleman will confine his remarks to the point of order.

The gentleman may proceed.

Mr. KINGSTON. Mr. Speaker, the motion does not change existing law; therefore, the gentlewoman's point of order is invalid.

The SPEAKER pro tempore. The Chair is prepared to rule.

Mr. MICA. Mr. Speaker, I wanted to speak to the point of order.

The SPEAKER pro tempore. The gentleman is recognized on the point of order.

Mr. MICA. Mr. Speaker, in order to properly address the point of order, I think it is important that we look at House Resolution 609, which was adopted by the Rules Committee to set the order and the consideration of the legislation that's before the House today. It also excluded a large number of amendments that were crafted, Mr. Speaker, to the objection—the same objection that's being raised here—that in fact those amendments were legislating on an appropriations bill, which in fact is out of order because of the way this was crafted.

Now, the gentleman from Georgia has in fact offered a motion that does contain some provisions that would change the law, but only the appropriations which this part of the bill deals with. And this point has been raised against the motion to recommit.

So, in fact, what I was denied was the opportunity, Mr. Speaker, to offer one of the amendments. And I believe the reading clerk—I couldn't hear, but I believe the reading clerk mentioned my name among the names of those who were denied an amendment that would legislate on appropriations.

The SPEAKER pro tempore. The gentleman will confine his remarks to the point of order.

The gentleman may proceed.

Mr. MICA. Again, I think the point of order is that the Rules Committee crafted a rule, and we adopted previous amendments—one by the gentlelady who is now objecting—that did in fact

legislate on an appropriation matter, no different from what the gentleman from Georgia is now attempting to do. The precedence of the House—Mr. YOUNG, I talked to him earlier, he said he's been here 39 years and he has never seen appropriations handled in this unfair manner.

So, again, I think the point is that the gentleman from Georgia is proceeding in good faith, in fact, in the order that has been presented by the Rules Committee on the order to proceed.

The SPEAKER pro tempore. The Chair will only hear argument on whether the proposed amendment violates clause 2 of Rule XXI. The Chair is prepared to rule.

The motion to recommit offered by the gentleman from Georgia proposes an amendment addressing a policy regarding special orders of business for consideration of appropriation bills. That is not a matter of appropriation or limitation thereof; rather, it is wholly legislative in character. As such, it violates clause 2 of rule XXI.

The point of order is sustained. The motion is not in order.

Mr. KINGSTON. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Ms. DELAURO. Mr. Speaker, I move to lay the appeal on the table.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 179, not voting 7, as follows:

[Roll No. 509]

AYES—246

Abercrombie	Cardoza	Dicks
Ackerman	Carnahan	Dingell
Adler (NJ)	Carney	Doggett
Altmire	Carson (IN)	Donnelly (IN)
Andrews	Castor (FL)	Doyle
Arcuri	Chandler	Edwards (MD)
Baca	Childers	Edwards (TX)
Baird	Clarke	Ellison
Baldwin	Clay	Ellsworth
Barrow	Cleaver	Engel
Bean	Clyburn	Eshoo
Becerra	Cohen	Etheridge
Berkley	Connolly (VA)	Farr
Berman	Conyers	Fattah
Berry	Cooper	Filner
Bishop (GA)	Costa	Foster
Bishop (NY)	Costello	Frank (MA)
Blumenauer	Courtney	Giffords
Bocchieri	Crowley	Gonzalez
Boren	Cuellar	Gordon (TN)
Boswell	Cummings	Grayson
Boucher	Dahlkemper	Green, Al
Boyd	Davis (AL)	Green, Gene
Brady (PA)	Davis (CA)	Griffith
Bralley (IA)	Davis (IL)	Grijalva
Bright	Davis (TN)	Gutierrez
Brown, Corrine	DeFazio	Hall (NY)
Butterfield	DeGette	Halvorson
Capps	Delahunt	Hare
Capuano	DeLauro	Harman

Hastings (FL)	McCollum	Sarbanes
Heinrich	McDermott	Schakowsky
Hereth Sandlin	McGovern	Schauer
Higgins	McIntyre	Schiff
Hill	McMahon	Schrader
Himes	McNerney	Schwartz
Hinchey	Meek (FL)	Scott (GA)
Hinojosa	Meeks (NY)	Scott (VA)
Hirono	Melancon	Serrano
Hodes	Michaud	Sestak
Holden	Miller (NC)	Shea-Porter
Holt	Miller, George	Sherman
Honda	Mitchell	Shuler
Hoyer	Mollohan	Sires
Inslie	Moore (KS)	Skelton
Israel	Moore (WI)	Slaughter
Jackson (IL)	Moran (VA)	Smith (WA)
Jackson-Lee	Murphy (CT)	Snyder
(TX)	Murphy, Patrick	Space
Johnson (GA)	Murtha	Speier
Johnson, E. B.	Nadler (NY)	Spratt
Kagen	Napolitano	Stark
Kanjorski	Neal (MA)	Stupak
Kaptur	Oberstar	Sutton
Kennedy	Obey	Tanner
Kildee	Olver	Taylor
Kilpatrick (MI)	Ortiz	Teague
Kilroy	Pallone	Thompson (CA)
Kind	Pascarell	Thompson (MS)
Kirkpatrick (AZ)	Pastor (AZ)	Tierney
Kissell	Payne	Titus
Klein (FL)	Perlmutter	Tonko
Kucinich	Perrillo	Towns
Langevin	Peters	Tsongas
Larsen (WA)	Peterson	Van Hollen
Larson (CT)	Polis (CO)	Velázquez
Lee (CA)	Pomeroy	Visclosky
Levin	Price (NC)	Walz
Lewis (GA)	Quigley	Wasserman
Lipinski	Rahall	Schultz
Loeback	Rangel	Waters
Lofgren, Zoe	Reyes	Watson
Lowey	Richardson	Watt
Lujan	Rodriguez	Waxman
Lynch	Ross	Weiner
Maffei	Rothman (NJ)	Welch
Maloney	Roybal-Allard	Wexler
Markey (CO)	Ruppersberger	Wilson (OH)
Markey (MA)	Rush	Woolsey
Marshall	Ryan (OH)	Wu
Massa	Salazar	Yarmuth
Matheson	Sánchez, Linda	
Matsui	T.	
McCarthy (NY)	Sanchez, Loretta	

NOES—179

Aderholt	Davis (KY)	Kirk
Akin	Deal (GA)	Kline (MN)
Alexander	Dent	Kosmas
Austria	Diaz-Balart, L.	Kratovil
Bachmann	Diaz-Balart, M.	Lamborn
Bachus	Dreier	Lance
Barrett (SC)	Driehaus	Latham
Bartlett	Duncan	LaTourette
Barton (TX)	Ehlers	Latta
Biggert	Emerson	Lee (NY)
Bilbray	Fallin	Lewis (CA)
Bilirakis	Flake	Linder
Bishop (UT)	Fleming	LoBiondo
Blackburn	Forbes	Lucas
Blunt	Fortenberry	Luetkemeyer
Bonner	Fox	Lummis
Bono Mack	Franks (AZ)	Lungren, Daniel
Boozman	Frelinghuysen	E.
Boustany	Gallely	Mack
Brady (TX)	Garrett (NJ)	Manzullo
Broun (GA)	Gerlach	Marchant
Brown (SC)	Gingrey (GA)	McCarthy (CA)
Brown-Waite,	Goodlatte	McCaul
Ginny	Graves	McClintock
Buchanan	Guthrie	McCotter
Burgess	Hall (TX)	McHenry
Burton (IN)	Harper	McHugh
Buyer	Hastings (WA)	McKeon
Calvert	Heller	McMorris
Camp	Hensarling	Rodgers
Campbell	Herger	Mica
Cantor	Hoekstra	Miller (FL)
Cao	Hunter	Miller (MI)
Capito	Inglis	Miller, Gary
Cassidy	Issa	Minnick
Castle	Jenkins	Moran (KS)
Chaffetz	Johnson (IL)	Murphy, Tim
Coble	Johnson, Sam	Myrick
Coffman (CO)	Jones	Neugebauer
Cole	Jordan (OH)	Nunes
Conaway	King (IA)	Nye
Crenshaw	King (NY)	Olson
Culberson	Kingston	Paul



Paulsen	Ros-Lehtinen	Sullivan
Pence	Roskam	Terry
Petri	Royce	Thompson (PA)
Pitts	Ryan (WI)	Thornberry
Platts	Scalise	Tiahrt
Poe (TX)	Schmidt	Tiberi
Posey	Schock	Turner
Price (GA)	Sensenbrenner	Upton
Putnam	Sessions	Walden
Radanovich	Shadegg	Wamp
Rehberg	Shimkus	Westmoreland
Reichert	Shuster	Whitfield
Roe (TN)	Simpson	Wilson (SC)
Rogers (AL)	Smith (NE)	Wittman
Rogers (KY)	Smith (NJ)	Wolf
Rogers (MI)	Smith (TX)	Young (AK)
Rohrabacher	Souder	Young (FL)
Rooney	Stearns	

## NOT VOTING—7

Boehner	Gohmert	Pingree (ME)
Carter	Granger	
Fudge	Murphy (NY)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1225

Messrs. BILIRAKIS, ISSA, and KRATOVIŁ changed their vote from “aye” to “no.”

Mr. HOLDEN and Ms. SLAUGHTER changed their vote from “no” to “aye.” So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO RECOMMIT

Mr. KINGSTON. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KINGSTON. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kingston moves to recommit the bill H.R. 2997 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 19, after the dollar amount insert “(reduced by \$30,000,000)”.

Page 5, line 4, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 5, line 5, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 5, line 11, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 40, line 9, after the dollar amount insert “(increased by \$20,000,000)”.

Page 46, line 18, after the dollar amount insert “(increased by \$20,000,000)”.

Page 55, line 15, after the dollar amount insert “(reduced by \$20,000,000)”.

Page 68, line 21, strike “\$1,180,000,000” and insert “\$1,240,000,000”.

Mr. KINGSTON (during the reading). Mr. Speaker, I ask unanimous consent that the Clerk dispense with the reading.

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

Ms. DELAURO. I object.

Mr. SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from California.

Mr. NUNES. I thank the gentleman for yielding.

Mr. Speaker, article I, section 8 of the United States Constitution says that the Congress shall have the power to provide for the general welfare of the United States.

Congress has the basic responsibility to provide water to its citizens, Mr. Speaker. To say it bluntly, this Congress has failed in its constitutional duty to provide water to its citizens.

It's been 651 days since I warned this government of the imposed drought in California, the government-imposed drought. Since then, the Democrat leadership in this country has sat back and watched the vibrant economy of the San Joaquin Valley deteriorate to a level similar to a third world country. Unemployment in the San Joaquin Valley of California is nearing 20 percent, with some communities at 40 percent. Despite this economic catastrophe, the Democrat leadership in this country has remained silent.

Thankfully, around midnight on Tuesday, Mr. Speaker, my friend from California (Mr. CALVERT) offered an amendment, during the Energy and Water Appropriations markup, which would have restored the flow of water to communities. A 30-minute debate followed this, which included absolutely outrageous and outright threatful statements.

□ 1230

One of my colleagues on the committee opined that California's water is critical to salmon and other endangered species, like the killer whale.

Mr. Speaker, I ask my colleagues, killer whales, these orcas live up here north of Washington. Mr. Speaker, what do killer whales have to do with landlocked farmers way down here? How is this possible?

Then my colleague went on to say, “The culprit is not the Endangered Species Act but climate change.” Mr. Speaker, what does climate change have to do with 40,000 people without jobs? I find it ironic that my colleague in 2003 didn't have the same concern when he supported the energy and water bill which overturned the Endangered Species Act on the silvery minnow. In fact, 31 of my Democrat colleagues on the Appropriations Committee supported the exact same bill in 2003 to protect the silvery minnow. What has changed for my Democrat colleagues? The silvery minnow and the delta smelt are both 3-inch bait fish.

Another member of the committee declared that the Calvert amendment was a “wish amendment.” Wish is certainly the right word to use. My constituents wish that the Democrats in this body would do their job. The same Member went on to threaten members of the committee that if they supported the Calvert amendment, they would lose their earmarks. It's amaz-

ing what happens around this place when the clock strikes midnight and they think no one is watching what people say. My message to you is, we are watching. I put the entire hearing up on YouTube for everyone in the world to see the pathetic excuses that were made in that committee that night.

My colleagues have complained that California farmers are putting fishermen out of work. But the truth is, the Federal Government put the salmon fishermen out of work. In fact, the Federal Government paid \$100 million to the salmon fishermen not to fish. It doesn't take \$100 million to solve the crisis in California, Mr. Speaker. It doesn't even take a penny. Just turn on the pumps, and restore the flow of water, is all we're asking.

It's unfortunate that the Democrat majority has made it quite clear they are going to ignore their constitutional duty to provide for the general welfare of its citizens. The other night my good friend from Idaho (Mr. SIMPSON) said during the debate, “The Endangered Species Act wasn't written by God. It was written by man. If we can't make exceptions to it when necessary, what kind of Representatives are we?” The gentleman from Idaho is correct. My constituents don't want your welfare. They want the Democrat leadership in this body to do their job.

Mr. KINGSTON. The gentleman from California is correct. The people from California want water, not welfare.

I withdraw the motion.

The SPEAKER pro tempore. Without objection, the motion is withdrawn.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 266, nays 160, not voting 6, as follows:

[Roll No. 510]

YEAS—266

Abercrombie	Carnahan	Doggett
Ackerman	Carney	Donnelly (IN)
Andrews	Carson (IN)	Doyle
Arcuri	Castor (FL)	Driehaus
Austria	Chandler	Edwards (MD)
Baca	Childers	Edwards (TX)
Baird	Clarke	Ellison
Baldwin	Clay	Ellsworth
Barrow	Cleaver	Emerson
Becerra	Clyburn	Engel
Berkley	Cohen	Eshoo
Berman	Connolly (VA)	Etheridge
Berry	Conyers	Farr
Bishop (GA)	Cooper	Fattah
Bishop (NY)	Costa	Filner
Blumenauer	Costello	Fortenberry
Bocchieri	Courtney	Foster
Boren	Crowley	Frank (MA)
Boswell	Cuellar	Giffords
Boucher	Cummings	Gonzalez
Boyd	Dahlkemper	Gordon (TN)
Brady (PA)	Davis (AL)	Grayson
Braley (IA)	Davis (CA)	Green, Al
Bright	Davis (IL)	Griffith
Brown, Corrine	Davis (TN)	Grijalva
Brown-Waite,	DeGette	Gutierrez
Ginny	Delahunt	Hall (NY)
Butterfield	DeLauro	Hall (TX)
Cao	Diaz-Balart, L.	Halvorson
Capps	Diaz-Balart, M.	Hare
Capuano	Dicks	Harman
Cardoza	Dingell	Harper

Hastings (FL)	McGovern	Sarbanes
Heinrich	McHugh	Schakowsky
Herseth Sandlin	McIntyre	Schauer
Higgins	McMahon	Schiff
Himes	McNerney	Schock
Hinchey	Meek (FL)	Schrader
Hinojosa	Meeks (NY)	Schwartz
Hirono	Melancon	Scott (GA)
Hodes	Michaud	Scott (VA)
Holden	Miller (MI)	Serrano
Holt	Miller (NC)	Sestak
Honda	Miller, George	Shea-Porter
Hoyer	Minnick	Sherman
Inslee	Mollohan	Shimkus
Israel	Moore (KS)	Shuler
Jackson (IL)	Moore (WI)	Moran (VA)
Jackson-Lee	Moran (VA)	Sires
(TX)	Murphy (CT)	Skelton
Jenkins	Murphy, Patrick	Slaughter
Johnson (GA)	Murphy, Tim	Smith (NJ)
Johnson, E. B.	Murtha	Smith (WA)
Jones	Nadler (NY)	Snyder
Kagen	Napolitano	Souder
Kanjorski	Neal (MA)	Space
Kaptur	Oberstar	Speier
Kennedy	Obey	Spratt
Kildee	Olver	Stark
Kilpatrick (MI)	Ortiz	Stupak
Kilroy	Pallone	Sutton
Kirkpatrick (AZ)	Pascrell	Tanner
Kissell	Pastor (AZ)	Teague
Klein (FL)	Payne	Thompson (CA)
Kosmas	Perlmutter	Thompson (MS)
Kratovil	Perriello	Thompson (PA)
Kucinich	Peterson	Tierney
Langevin	Pingree (ME)	Titus
Larsen (WA)	Polis (CO)	Tonko
Larson (CT)	Pomeroy	Towns
LaTourette	Price (NC)	Tsongas
Lee (CA)	Putnam	Turner
Levin	Quigley	Van Hollen
Lewis (GA)	Rahall	Velázquez
Lipinski	Rangel	Visclosky
LoBiondo	Reyes	Walz
Loeback	Richardson	Wasserman
Lofgren, Zoe	Rodriguez	Schultz
Lowey	Rogers (AL)	Waters
Luetkemeyer	Rooney	Watson
Luján	Ros-Lehtinen	Watt
Lynch	Ross	Waxman
Maffei	Rothman (NJ)	Weiner
Maloney	Roybal-Allard	Welch
Markey (MA)	Ruppersberger	Wexler
Marshall	Rush	Wilson (OH)
Massa	Ryan (OH)	Woolsey
Matsui	Salazar	Wu
McCarthy (NY)	Sanchez, Linda	Yarmuth
McCollum	T.	
McDermott	Sanchez, Loretta	

NAYS—160

Aderholt	Coble	Jordan (OH)
Adler (NJ)	Coffman (CO)	Kind
Akin	Cole	King (IA)
Alexander	Conaway	King (NY)
Altire	Crenshaw	Kingston
Bachmann	Culberson	Kirk
Bachus	Davis (KY)	Kline (MN)
Barrett (SC)	Deal (GA)	Lamborn
Bartlett	Dent	Lance
Barton (TX)	Dreier	Latham
Bean	Duncan	Latta
Bigbert	Ehlers	Lee (NY)
Bilbray	Fallin	Lewis (CA)
Bilirakis	Flake	Linder
Bishop (UT)	Fleming	Lucas
Blackburn	Forbes	Lummis
Blunt	Fox	Lungren, Daniel
Boehner	Franks (AZ)	E.
Bonner	Frelinghuysen	Mack
Bono Mack	Gallely	Manzullo
Boozman	Garrett (NJ)	Marchant
Boustany	Gerlach	Matheson
Brady (TX)	Gingrey (GA)	McCarthy (CA)
Broun (GA)	Gohmert	McCauley
Brown (SC)	Goodlatte	McClintock
Buchanan	Graves	McCotter
Burgess	Guthrie	McHenry
Burton (IN)	Hastings (WA)	McKeon
Buyer	Heller	McMorris
Calvert	Hensarling	Rodgers
Camp	Herger	Mica
Campbell	Hill	Miller (FL)
Cantor	Hoekstra	Miller, Gary
Capito	Hunter	Mitchell
Carter	Inglis	Moran (KS)
Cassidy	Issa	Myrick
Castle	Johnson (IL)	Neugebauer
Chaffetz	Johnson, Sam	Nunes

Nye	Rogers (KY)	Sullivan
Olson	Rogers (MI)	Taylor
Paul	Rohrabacher	Terry
Paulsen	Roskam	Thornberry
Pence	Royce	Tiahrt
Peters	Ryan (WI)	Tiberi
Petri	Scalise	Upton
Pitts	Schmidt	Walden
Platts	Sensenbrenner	Wamp
Poe (TX)	Sessions	Westmoreland
Posey	Shadegg	Whitfield
Price (GA)	Shuster	Wilson (SC)
Radanovich	Simpson	Wittman
Rehberg	Smith (NE)	Wolf
Reichert	Smith (TX)	Young (AK)
Roe (TN)	Stearns	Young (FL)

NOT VOTING—6

DeFazio	Granger	Markey (CO)
Fudge	Green, Gene	Murphy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1250

So 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:

Ms. MARKEY of Colorado. Mr. Speaker, on rollcall No. 510 on the Agriculture appropriations bill, had I been present, I would have voted "yea."

MOTION TO ADJOURN

Mr. MICA. Mr. Speaker, reluctantly, but on behalf of my potato farmers who were not addressed by the amendment, I move that the House do now adjourn.

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

The motion to adjourn was rejected.

PROVIDING FOR CONSIDERATION OF H.R. 3081, DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 617 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 617

*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. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2,

no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; and (2) the amendments printed in part B of the report of the Committee on Rules. Each such amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3081, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Mr. SNYDER). The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my good friend, Mr. LINCOLN DIAZ-BALART. All time yielded for consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 617.

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

There was no objection.

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

House Resolution 617 provides for consideration of H.R. 3081, the Department of State, Foreign Operations, and Related Programs appropriations bill for the fiscal year 2010, under a structured rule.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against the bill and its consideration except those arising under clause 9 or clause 10 of rule XXI. The rule also waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

The bill makes in order the amendment printed in part A of the committee report and the amendments printed in part B of the committee report accompanying this resolution. Each amendment is debatable for 10 minutes. Finally, the rule also provides one motion to recommit with or without instructions.

Mr. Speaker, the legislation that we will consider today, H.R. 3081, funds the Department of State, Foreign Operations, and related programs for fiscal year 2010.

This bipartisan bill reflects four key priorities: it protects our national security and combats terrorism; provides critical resources to meet global health and development challenges; ensures adequate oversight and accountability of our foreign assistance; and most importantly reforms and rebuilds America's diplomatic and development capacity.

In total, the bill provides \$48.8 billion for fiscal year 2010. This is \$3.2 billion less than the President's request, and \$1.2 billion below the fiscal year 2009 enacted level including supplemental funding, a reasonable level of funding during these unprecedented fiscal times.

To protect national security and combat terrorism, the State-Foreign Operations appropriations bill provides \$2.2 billion to Israel, provides \$2.7 billion in assistance for Afghanistan and \$1.5 billion for Pakistan, and it provides \$1.8 billion total in economic and security assistance for Egypt and Jordan, two of our key allies in the Middle East.

It also requires a report on the status and progress of diplomatic efforts to prevent Iran from acquiring nuclear weapons, and it continues a reporting requirement on bilateral and multilateral sanctions against Iran. Further, it prevents the Export-Import Bank from providing financing to any energy producers or refiners that contribute to Iran's refined petroleum resources.

The bill also continues to take aim at the war on drugs by setting aside \$319 million for Mexico and Central America for counternarcotics and law enforcement programs. It also includes \$520 million for Colombia to fight narcotics and criminal gangs and to promote alternatives to drug production.

The State-Foreign Operations bill makes great strides in increasing global health by providing funding increases for international HIV/AIDS treatment and prevention, tuberculosis and malaria prevention, safe water and hygiene, and child and maternal health programs. These global health investments are critical, not just in saving lives overseas, but in protecting the health of countless Americans from disease.

The State-Foreign Operations bill also ensures that the United States continues to meet our moral and humanitarian obligations abroad. The bill provides funding for countries facing long-term development challenges, improving foreign agriculture and food security programs and helping countries struggling with food shortages, supporting basic education needs, helping displaced people around the world with food, water, shelter and other basic needs, and providing lifesaving assistance during worldwide natural disasters.

□ 1300

It also provides \$450 million for the Peace Corps. This is \$77 million above the President's request, which accelerates the President's commitment to expanding the Peace Corps, one of the most valuable programs our government can fund.

The lack of capacity in our civilian agencies has resulted in an increased reliance on American troops to carry out diplomatic missions. Besides placing an additional workload on our already overburdened troops and taking their focus away from their critical core missions, it is not in the best interests of our Nation to place diplomatic missions with our military.

Secretary Clinton, Secretary Gates, and the Chairman of the Joint Chiefs of Staff have all stressed the need to increase the capacity of the State Department and USAID. As such, the bill provides resources to hire 1,000 new State Department personnel and 300 new USAID personnel so our country can take the necessary steps to begin rebuilding and restoring our diplomatic capabilities that we shortchanged and underappreciated for far too long.

Finally, the bill also improves and continues the Democrats' commitment to oversight and accountability. It provides nearly \$150 million for activities of the Inspector General of the Department of State and USAID, as well as for the Special Inspectors General for both Iraq and Afghanistan reconstruction. In addition, this bill reverses years of accounting gimmickry through supplemental appropriations. Instead, it provides upfront, honest and transparent accounting of the true costs of meeting our critical foreign policy and national security initiatives.

Mr. Speaker, this is a good bill. In these tough economic times, it is also a fair bill. And, most importantly, this is a bipartisan bill that goes a long way towards restoring the strength and capabilities of the United States both here and abroad.

I commend the chairwoman, Mrs. LOWEY, for her admirable efforts in ensuring our needs are met, both here and abroad, and to ensure that the national security and foreign policy commitments of the United States remain strong for many days to come.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my friend, the gentleman from California (Mr. CARDOZA) for the time.

I would like to thank Chairwoman LOWEY and Ranking Member GRANGER for their efforts on this important legislation. This bill provides almost \$50 billion in funding for a number of U.S. government programs and activities, including the State Department, the U.S. Agency for International Development, foreign economic and military assistance, contributions to international organizations, and international broadcasting programs.

In today's world, foreign assistance is as important to our national interest as it is ethical. I am pleased that the legislation recognizes our shared democratic values and our special friendship with Israel, and includes \$2.2 billion in Foreign Military Financing programs, FMF assistance, for that great friend and ally.

Our aid to Israel is especially important as the ruthless tyranny in Iran threatens to wipe it off the face of the map and rockets continue to rain down on Israel from terrorist groups, whether they be Hamas or Hezbollah. Israel is a true friend and partner of the United States, and we must now, more than ever, show unwavering support for our friends, not only through this legislation, but through every other available means.

I am deeply concerned about the funding provided in this legislation to the United Nations Relief and Works Agency. Without determining that the agency does not have members of Hamas on its payroll, U.N. agencies such as that, for example, such as the so-called Human Rights Council, a club of tyrannies, do not deserve American taxpayer support, just like the useless embarrassment that is the Organization of American States.

Now, there are some good things, very good things in this legislation.

The legislation provides \$165 million in Economic Support Funds, for example, for Haiti, to help the authorities consolidate democratic gains and promote development.

Since the recent devastating storms hit Haiti, I have called, first on the Bush administration and then on the Obama administration, to grant temporary protected status to Haitian nationals in the United States.

I visited Haiti last month, and my visit reinforced my belief that TPS for Haiti is well overdue. Again, I call on the Obama administration to finally grant TPS for Haitians. The Obama administration needs to stop dragging its feet on this important issue.

I wish to thank the Appropriations Committee for the \$20 million in Economic Support Funds for pro-democracy activities in Cuba in this bill. Those funds will support efforts for a transition to democracy and freedom in the only totalitarian dictatorship in

the Western Hemisphere, through support for dissidents, human rights activists, independent librarians and others who risk their lives each day struggling for freedom in that enslaved island, the only country in the Western Hemisphere where free elections have been denied to its people for over 50 years.

The legislation includes \$1.4 billion for the Millennium Challenge Corporation, MCC. Assistance to foreign nations from the MCC is linked to greater responsibilities from those nations. The new responsibilities those developing nations accept in exchange for the funds ensure that the assistance we provide does not go to waste and has the greatest possible impact on those who need the help the most.

I have been a longtime supporter of the MCC. But last year I learned that one recipient country may not be keeping up their end of the bargain. APR Energy, a Florida company, has an ongoing contract dispute with Tanzania, which I understand Tanzania has failed to resolve. I urge the Tanzanian government to comply with both the contract with APR Energy and their MCC compact and expeditiously resolve the dispute with APR Energy pursuant to the law and the utmost transparency.

I have concerns with the increased funding levels in two areas of the bill, the United Nations Population Fund and international family planning. In the past, this United Nations fund has been found to support and participate in programs of coercive abortion or involuntary sterilization. While the international family planning money doesn't go directly to fund abortions, it will go to organizations that promote and provide advocacy for abortion.

I do not think this is an appropriate use of taxpayer dollars. Even though the majority on the Rules Committee last night rejected the Smith-Stupak amendment on this issue, I continue to hope that the issue will be addressed in conference.

I commend the committee, the Appropriations Committee, for recognizing many other important foreign policy priorities in the bill, \$21 million for the American Institute in Taiwan, for example, and over \$740 million for broadcasting through such important media outlets as the Voice of America, Radio Free Europe/Radio Liberty and for Radio and TV Marti. I also commend the committee for maintaining the Greek language broadcasts in the Voice of America and also for wisely providing assistance to promote as much as possible the reconciliation to end the violence in Sri Lanka.

Mr. Speaker, while I support the underlying legislation, I must oppose the rule by which the majority is bringing this bill to the floor. Last month, the majority set a dangerous precedent to limit debate on appropriations bills, debate that historically was almost always considered under open rules, open debate process. Today we are set to consider the sixth of 12 appropriations

bills, and every bill considered so far has been considered under a structured rule that severely limits the ability of all Members of this House to introduce amendments and have them debated.

During yesterday's Rules Committee hearing, Appropriations Ranking Member LEWIS testified that there is still time to undo the majority's new precedent restricting the ability of Members to offer amendments on appropriations bills. He asked the majority to reconsider the use of structured rules on appropriations bills, to return to regular order, to historical order, to the tradition of an open debate process on appropriations bills. He even offered his services to persuade Members to not offer dilatory amendments which would hamper the ability of Congress to complete its appropriations work on time.

Rules Ranking Member DREIER and I also offered to help Ranking Member LEWIS rein in any errant Members, any Members who wished to prolong unnecessarily the appropriations process. I really hoped the majority on the Rules Committee would heed Mr. LEWIS' thoughtful suggestion and accept his offer to help move the process along if an open debate process was returned to. However, the majority once again blocked Members from both sides of the aisle from offering amendments.

Mr. Speaker, the majority has simply not understood the damage, unnecessarily, that it is causing this House by closing debate on appropriations bills, by breaking two centuries of precedence. How myopic. How sad.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the chairwoman of the committee, Mrs. LOWEY.

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of the rule and in support of H.R. 3081. This is a very good bill. It was drafted in a bipartisan manner, and it should enjoy the support of Members of both sides of the aisle.

I know that my colleagues on the other side would have preferred an open rule. However, there is much business that needs to be completed in the month of July, and I believe this rule will allow us to complete our work in an expeditious manner.

The rule makes in order a number of amendments from the minority, including one from the ranking member of my subcommittee and one from the ranking member of the full committee. I hope that Members on both sides will recognize the importance of this bill in protecting our national security and advancing our foreign policy.

There were necessary compromises on both sides that allowed this bill to come forward today, and I want to thank all the members of my subcommittee, Republicans and Democrats, for their contributions. Most especially, in closing, I want to thank my ranking member, KAY GRANGER. Unfortunately, she called me this morning, that because of health issues,

she could not be with us. She was going to try to get here in time to cast the vote.

I personally want to make it clear to all my colleagues on both sides of the aisle, because of the bipartisan approach, this is a good bill. It's a strong bill, and we are proud to present it to you.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding. I join him in opposition to this rule. I think all of these deadlines that suddenly we have realized are there are not reasons to go away from the traditions of the House.

Like the gentleman, I applaud many of the efforts in the bill itself, certainly aid for our friend, Israel, the democracy, the pillar of democracy in the Middle East, and hopefully other countries in that area will rally around that example. Aid for Israel is important in this bill.

On the other hand, an amendment that I had that had 74 cosponsors as a bill in the last Congress that would limit funds transferred to any entity of the Palestinian Authority until the President certifies to the appropriate committees that the ruling Fatah Party has taken the clauses out of their constitution that called for the destruction of Israel would have added to this bill and would have added to this debate. It should have been allowed. I am disappointed it wasn't.

I am also concerned that we didn't allow the amendment that I offered on the Law of the Sea Treaty, that simply would have prevented funds in the bill from being used for a contribution to the Seabed Authority. That's an authority, a global entity, that would be responsible for collecting taxes on U.S. energy companies for deep seabed mining if the United States ratifies the Law of the Sea Treaty. Those are only two examples of many of the amendments that were offered that were rejected and that we should have found time to debate those and add them to the bill.

I oppose the rule.

Mr. CARDOZA. Mr. Speaker, I now yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I want to thank the gentleman for yielding.

I rise today in strong support of the rule for the Fiscal Year 2010 State Department and Foreign Operations appropriations bill, H.R. 3081. I sincerely want to thank the chairwoman, NITA LOWEY, and her staff for their diligent work on this appropriations bill and for their efforts and their help in securing an additional \$10 million for maternal health in the manager's amendment.

I sincerely thank the gentlelady for her support and for her work and for addressing one of the most serious issues facing women on this planet. The need to act to address the global maternal mortality rate and to save

mothers' lives is very clear, and the time to act is now.

The recent words of the First Lady of Sierra Leone are haunting, but all too true for too many women in the world and their families and their communities. She stated, "We know too well that a pregnant woman in Kigali or Freetown has one foot in the grave," which is why many "say goodbye to our mothers and sisters as they go into labor."

□ 1315

Mr. Speaker, pregnancy is a time when we should be welcoming life into the world, not saying goodbye. For every woman's death we fail to prevent by boosting investments in critical maternal health programs, we fail newborns who now face an increased risk of dying themselves. We fail the family, including children pulled from schools to support their families and pick up the duties of the now deceased mother, and we fail those communities by undermining economic development and poverty reduction efforts in the wider community.

This investment into maternal health will save lives. We can and must continue to do what we can to reduce the needless suffering of millions of women around the world from childbirth and pregnancy-related complications. Too much is at stake if we fail to deliver for these women.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 4 minutes to my friend, the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Speaker, last night, Mr. STUPAK and I respectfully requested that an amendment reinstating the Mexico City Policy be made in order so that the full House would have the opportunity to vote up or down on this critically important issue.

This year's Foreign Ops Appropriations bill increases population control funding by a whopping 40 percent over the 2008 levels to a record \$648 million. Our amendment would simply ensure that this huge allocation of taxpayer grant money not be awarded to foreign nongovernmental organizations that perform abortions on demand or lobby for abortion on demand in developing countries.

Today, most African and Latin countries protect the lives of their unborn children, and the real threat to those laws and policies are coming from the United States and European nongovernmental organizations and the money behind them.

Indeed, prior to January, Mr. Speaker, the pro-life Mexico City Policy guaranteed that unborn children in Asia, Africa, Latin America, and elsewhere not be put at risk of death by the NGOs that we fund.

Every human life is precious, Mr. Speaker, and sacred and worthy of respect. No one, no one is expendable. Thus, family planning funds and the

NGOs that they empower cannot be allowed to be the Trojan Horse for a global abortion industry.

On an encouraging note, Americans agree with our efforts to reinstate the Mexico City Policy. The Gallup Poll recently found by a margin of 2-1, 65 percent to 35 percent, Americans oppose President Obama's Executive order reversing the Mexico City Policy. They support his other Executive orders, but not that one.

Another Gallup Poll found that, for the first time, 51 percent to 42 percent, Americans are identifying as pro-life. Ultrasound technology—the window to the womb—is finally shattering the myth that an unborn child is somehow not a person.

Mr. Speaker, stripped of its many euphemisms, abortion is violence against children and often harms women emotionally and psychologically and physically. Abortion methods either dismember the fragile body of a baby to death or poisons the infant or chemically induces premature labor, leaving the immature child unable to cope with his or her new environment.

You know, in Congress we often speak and enact laws and policies designed to reduce infant mortality, and that's a wonderful and necessary goal. Can we not see or appreciate or understand that abortion is infant mortality?

An unborn child's immaturity and dependence should in no way mitigate, negate, or nullify an unborn child's inherent humanity. Human rights ought to be about inclusion, not exclusion, especially of the weakest and the most vulnerable.

Finally, can we not see or appreciate or understand that birth is an event and not the beginning of a child's life? And the stunning breakthroughs over the last three decades in treating unborn children who are diagnosed with diseases or disabilities only brings into sharp focus that the child in the womb must be regarded as a patient in need of benign and compassionate interventions. Not poison shots or razor-sharp curettes that kill, but medicines and procedures that cure.

The Mexico City Policy holds children harmless in our family planning programs throughout the world. Tragically, the rule before us precludes so much as a vote on the Mexico City Policy.

Mr. Speaker, I truly believe that the right to life is the most fundamental human right issue on Earth. Unfortunately, abortion and the promotion of abortion is the only violation of that basic human right that has the audacity to call itself a right.

I therefore will be voting "no" on the rule as well as the underlying bill.

Mr. CARDOZA. The gentleman is very sincere, and I appreciate his friendship and his words. I would just make one correction, and that is when he speaks of a 40 percent increase in this bill, what we are doing in this bill is increasing the transparency from a

situation where all the dollars that we're spending here were in the past few years put into supplemental bills and pretended like they didn't really count. We're taking that supplemental spending and putting it in a transparent process that we can all appreciate.

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

Mr. SMITH of New Jersey. Would the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield 30 seconds to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I'm sure it was unwitting, but my friend from the other side of the isle misspoke. Just to make very clear, the population account, the money that was allocated in FY 2008, was approximately \$460 million. It is now at \$648 million. That is approximately a 40 percent increase. And then other moneys potentially could be going to these foreign nongovernmental organizations that promote abortion as well, like Planned Parenthood, Marie Stopes International, and others. So we have a very serious problem. They are American surrogates in foreign countries. They speak for us. They certainly don't speak and act for millions of pro-life Americans.

Yes, do family planning. Our amendment would leave that in tact. It would not touch the amount of money for family planning. We ought argue that abortion is not family planning and has no legitimate place in any compassionate program of health care. It is the killing of an unborn child.

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

Mr. BURTON of Indiana. I thank my colleague for yielding.

You know, I think the American people would like to see us debate the issues that they're very concerned about on this floor, and there are many of these issues we're not going to be able to debate because of this closed rule.

I'd just like to cite a couple of amendments that I introduced that I think the American people, many of them, would really like to hear debated.

One of them was a sense of Congress bill or amendment that would expand the economic sanctions against Iran. Iran is a terrorist state developing nuclear weapons. A sense of Congress resolution saying we should put severe economic standards on them, sanctions on them, and get our allies to do it, is something that should have been debated and passed, because I think Americans are concerned about this terrorist state and they want us to stop their nuclear program and to put pressure on them.

Another amendment would have prohibited funds from being used to establish diplomatic or commercial ties in or with Iran until these changes are

made, until they stop their nuclear development program, which threatens the Middle East oil supplies, our energy supplies, and the whole world.

Finally, we had one that dealt with putting pressure on terrorist organizations until they recognize Israel's right to exist. I think all of us support Israel and we want to make sure Israel's right to exist is guaranteed. So why wouldn't we want to have an amendment on the floor which said that the organizations that are trying to destroy Israel should be put under extreme pressure to make sure that they recognize Israel's right to exist?

Finally, one of the things that really concerns me is the United Nations is going to spend almost \$900,000 in legal fees for Benon Sevan. He is the man who ran the Oil-for-Food program, and it was a corrupt program. He was working with Saddam Hussein.

The man has fled the country. He has been charged with bribery and wire fraud, and the U.S. Federal and State prosecutors are looking for this guy, and they're using our taxpayer dollars to defend him, to help him with his legal fees.

What I said in this amendment is we should withhold the amount of money that would go for his legal fees from our commitment to the United Nations, and I think the American people would agree with that.

So I can't understand why the chairman and the members of the Rules Committee didn't make these in order. I hope in the future they will be a little more openminded about this, because the American people want these issues debated in the people's House.

Mr. CARDOZA. I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

(Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. I want to just rise to thank Chairwoman NITA LOWEY and Ranking Member KAY GRANGER for their great work on this bill and focus particularly on this bill's commitment to global development issues.

I'm the chair of the Terrorism Subcommittee of the Committee on Armed Services and have been working very, very closely with our military as we attempt to combat terrorism and violent extremist groups throughout the globe. Certainly, there is a big military component to that.

What we have increasingly learned in the military and elsewhere is that we will never win that battle and that fight if we are not equally committed to global development.

We have seen a major commitment in this bill on the central focus in our efforts right now, which is in Pakistan and Afghanistan. I applaud that effort. But also understand that this bill recognizes that it is broader than just Pakistan and Afghanistan. Throughout the Middle East, throughout Africa, throughout Southeast Asia, failed and

failing states are a major contributor to instability and the rise of violent extremist groups. Getting our global development policy right is critical to stopping that effort. This bill makes that commitment.

I also want to say that this is not just a matter of more money. It is a matter of improving the quality of our global development, of coordinating it, of figuring out what works and making sure that our programs are more efficient and more effectively delivered.

On that point, I also support the committee and support the Foreign Relations Committee and Foreign Affairs Committee as well for putting pressure on the administration to make fundamental changes in the way we do global development, to make sure that it is better coordinated, more effective, and works better.

We have a lot of work to do on this front, but this appropriation bill reflects the priority of global development policy, funding it and supporting it, if we are ever to be triumphant in our efforts to stop violent extremist groups and reduce instability throughout the globe.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to the distinguished gentleman from Florida (Mr. MACK).

Mr. MACK. I would like to thank my colleague for yielding time.

I rise today to speak against the rule for this bill, a rule that shuts out our ability to offer amendments on the floor is an unprecedented abuse of the rules and debate on appropriation bills.

Why is the majority so afraid to hear what we have to say? Why is the majority so afraid of what we might have to offer? Isn't this the place to have debate, real debate, on the important issues that are facing the United States and the citizens of the United States? If you can't have the debate here on the floor of the House, where can you have it?

This is where we should be debating the issues, and changing the rules and the process does the people of this country a disservice.

If I were able to offer an amendment to the Foreign Ops bill, I would offer an amendment that would make sure that aid to Honduras is not cut off. Mr. Speaker, the administration has cut funding to the people of Honduras because some have claimed that a military coup has occurred in Honduras. Instead of being responsible on the matter, the administration has gotten itself involved with the likes of Chavez, Morales, Ortega, and too quickly reacted in a knee-jerk fashion.

To cut the aid, be it humanitarian, military, or what have you, is the wrong thing to do, and if I were able to offer an amendment, I would have fought hard to make sure that aid to Honduras was not cut.

This process makes a mockery of our democratic system, and I urge all of my colleagues to vote against this rule and support an open process, but also support the people of Honduras.

□ 1330

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. I rise to express my support for the State and Foreign Operations Appropriations.

For the first time in a long time, we have a President with a balanced foreign policy focused on smart power that balances might and right.

Having worked in Afghanistan, I know firsthand the importance of diplomacy and the rule of law. Our success internationally depends on both the full funding and support of our military and of our diplomatic corps. Every crisis averted through good diplomacy, multinational cooperation and economic development reduces the burden on our military and our military families.

This bill also includes support language for the City of Hope project. This project is managed by the nonprofit Teamwork Ministries International based in my district in Martinsville, Virginia. Their work to help educate, nourish and train future leaders of Africa is a worthy investment to bring hope to communities and to nations around the globe. This project is a great example of dedicated yet humble Americans putting their values into action, being the face of the greatest of all nations to those who are suffering the most. I thank the team at the City of Hope project, and I thank the chairman for this great step forward for our country's security and its greatest values.

This project is making a difference in the lives of children who have been orphaned as a result of the HIV/AIDS crisis affecting Tanzania and other countries in sub-Saharan Africa. Duke University, the University of Virginia, Campbell University, Howard University, St. Mary's University of Tanzania, and Teamwork Ministries International are working together to advance the City of Hope project.

The HIV/AIDS epidemic has left millions of African children alone, homeless, and without hope. UNICEF estimates there are over 12 million orphaned children in sub-Saharan Africa, and over 1.5 million in Tanzania alone. In some communities, the majority of adults have either died or are infected with HIV/AIDS, and their children carry the burden of raising the family. These children are at a high risk of being misused and exploited at the work place as they try to earn a living to support their siblings. Many of these children wander into towns, live on the streets, and resort to stealing in order to survive. Others are kidnapped and sold as slaves.

The City of Hope is a revolutionary concept, of building facilities and initiating assistance programs not only to provide living quarters, health care, clean drinking water, food and education for children, but also to help educate and train future leaders of Africa. It is an innovative way of bringing transformation to those in despair, and bringing hope to communities and to nations.

Through construction of campuses for orphans in Tanzania providing clean drinking water, residential facilities, schools, and health care facilities, the City of Hope project will provide safe havens for children in the region. A



principal objective is to provide training in leadership skills and in microenterprise, especially agribusiness and sustainable farming, and environmentally beneficial land-use practices. This approach is intended to provide economic opportunities for future leaders in an area in which 80 percent of the economy is agricultural.

Teamwork Ministries is benefiting from the commitment of skilled professionals in such areas as medicine, nursing, nutrition and health, sustainable agricultural practices, and design of "green buildings" to conserve energy. The government of Tanzania is assigning doctors and medical staff to the City of Hope project, and Duke University School of Nursing, the University of Virginia, Campbell University, Howard University, and St. Mary's University of Tanzania are all offering their expertise.

In 2009, the first City of Hope campus in the northern Tanzanian community of Ntagacha will be home to 300 orphaned children and will provide employment and health care to benefit adults in the local community. Teamwork Ministries' objective is to replicate the City of Hope model elsewhere, to serve communities in which the need is greatest. With adequate funding and support in the years ahead, Teamwork Ministries' goal is to establish up to 100 Cities of Hope throughout Tanzania and other sub-Saharan African countries.

I want to thank the State, Foreign Operations Appropriations Subcommittee Chair, Congresswoman LOWEY, and my colleague Congressman DAVID PRICE, a member of the Appropriations Committee, for their support of the City of Hope project. I believe this project, which has strong support in my Congressional District, will be a worthwhile expenditure of USAID funding.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank my friend from Florida. I rise in opposition to the rule. I think at a time when so many controversial decisions are being made in foreign policy, we should have free and open debate. I continue my concerns about the lack of free and open debate.

At the same time, I am going to support the underlying bill, but not without deep concerns. I have concerns about the spending in the bill. I have concerns about the administration's policy in about every country except Canada, and I have some reservations even in their policy with Canada. But at the end of the day, and as the gentleman from New Jersey (Mr. SMITH) said, for those of us who spent our entire lives working on the pro-life movement, to be forced into choices with this Mexico City policy combined with family planning is terrible.

But at the end of the day, I stand with Israel and the funding for Israel. We will have votes on other issues, but this is really our only vote of importance to supporting our friends in Israel.

Without this military funding to help provide superiority and technology in developing their military capability to keep their military superiority over neighbors who would wipe them from

the face of the Earth the second they don't have that superiority, they very possibly might not survive. I have concerns about this administration's policy on Israel. It seems to me we are doing a lot of bullying of a government elected there. They elect different parties, they have different positions, and ultimately they have to make their decisions on what is best for them to survive. They are the best example of democracy in the region. They elect governments that make the different decisions, and we stand with them because we believe it is in our best interest and our obligation to stand with Israel, even if we may disagree with certain policies.

So I even have concerns about the administration's policies regarding Israel; but at the same time, fundamentally, this is our Israel vote. Because I recognize the fundamental reason for the creation of Israel, because I understand their forced diaspora and their persecution around the world, and I understand why Israel was recreated and reestablished in 1948. And I understand the anti-Semitism and rising anti-Semitism around the world, and I understand the anger and commitment to the destruction of their very nation. I think it is important with all of the other difficult issues that we show bipartisan support in this way to our friends in Israel who are in tough straits right now.

So it is reluctantly that I will vote for the bill, but I will vote for the bill and oppose the rule.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I would like to extend my thanks to my colleagues, Chairwoman NITA LOWEY and Congressman EARL BLUMENAUER, for their tireless work over the years to make safe drinking water and basic sanitation more accessible to the world's poor.

In recent years, we have strengthened the United States commitment to this cause not only by increasing the amount of moneys for safe water and drinking water and sanitation, but also making sure that these moneys are appropriately spent in the proper countries, in line with the Senator Paul Simon Water for the Poor Act of 2005.

The continual increase in funding has allowed USAID to hire new technical staff with drinking water and sanitation expertise, to leverage host government involvement, to increase matching funds available to NGOs, and to conduct a range of tested and pilot approaches to increase water and sanitation coverage in individual host countries. It is essential that we continue on this upward trajectory, and I applaud Congresswoman LOWEY for making an additional \$25 million available for this effort.

Water and sanitation have increasingly played a major role in how indi-

viduals interact with one another and how governments govern. Today, approximately 1 billion people lack access to safe drinking water, and an estimated 2.6 billion people live in environments where they do not have access to proper toilet facilities and human waste cannot be properly disposed of.

Chronic water scarcity has fueled instability and hinders economic and social development. In such places as Zimbabwe, Mexico and Gaza, the lack of access to safe drinking water has had detrimental ramifications for the people who live there. For example, over 1.6 million people die every year from easily preventable diseases, and 90 percent of the children are under 5.

I certainly commend Congresswoman LOWEY, and I would like to say that is why Congressman BLUMENAUER and I introduced the Paul Simon bill, and I urge its support.

The lack of access to safe drinking water and basic sanitation affects everything from how food is grown and prepared to the ability of girls and young women to attend school. Water and sanitation is an obvious issue of health but also one of dignity, physical safety and development.

In 2002, the world's leaders gathered together and pledged to halve the proportion, by 2015, of people who lack access to clean water and basic sanitation. The U.S. Congress took this pledge and passed the Senator Paul Simon Water for the Poor Act of 2005. We made the pledge to bring safe and affordable drinking water to the world's poor. Since its enactment in 2005, the U.S. has been able to bring inexpensive potable water to millions of people. While some parts of the world are on track to halve the percent of people who lack access to safe drinking water and basic sanitation, some regions like Africa are behind schedule. That is why Congressman EARL BLUMENAUER and I introduced the Senator Paul Simon Water for the World Act of 2009. This bill is calling for the U.S. Government to elevate the pledge we made in 2002 to a diplomatic and policy priority. It would create offices within the Department of State and USAID and would increase the level of U.S. Government cooperation with local and NGO partners. Most importantly, it would bring first-time access to safe drinking water to an additional 100 million people.

As we, in Congress, debate the State and Foreign Operations Appropriations Act which will rebuild our diplomatic and development activities, strengthen national security and combat terrorism and address global HIV/AIDS, let us not forget that safe drinking water and sanitation are key to the achievement of these other goals. I thank Chairwoman LOWEY for recognizing this crucial fact and increasing our commitment an additional \$25 million to \$335 million.

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

Mr. CARDOZA. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I want to thank Mr. CARDOZA for the time.

I want to begin my comments by congratulating Chairwoman NITA LOWEY



for drafting the bill before us today. I also want to thank Ranking Member GRANGER for working with the majority, and I also want to recognize both the majority and minority subcommittee staff for their professionalism and tireless work in producing this bill.

Mr. Speaker, I rise today to voice my strong support of H.R. 3081, the State, Foreign Operations and Related Programs Appropriations bill. There are few things that we do on an annual basis that are more important and crucial to the success of U.S. foreign policy than passing this bill.

U.S. foreign policy can only be successful if we make crucial investments in the three D's: defense, diplomacy, and development. Ideally, all three, defense, diplomacy and development, should be considered equal legs of the same stool. However, this is currently not the case. This year we are going to spend somewhere north of \$500 billion for defense. This bill, diplomacy and development, only totals \$48 billion.

Despite the fact that the allocation for this bill is \$3.2 billion below the President's request, and \$1.2 billion below the comparable fiscal year 2009 level, this is a well-written and measured bill, taking into account the concerns of both the majority and the minority. However, I am worried about some of the amendments that have been made in order by the rule that would eviscerate some of the vital programs in this bill in the name of fiscal discipline.

I am worried, Mr. Speaker, because yesterday in the developing world nearly 15,000 to 20,000 people died of extreme poverty. Today in the developing world, 15,000 to 20,000 people will die of extreme poverty. Tomorrow in the developing world, 15,000 to 20,000 people will die of extreme poverty.

Extreme poverty, like malnutrition and disease, are claiming tens of thousands of lives every day, despite the fact that we know how to save many of these lives. The bill before us has the real potential to reverse these facts. Look at what has been done to date with our foreign aid: smallpox eradication began in the 1960s; control of river blindness in the 1970s; increased child immunizations in the 1980s; initiatives to fight Guinea worm, trachoma and leprosy in the 1990s; and the effort to end polio in this decade. Measurable results produced with the dollars in this bill.

Mr. Speaker, let me point out some of the highlights of this measure. This bill improves our diplomatic capabilities by funding 1,000 new foreign service professionals and improves our development capabilities by funding 300 new USAID personnel.

This bill provides funds for both our multilateral and bilateral peacekeeping operations. The bill provides increases for global health programs that fight the scourge of HIV, TB and malaria. The bill provides increases for development assistance programs.

Some of these funds are educating children and providing clean drinking water and sanitation around the world.

The bill provides \$224 million for Liberia, a shining example of a post-conflict country that is now on the road to recovery instead of becoming a potential failed state and a potential haven for terrorists.

Now, I understand that some of the Members plan to offer amendments to cut key increases in programs in this bill; but this is penny wise and pound foolish. Again, for our foreign policy to be successful, we can't just use sticks; we also have to use carrots. We need to invest in diplomacy and development the same way we do defense.

I am sure some will defend their amendments by saying in tough economic times we don't need to spend one dime overseas. These arguments also are shortsighted. The money we spend on development and humanitarian programs overseas is an investment in more stability, more security, and more sustainability. It is an investment in our long-term national security interests. It is an investment in a safer, freer, and more democratic world.

Not only is there a strong rational reason to support this bill and oppose all of the amendments to cut these vital programs; there is a moral one as well. When we were debating the fiscal year 2008 Foreign Operations bill, Chairman FRANK WOLF, former ranking member, said it best when he said, "I believe this bill has the potential to do a lot of good, and I want to say that this bill will help save a lot of lives not only here but around the world. This is the work of the Lord," FRANK WOLF said. "This bill," he said, "is really to feed the poor, the hungry, the naked, the sick. Almost a better title of this bill," FRANK WOLF said, "would be the Matthew 25 bill."

I urge my colleagues to vote for this bill, Mr. Speaker, and to look closely at some of these amendments because some of these amendments would cut the Lord's work by 5 percent across the board. Others would cut the Lord's work by \$1.2 billion. And other amendments, Mr. Speaker, eviscerate programs that are designed to help the poorest amongst the poor. Support this bill; support this rule; and support this measure.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to reiterate again my gratitude both to Chairwoman LOWEY and Ranking Member GRANGER of this appropriations subcommittee, and all of the members of the subcommittee. They have done great work.

When Chairwoman LOWEY appeared yesterday in the Rules Committee, it was really remarkable how on a bipartisan basis she received the commendation and admiration of all of us, and, quite frankly, I think in representation of the entire House. So I thank her.

And she has a wonderful ranking member, KAY GRANGER, who also works

extremely diligently in a way that has made the House also admire her deeply.

I think we have had a good debate on the underlying legislation. I think it is most unfortunate that the tradition of two centuries of open debate on appropriations bills has been broken by the majority. And so, Mr. Speaker, I will be asking for a "no" vote on the previous question on this rule so that we can amend the rule and allow an open rule.

The rule that the majority has brought forth today will only cement the dangerous and unnecessary precedent that it has already set. So let's have an open rule. Let's revert to tradition. Let's return to an open process.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I urge all of my colleagues, and I am sure many of my colleagues on the other side of the aisle agree with us, that this unnecessary lessening of the House, this diminishing of each of the Members' rights is most unfortunate. And so we should return, as Ranking Member LEWIS said before the Rules Committee last evening, let's return. There is still time, let's return to the tradition of two centuries and have an open rule.

□ 1345

And we pledge, as Ranking Member LEWIS did last night before the Rules Committee, full cooperation, consistent with that tradition, after debate has begun on these appropriations bills that still remain to be considered, to work out unanimous consent agreements to limit time and allow the process to be finished in a timely way. So let's return to that tradition of two centuries and preserve the rights of each of the Members of this House.

I urge a "no" vote on the previous question in order to return to those two centuries of tradition, to return to open rules on appropriations bills.

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

Mr. CARDOZA. Mr. Speaker, I thank my friend and colleague from Florida for his words.

I concede that it is quite unfortunate that we stand here today, where we stand today, with regard to what has transpired over the past few weeks. It is not the way we want things to operate in the people's house, it's not the way my friends on the other side want to operate either.

A trust and agreement have been breached. Republicans have chosen not to be able to come to an agreement from our very first appropriation bill. There was a marker laid down with dilatory tactics which could have prevented us from tending to the people's business. While Democrats have continued choosing to try and legislate

and move forward and do what the voters and those who elected us to do, we have seen that there has been continuing obstructionist tactics.

The State-Foreign Ops appropriations bill gets to the heart of our national security interests, and it is one of the most important appropriations bills we consider each year. This bill has no place for obstructionism and partisan politics. That has to stop at the water's edge. We simply cannot risk the people's business coming to a screeching halt on such a critical national security measure.

Mr. Speaker, for the good of this institution, we must put aside our political differences and find the common ground. But until that time, we must also do what's necessary to continue doing the people's business and ensure that nothing stands in the way of providing for the safety and security of this great Nation.

Mr. Speaker, simply put, the State-Foreign Ops Appropriations bill funds the United States' diplomatic and development priorities. It is a cornerstone of our national security. It is critical that we send a strong, united message to the world about the United States' foreign policy commitments, about our priorities, about supporting this bill with overwhelming bipartisan support today.

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

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

AMENDMENT TO H. RES. 617 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

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

*Resolved*, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas on January 20, 2009, Barack Obama was inaugurated as President of the United States, and the outstanding public debt of the United States stood at \$10.627 trillion;

Whereas on January 20, 2009, in the President's Inaugural Address, he stated, "[T]hose of us who manage the public's dollars will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.";

Whereas on February 17, 2009, the President signed into public law H.R. 1, the American Recovery and Reinvestment Act of 2009;

Whereas the American Recovery and Reinvestment Act of 2009 included \$575 billion of new spending and \$212 billion of revenue reductions for a total deficit impact of \$787 billion;

Whereas the borrowing necessary to finance the American Recovery and Reinvestment Act of 2009 will cost an additional \$300 billion;

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to \$23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends \$19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends \$19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to

\$17.1 trillion over five years, \$5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends \$4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee produced an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than \$6 trillion compared to the President's budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective \$100 million in the next 90 days;

Whereas the challenge to cut a collective \$100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at \$197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at \$69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at \$80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was \$11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to \$37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit (New York Times/CBS News, Conducted June 12-16, 2009, Survey of 895 Adults Nationwide);

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled "Democratic Declaration: Honest Leadership and Open Government," page 2 states, "Our goal is to restore accountability, honesty and openness at all levels of government.";

Whereas according to a document by Congressional Democrats entitled "A New Direction for America," page 29 states, "Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.";

Whereas on November 21, 2006, The San Francisco Chronicle reported, "Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principle of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.'" ("Pelosi's All Smiles through a Rough House Transition," The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, "[We] promised the American people that we would have the most honest and open government and we will.";

Whereas on December 17, 2006, The Washington Post reported, "After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.'" ("Pelosi's House Diplomacy," The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, "We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House." ("Hoyer Says Dems' Plans Unruffled by Approps Logjam," CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.";

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains \$64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be pre-printed in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each \$1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each \$3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner;

Whereas Congressional Democrats continue to curtail debate and the number of amendments offered to appropriations bills;

Whereas on June 18, 2009, the House Rules Committee reported H. Res. 559, a restrictive structured rule for H.R. 2918, the Legislative Branch Appropriations Act, 2010;

Whereas H. Res. 559 made in order just one amendment out of the 20 amendments originally filed;

Whereas on June 23, 2009, the House Rules Committee reported H. Res. 573, a restrictive structured rule for H.R. 2892, the Department of Homeland Security Appropriations Act, 2010;

Whereas H. Res. 573 made in order just 9 amendments, with a possibility for 5 more amendments, out of the 91 amendments originally filed;

Whereas on June 24, 2009, the House Rules Committee reported H. Res. 578, a restrictive structured rule for H.R. 2896, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010;

Whereas H. Res. 578 made in order just 8 amendments, with a possibility for 5 more amendments, out of the 105 amendments originally filed; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

*Resolved*, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a pre-printing requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

□ 1400

The SPEAKER pro tempore. Does the gentleman from Georgia wish to present argument on why the resolution is privileged for immediate consideration?

Mr. PRICE of Georgia. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Mr. Speaker, rule IX regarding questions of the

privilege of the House states that questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings. The integrity of its proceedings.

Mr. Speaker, clearly, the unprecedented actions that have been taken by the Democrats in charge have disenfranchised every single Member of this House. Appropriations bills have been, by tradition and previously by rule, brought to the floor under what's called an "open rule," which means that every single Member of the House has an opportunity to affect the bill, to represent his or her constituents.

Each of us represents basically the same number of folks, 650,000, 675,000. When Members are not allowed to bring amendments to the floor on the spending of their constituents' tax money, that disenfranchises those Members. That is an affront to the House. It presents an indignity to the House.

Mr. Speaker, I understand that the closed rule that was passed recently, yesterday, resulted in more closed rules on appropriations bills in this House of Representatives by this leadership, by these Democrats in charge, more than any in the history, not of this decade, not of this century, but in the history of this Republic. Mr. Speaker, in the history of this Republic.

Now, I know my friend from California says that this is not the way we want things to operate, but, Mr. Speaker, they control the process. They control the process. They control this tyranny. Mr. Speaker, it is indeed tyranny. It's tyranny by the majority. It's what de Tocqueville warned about over 150 years ago when he said that the majority can indeed shut down the rights of the minority. And that's exactly what is happening, which is why this resolution ought to be a privileged resolution, because what it directs the Rules Committee to do is to return to regular order; return to a process that allows each and every one of us to represent our constituents; return to a process that Mr. OBEY, then in the minority on the Appropriations Committee, said, "We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy.' The reason we have stuck to regular order as long as we have in this Institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body in the world."

Mr. Speaker, the tyranny of this majority, the tyranny of the folks in charge right now, have resulted in an affront on this House. Those actions, these actions have clearly violated the integrity of our proceedings. Therefore, I believe that this resolution qualifies as a privileged resolution of this House.

I yield back.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from Georgia under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. That basic principle is that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House.

The Chair finds that the resolution offered by the gentleman from Georgia, by directing the Committee on Rules to report a certain kind of resolution, proposes a special order of business. Under a long and well-settled line of precedent presently culminating in the ruling of June 25, 2009, such a resolution cannot qualify as a question of the privileges of the House.

The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the resolution may be submitted through the hopper in the regular course.

Mr. PRICE of Georgia. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

#### MOTION TO TABLE

Mr. CARDOZA. Mr. Speaker, I move that the appeal of the ruling of the Chair be laid on the table.

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

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

#### RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

ordering the previous question on H. Res. 617;

adopting H. Res. 617, if ordered; suspending the rules and adopting House Concurrent Resolution 127, if ordered; and

suspending the rules and adopting House Concurrent Resolution 131, if ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 179, not voting 13, as follows:

[Roll No. 511]

AYES—240

Abercrombie  
Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean

Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocciari  
Boren  
Boswell  
Boucher

Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney

Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Clarke  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Giffords  
Gonzalez  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchee  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee

Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
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  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne

Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Wu  
Yarmuth

#### NOES—179

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehmer  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Gaite,  
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  
Foster  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoeksra  
Hunter  
Inglis  
Issa

Jenkins	McKeon	Roskam	Bishop (NY)	Hinojosa	Perlmutter	Jenkins	McKeon	Roskam
Johnson (IL)	McMorris	Royce	Blumenauer	Hodes	Perriello	Johnson (IL)	McMorris	Royce
Johnson, Sam	Rodgers	Ryan (WI)	Boccieri	Holt	Peters	Johnson, Sam	Rodgers	Ryan (WI)
Jones	Mica	Scalise	Boren	Hoyer	Peterson	Jones	Melancon	Scalise
Jordan (OH)	Miller (FL)	Schmidt	Boswell	Insee	Pingree (ME)	Jordan (OH)	Mica	Schmidt
King (IA)	Miller (MI)	Schock	Boucher	Israel	Polis (CO)	King (IA)	Miller (FL)	Schock
King (NY)	Miller, Gary	Sensenbrenner	Boyd	Jackson (IL)	Price (NC)	King (NY)	Miller (MI)	Sensenbrenner
Kingston	Moran (KS)	Sessions	Brady (PA)	Jackson-Lee	Quigley	Kingston	Miller, Gary	Sessions
Kirk	Murphy, Tim	Shadegg	Braley (IA)	(TX)	Reyes	Kirk	Minnick	Shimkus
Kline (MN)	Myrick	Shimkus	Brown, Corrine	Johnson (GA)	Richardson	Kline (MN)	Mitchell	Shuler
Kratovil	Neugebauer	Shuster	Butterfield	Johnson, E. B.	Rodriguez	Kratovil	Moran (KS)	Shuster
Lamborn	Nunes	Simpson	Capuano	Kaptur	Ross	Lamborn	Murphy, Tim	Simpson
Lance	Nye	Smith (NE)	Carnahan	Kennedy	Rothman (NJ)	Lance	Myrick	Simpson
Latham	Olson	Smith (TX)	Carney	Kildee	Roybal-Allard	Latham	Neugebauer	Smith (NE)
LaTourette	Paul	Souder	Carson (IN)	Kilpatrick (MI)	Ruppersberger	LaTourette	Nunes	Smith (NJ)
Latta	Paulsen	Stearns	Castor (FL)	Kilroy	Rush	Latta	Olson	Smith (TX)
Lee (NY)	Pence	Sullivan	Chandler	Kind	Ryan (OH)	Lee (NY)	Paul	Souder
Lewis (CA)	Petri	Terry	Clarke	Kirkpatrick (AZ)	Sánchez, Linda	Lewis (CA)	Paulsen	Stearns
Linder	Pitts	Thompson (PA)	Clay	Kissell	T.	Linder	Pence	Stupak
LoBiondo	Platts	Thornberry	Clyburn	Klein (FL)	Sanchez, Loretta	Lipinski	Petri	Sullivan
Lucas	Poe (TX)	Tiahrt	Cohen	Kosmas	Sarbanes	LoBiondo	Pitts	Terry
Luetkemeyer	Posey	Tiberi	Connolly (VA)	Kucinich	Schakowsky	Lucas	Platts	Terry
Lummis	Price (GA)	Turner	Conyers	Langevin	Schauer	Luetkemeyer	Poe (TX)	Thornberry
Lungren, Daniel	Putnam	Upton	Cooper	Larsen (WA)	Schiff	Lummis	Posey	Tiahrt
E.	Radanovich	Walden	Costello	Larson (CT)	Schrader	Lungren, Daniel	Price (GA)	Tiberi
Mack	Rehberg	Wamp	Levin	Lee (CA)	Schwartz	E.	Putnam	Turner
Manzullo	Reichert	Westmoreland	Crowley	Lewis (GA)	Scott (GA)	Mack	Radanovich	Upton
Marchant	Roe (TN)	Whitfield	Cuellar	Loeback	Scott (VA)	Manzullo	Rahall	Walden
McCarthy (CA)	Rogers (AL)	Wilson (SC)	Cummings	Lofgren, Zoe	Serrano	Marchant	Rehberg	Wamp
McCaul	Rogers (KY)	Wittman	Dahlkemper	Lowe	Sestak	McCarthy (CA)	Reichert	Westmoreland
McClintock	Rogers (MI)	Wolf	Davis (AL)	Lujan	Shea-Porter	McCaul	Roe (TN)	Whitfield
McCotter	Rohrabacher	Young (AK)	Davis (CA)	Lynch	Sherman	McClintock	Rogers (AL)	Wilson (SC)
McHenry	Rooney	Young (FL)	Davis (IL)	Maffei	Sires	McCotter	Rogers (KY)	Wittman
McHugh	Ros-Lehtinen		Davis (TN)	Maloney	Skelton	McHenry	Rohrabacher	Wolf
			DeFazio	Markey (CO)	Slaughter	McHugh	Rooney	Young (AK)
			DeGette	Markey (MA)	Smith (WA)	McIntyre	Ros-Lehtinen	
			Delahunt	Marshall	Snyder			
			Dingell	Massa	Space			
			Doggett	Matheson	Speier	Aderholt	Eshoo	Pomeroy
			Doyle	Matsui	Spratt	Adler (NJ)	Fudge	Rangel
			Edwards (MD)	McCarthy (NY)	Stark	Boehner	Granger	Rogers (MI)
			Edwards (TX)	McCollum	Sutton	Cantor	Hirono	Salazar
			Ellsworth	McDermott	Tanner	Cardoza	Honda	Shadegg
			Engel	McGovern	Teague	Cleaver	Kagen	Taylor
			Etheridge	McMahon	Thompson (MS)	Costa	Kanjorski	Thompson (CA)
			Farr	McNerney	Tierney	DeLauro	Miller, George	Young (FL)
			Fattah	Meek (FL)	Titus	Dicks	Murphy (NY)	
			Filner	Meeke (NY)	Tonko	Ellison	Napolitano	
			Foster	Michaud	Towns			
			Frank (MA)	Miller (NC)	Tsongas			
			Giffords	Mollohan	Van Hollen			
			Gonzalez	Moore (KS)	Velázquez			
			Gordon (TN)	Moore (WI)	Visclosky			
			Grayson	Moran (VA)	Walz			
			Green, Al	Murphy (CT)	Wasserman			
			Green, Gene	Murphy, Patrick	Schultz			
			Grijalva	Murtha	Waters			
			Gutierrez	Nadler (NY)	Watson			
			Hall (NY)	Neal (MA)	Watt			
			Halvorson	Nye	Waxman			
			Hare	Oberstar	Weiner			
			Harman	Obey	Welch			
			Hastings (FL)	Oliver	Wexler			
			Heinrich	Ortiz	Wilson (OH)			
			Herseth Sandlin	Pallone	Woolsey			
			Higgins	Pascrell	Wu			
			Himes	Pastor (AZ)	Yarmuth			
			Hinchee	Payne				

NOT VOTING—13

DeLauro	Moran (VA)	Taylor
Fudge	Murphy (NY)	Waxman
Gordon (TN)	Rangel	Woolsey
Granger	Schakowsky	
Johnson (GA)	Smith (NJ)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1432

Messrs. LUETKEMEYER and LEWIS of California changed their vote from “aye” to “no.”

Messrs. KUCINICH and BERMAN and Ms. LINDA T. SANCHEZ of California changed their vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3081, DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 617 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 217, nays 187, not voting 28, as follows:

[Roll No. 512]

YEAS—217

Abercrombie	Baca	Becerra
Ackerman	Baird	Berkley
Altmire	Baldwin	Berman
Andrews	Barrow	Berry
Arcuri	Bean	Bishop (GA)

NAYS—187

Akin	Calvert	Flake
Alexander	Camp	Fleming
Austria	Campbell	Forbes
Bachmann	Cao	Fortenberry
Bachus	Capito	Fox
Barrett (SC)	Carter	Franks (AZ)
Bartlett	Cassidy	Frelinghuysen
Barton (TX)	Castle	Gallely
Biggett	Chaffetz	Garrett (NJ)
Bilbray	Childers	Gerlach
Bilirakis	Coble	Gingrey (GA)
Bishop (UT)	Coffman (CO)	Gohmert
Blackburn	Cole	Goodlatte
Blunt	Conaway	Graves
Bonner	Crenshaw	Griffith
Bono Mack	Culberson	Guthrie
Boozman	Davis (KY)	Hall (TX)
Boustany	Deal (GA)	Harper
Brady (TX)	Dent	Hastings (WA)
Bright	Diaz-Balart, L.	Heller
Brown (GA)	Diaz-Balart, M.	Hensarling
Brown (SC)	Donnelly (IN)	Herger
Brown-Waite,	Dreier	Hill
Ginny	Driehaus	Hoekstra
Buchanan	Duncan	Holden
Burgess	Ehlers	Hunter
Burton (IN)	Emerson	Inglis
Buyer	Fallin	Issa

NOT VOTING—28

Aderholt	Eshoo	Pomeroy
Adler (NJ)	Fudge	Rangel
Boehner	Granger	Rogers (MI)
Cantor	Hirono	Salazar
Cardoza	Honda	Shadegg
Cleaver	Kagen	Taylor
Costa	Kanjorski	Thompson (CA)
DeLauro	Miller, George	Young (FL)
Dicks	Murphy (NY)	
Ellison	Napolitano	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on the vote.

□ 1438

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for: Ms. HIRONO. Madam Speaker, on rollcall No. 512, had I been present, I would have voted “yea.”

Ms. ESHOO. Madam Speaker, I was not present during the rollcall vote No. 512 on July 9, 2009. I would like the RECORD to reflect how I would have voted:

On rollcall vote No. 512 I would have voted “aye.”

(By unanimous consent, Ms. WASSERMAN SCHULTZ was allowed to speak out of order.)

CONGRESSIONAL WOMEN’S SOFTBALL GAME

Ms. WASSERMAN SCHULTZ. Ladies and gentlemen of the House, colleagues, the gentlewoman from Missouri and I would like to invite you to see how softball is really played when women come together in a bipartisan, bicameral effort to bring the parties together and to raise money for a good cause.

We encourage you all to come out this Tuesday, July 14, at 7:30 at Guy Mason Field for the first annual historic, bicameral and bipartisan congressional women’s softball game.

We have been practicing now for a month and have the assistance of several of our colleagues who are veterans

of the congressional baseball team. A few of them were out there today. We were having a great time. The women have gotten to know each other and have been engaging in bonding.

It is my privilege to yield to my friend from Missouri (Mrs. EMERSON).

Mrs. EMERSON. We really do hope that you will come. You will be amazed at not how badly we play at all, but how good we have become, and at how, as DEBBIE says, we have really come together as a team. We all know how to play softball. We are going to be playing some of the women of the Democratic and Republican National Committees. We are at least twice their age.

We will be doing it, as DEBBIE said, next week on Tuesday at 7:30 at Guy Mason Field. It is at 3600 Calvert Street NW at Calvert and Wisconsin behind the Vice President's house. We really, really want all of you to come.

We also want to thank all of our teammates. We have about 15 of us. We are pleased that we have also three of the men helping coach us. I think we won't let you down, and we really want you to come. There will be food there and good things to drink and eat.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we encourage everyone to come out and engage in a little off-campus, bipartisan fun and cheer on the congressional women's softball team.

Mr. HOYER. Will the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I will be happy to yield.

Mr. HOYER. I want to announce to the House that because of the importance of this event, I want to assure all Members that we are going to make sure that the schedule accommodates the event.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 223, nays 200, not voting 9, as follows:

[Roll No. 513]

YEAS—223

Abercrombie	Berman	Brown, Corrine
Ackerman	Berry	Butterfield
Adler (NJ)	Bishop (GA)	Capps
Andrews	Bishop (NY)	Capuano
Arcuri	Blumenauer	Cardoza
Baca	Boren	Carnahan
Baird	Boswell	Carney
Baldwin	Boucher	Carson (IN)
Barrow	Boyd	Castor (FL)
Bean	Brady (PA)	Chandler
Berkley	Braley (IA)	Clarke

Clay	Johnson, E. B.	Pingree (ME)	Kanjorski
Cleaver	Kagen	Polis (CO)	King (IA)
Clyburn	Kaptur	Price (NC)	King (NY)
Cohen	Kennedy	Quigley	Kingston
Connolly (VA)	Kildee	Rangel	Kirk
Conyers	Kilpatrick (MI)	Reyes	Kline (MN)
Cooper	Kilroy	Richardson	Kratovil
Costa	Kind	Rodriguez	Lamborn
Costello	Kirkpatrick (AZ)	Ross	Lance
Courtney	Kissell	Rothman (NJ)	Latham
Crowley	Klein (FL)	Roybal-Allard	LaTourette
Cuellar	Kosmas	Ruppersberger	Latta
Cummings	Kucinich	Rush	Lee (NY)
Davis (AL)	Langevin	Sánchez, Loretta	Lewis (CA)
Davis (CA)	Larsen (WA)	Sanchez, Loretta	Linder
Davis (IL)	Lee (CA)	Sarbanes	Lipinski
Davis (TN)	Levin	Schakowsky	LoBiondo
DeFazio	Lewis (GA)	Schauer	Lucas
DeGette	Loebsock	Schiff	Luetkemeyer
Delahunt	Lofgren, Zoe	Schrader	Lummis
Dicks	Lowe	Schwartz	Lungren, Daniel
Dingell	Lujan	Scott (GA)	E.
Doggett	Lynch	Scott (VA)	Mack
Doyle	Maffei	Serrano	Manzullo
Edwards (MD)	Maloney	Sestak	Marchant
Edwards (TX)	Markey (CO)	Shea-Porter	McCarthy (CA)
Ellison	Markey (MA)	Sherman	McCaul
Engel	Marshall	Sires	McClintock
Eshoo	Massa	Slaughter	McCotter
Etheridge	Matheson	Smith (WA)	McHenry
Farr	Matsui	Space	McHugh
Fattah	McCarthy (NY)	Speier	McIntyre
Finer	McCollum	Spratt	McKeon
Foster	McDermott	Stark	McMorris
Frank (MA)	McGovern	Sutton	Rodgers
Griffitts	McMahon	Tanner	Melancon
Gonzalez	McNerney	Teague	
Gordon (TN)	Meek (FL)	Thompson (CA)	
Grayson	Meeks (NY)	Thompson (MS)	
Green, Al	Michaud	Titus	
Green, Gene	Miller (NC)	Tonko	
Griffith	Miller, George	Townes	
Grijalva	Mollohan	Tsongas	
Gutierrez	Moore (KS)	Van Hollen	
Hall (NY)	Moore (WI)	Velázquez	
Halvorson	Moran (VA)	Visclosky	
Hare	Murphy (CT)	Walz	
Harman	Murphy, Patrick	Wasserman	
Hastings (FL)	Murtha	Schultz	
Heinrich	Nadler (NY)	Waters	
Higgins	Napolitano	Watson	
Himes	Neal (MA)	Watt	
Hinchee	Nye	Waxman	
Hinojosa	Oberstar	Weiner	
Hirono	Oliver	Welch	
Hodes	Ortiz	Wexler	
Holt	Pallone	Wilson (OH)	
Honda	Pascrell	Woolsey	
Hoyer	Pastor (AZ)	Wu	
Inslee	Payne	Yarmuth	
Israel	Perlmutter		
Jackson (IL)	Perriello		
Jackson-Lee	Peters		
(TX)	Peterson		
Johnson (GA)			

NAYS—200

Aderholt	Calvert	Fleming
Akin	Camp	Forbes
Alexander	Campbell	Fortenberry
Altmire	Cantor	Fox
Austria	Cao	Franks (AZ)
Bachmann	Capito	Frelinghuysen
Bachus	Carter	Gallely
Barrett (SC)	Cassidy	Garrett (NJ)
Bartlett	Castle	Gerlach
Barton (TX)	Chaffetz	Gingrey (GA)
Biggert	Childers	Gohmert
Bilbray	Coble	Goodlatte
Bilirakis	Coffman (CO)	Graves
Bishop (UT)	Cole	Guthrie
Blackburn	Conaway	Hall (TX)
Blunt	Crenshaw	Harper
Boccheri	Culberson	Hastings (WA)
Boehner	Dahlkemper	Heller
Bonner	Davis (KY)	Hensarling
Bono Mack	Deal (GA)	Herger
Boozman	Dent	Herseth Sandlin
Boustany	Diaz-Balart, L.	Hill
Brady (TX)	Brady (TX, M.)	Hoekstra
Bright	Donnelly (IN)	Holden
Broun (GA)	Dreier	Hunter
Brown (SC)	Driehaus	Inglis
Brown-Waite,	Duncan	Issa
Ginny	Ehlers	Jenkins
Buchanan	Ellsworth	Johnson (IL)
Boyd	Emerson	Johnson, Sam
Burgess	Fallin	Jones
Burton (IN)	Flake	Jordan (OH)
Buyer		

Mica	Scalise
Miller (FL)	Schmidt
Miller (MI)	Schock
Miller, Gary	Sensenbrenner
Minnick	Sessions
Mitchell	Shadegg
Moran (KS)	Shimkus
Murphy, Tim	Shuler
Myrick	Shuster
Neugebauer	Simpson
Nunes	Skelton
Olson	Smith (NE)
Paul	Smith (NJ)
Paulsen	Smith (TX)
Pence	Snyder
Petri	Souder
Pitts	Stearns
Platts	Stupak
Poe (TX)	Sullivan
Posey	Taylor
Price (GA)	Terry
Putnam	Thompson (PA)
Radanovich	Thornberry
Rahall	Tiahrt
Rehberg	Tiberi
Reichert	Turner
Roe (TN)	Upton
Rogers (AL)	Walden
Rogers (KY)	Wamp
Rogers (MI)	Westmoreland
Rohrabacher	Whitfield
Rooney	Wilson (SC)
Ros-Lehtinen	Wittman
Roskam	Young (AK)
Royce	Young (FL)
Ryan (WI)	

NOT VOTING—9

Becerra	Granger	Pomeroy
DeLauro	Larson (CT)	Tierney
Fudge	Murphy (NY)	Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1448

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.

#### RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 127.

The Clerk read the title of the concurrent resolution.

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 agree to the concurrent resolution, H. Con. Res. 127.

The question was taken.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 514]

YEAS—423

Abercrombie Davis (AL) Jones  
 Ackerman Davis (CA) Jordan (OH)  
 Aderholt Davis (IL) Kagen  
 Adler (NJ) Davis (KY) Kanjorski  
 Akin Davis (TN) Kaptur  
 Alexander Deal (GA) Kennedy  
 Altmire DeFazio Kildee  
 Andrews DeGette Kilpatrick (MI)  
 Arcuri Delahunt Kilroy  
 Austria Dent Kind  
 Baca Diaz-Balart, L. King (IA)  
 Bachus Diaz-Balart, M. King (NY)  
 Baird Dicks Kingston  
 Baldwin Dingell Kirk  
 Barrett (SC) Doggett Kirkpatrick (AZ)  
 Barrow Donnelly (IN) Kissell  
 Bartlett Doyle Klein (FL)  
 Barton (TX) Dreier Kline (MN)  
 Bean Driehaus Kosmas  
 Becerra Duncan Kratovil  
 Berkley Edwards (MD) Kucinich  
 Berman Edwards (TX) Lamborn  
 Berry Ehlers Lance  
 Biggert Ellison Langevin  
 Bilbray Ellsworth Larsen (WA)  
 Bilirakis Emerson Latham  
 Bishop (GA) Engel LaTourette  
 Bishop (NY) Eshoo Latta  
 Bishop (UT) Etheridge Lee (CA)  
 Blackburn Fallin Lee (NY)  
 Blumenauer Farr Levin  
 Blunt Filner Lewis (CA)  
 Boccieri Flake Lewis (GA)  
 Boehner Fleming Linder  
 Bonner Forbes Lipinski  
 Bono Mack Fortenberry LoBiondo  
 Boozman Foster Loebsack  
 Boren Foxx Lofgren, Zoe  
 Boswell Frank (MA) Lowey  
 Boucher Franks (AZ) Lucas  
 Boustany Frelinghuysen Luetkemeyer  
 Boyd Gallegly Lujan  
 Brady (PA) Garrett (NJ) Lummis  
 Brady (TX) Gerlach Lungren, Daniel  
 Braley (IA) Giffords E.  
 Bright Gingrey (GA) Lynch  
 Broun (GA) Gohmert Mack  
 Brown (SC) Gonzalez Maffei  
 Brown, Corrine Goodlatte Maloney  
 Brown-Waite, Ginny Gordon (TN) Manzullo  
 Buchanan Grayson Graves Marchant  
 Burgess Green, Al Markey (CO)  
 Burton (IN) Green, Gene Markey (MA)  
 Butterfield Griffith Massa  
 Buyer Grijalva Matheson  
 Calvert Guthrie Matsui  
 Campbell Gutierrez McCarthy (CA)  
 Cantor Hall (NY) McCarthy (NY)  
 Cao Hall (TX) McCaul  
 Capito Halvorson McClintock  
 Capps Hare McCollum  
 Capuano Harman McCotter  
 Cardoza Hastings (FL) McDermott  
 Carnahan Hastings (WA) McGovern  
 Carney Heinrich McHenry  
 Carson (IN) Heller McHugh  
 Carter Hensarling McIntyre  
 Cassidy Herger McKeon  
 Castle Hergeth Sandlin McMahan  
 Castor (FL) Higgins McMorris  
 Chaffetz Hill Rodgers  
 Chandler Himes McNeerney  
 Childers Hinchey Meek (FL)  
 Clarke Hinojosa Meeks (NY)  
 Clay Hirono Melancon  
 Cleaver Hodes Mica  
 Clyburn Hoekstra Michaud  
 Coble Holden Miller (FL)  
 Coffman (CO) Holt Miller (MI)  
 Cohen Miller (NC) Miller (NC)  
 Cole Miller, Gary Miller, George  
 Conaway Hunter Minnick  
 Connolly (VA) Ingليس Mitchell  
 Conyers Inslee Mollohan  
 Cooper Israel Moore (KS)  
 Costa Issa Moore (WI)  
 Costello Jackson (IL) Moran (KS)  
 Courtney Jackson-Lee Moran (VA)  
 Crenshaw (TX) Murphy (CT)  
 Crowley Jenkins Murphy, Patrick  
 Cuellar Johnson (GA) Murphy, Tim  
 Culberson Johnson (IL) Myrick  
 Cummings Johnson, E. B. Nadler (NY)  
 Dahlkemper Johnson, Sam Napolitano

Neal (MA) Roskam Stearns  
 Neugebauer Ross Stupak  
 Nunes Rothman (NJ) Sullivan  
 Nye Roybal-Allard Sutton  
 Oberstar Royce Tanner  
 Obey Ruppersberger Taylor  
 Olson Rush Teague  
 Oliver Ryan (OH) Terry  
 Ortiz Ryan (WI) Thompson (CA)  
 Pallone Salazar Thompson (MS)  
 Pascrell Sanchez, Linda Thompson (PA)  
 Pastor (AZ) T. Thornberry  
 Paul Sanchez, Loretta Tiahrt  
 Paulsen Sarbanes Tiberi  
 Payne Scalise Tierney  
 Pence Schakowsky Titus  
 Perlmutter Schauer Tonko  
 Perriello Schiff Towns  
 Peters Schmidt Tsongas  
 Peterson Schock Turner  
 Petri Schwartz Upton  
 Pingree (ME) Scott (GA) Van Hollen  
 Pitts Scott (VA) Velazquez  
 Platts Sensenbrenner Visclosky  
 Poe (TX) Serrano Walden  
 Polis (CO) Sessions Walz  
 Pomeroy Sestak Wamp  
 Posey Shadegg Wasserman  
 Price (GA) Shea-Porter Schultz  
 Price (NC) Sherman Waters  
 Putnam Shimkus Watson  
 Quigley Shuler Watt  
 Radanovich Shuster Waxman  
 Rahall Simpson Weiner  
 Rangel Sires Welch  
 Rehberg Skelton Westmoreland  
 Reichert Slaughter Wexler  
 Reyes Smith (NE) Whitfield  
 Richardson Smith (NJ) Wilson (OH)  
 Rodriguez Smith (TX) Wilson (SC)  
 Roe (TN) Smith (WA) Wittman  
 Rogers (AL) Snyder Wolf  
 Rogers (KY) Souder Woolsey  
 Rogers (MI) Space Wu  
 Rohrabacher Speier Yarmuth  
 Rooney Spratt Young (AK)  
 Ros-Lehtinen Stark Young (FL)

NOT VOTING—9

Bachmann Fudge Murphy (NY)  
 DeLauro Granger Murtha  
 Fattah Larson (CT) Schrader

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1455

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR ENGRAVEMENTS IN CAPITOL VISITOR CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 131.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 131.

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. KLINE of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 410, noes 8, answered “present” 2, not voting 12, as follows:

[Roll No. 515]

AYES—410

Abercrombie Courtney Inglis  
 Ackerman Crenshaw Inslee  
 Aderholt Crowler Israel  
 Adler (NJ) Cuellar Issa  
 Akin Culberson Jackson (IL)  
 Alexander Cummings Jackson-Lee  
 Altmire Dahlkemper (TX)  
 Andrews Davis (AL) Jenkins  
 Arcuri Davis (CA) Johnson (GA)  
 Austria Davis (IL) Johnson (IL)  
 Baca Davis (KY) Johnson, E. B.  
 Bachmann Davis (TN) Johnson, Sam  
 Bachus Deal (GA) Jones  
 Baird DeFazio Jordan (OH)  
 Baldwin DeGette Kagen  
 Barrett (SC) Delahunt Kanjorski  
 Barrow Dent Kennedy  
 Bartlett Diaz-Balart, L. Kildee  
 Barton (TX) Diaz-Balart, M. Kilpatrick (MI)  
 Bean Dicks Kilroy  
 Becerra Dingell Kind  
 Berkley Doggett King (IA)  
 Berman Donnelly (IN) King (NY)  
 Berry Doyle Kingston  
 Biggert Dreier Kirk  
 Bilbray Driehaus Kirkpatrick (AZ)  
 Bilirakis Duncan Kissell  
 Bishop (GA) Edwards (TX) Klein (FL)  
 Bishop (NY) Ehlers Kline (MN)  
 Bishop (UT) Ellison Kosmas  
 Blackburn Ellsworth Kratovil  
 Blumenauer Emerson Kucinich  
 Blunt Engel Lamborn  
 Boccieri Eshoo Lance  
 Boehner Etheridge Langevin  
 Bonner Fallin Larsen (WA)  
 Bono Mack Fattah Latham  
 Boozman Filner LaTourette  
 Boren Flake Latta  
 Boswell Fleming Lee (CA)  
 Boucher Forbes Lee (NY)  
 Boustany Fortenberry Levin  
 Boyd Foster Lewis (CA)  
 Brady (PA) Foxx Lewis (GA)  
 Brady (TX) Frank (MA) Lipinski  
 Braley (IA) Franks (AZ) LoBiondo  
 Bright Frelinghuysen Loebsack  
 Broun (GA) Gallegly Lofgren, Zoe  
 Brown (SC) Garrett (NJ) Lowey  
 Brown, Corrine Gerlach Lucas  
 Brown-Waite, Ginny Giffords Luetkemeyer  
 Buchanan Gohmert Lujan  
 Burgess Gonzalez Lummis  
 Burton (IN) Goodlatte Lungren, Daniel  
 Butterfield Gordon (TN) E.  
 Buyer Graves Lynch  
 Calvert Grayson Matsui  
 Campbell Gutierrez McCarthy (CA)  
 Cantor Hall (NY) McCarthy (NY)  
 Cao Hall (TX) McCaul  
 Capito Halvorson McClintock  
 Capps Hare McCollum  
 Capuano Harman McCotter  
 Cardoza Hastings (FL) McDermott  
 Carnahan Hastings (WA) McGovern  
 Carney Heinrich McHenry  
 Carson (IN) Heller McHugh  
 Carter Hensarling McIntyre  
 Cassidy Herger McKeon  
 Castle Hergeth Sandlin McMahan  
 Castor (FL) Higgins McMorris  
 Chaffetz Hill Rodgers  
 Chandler Himes McNeerney  
 Childers Hinchey Meek (FL)  
 Clarke Hinojosa Meeks (NY)  
 Clay Hirono Melancon  
 Cleaver Hodes Mica  
 Clyburn Hoekstra Michaud  
 Coble Holden Miller (FL)  
 Coffman (CO) Holt Miller (MI)  
 Cohen Miller (NC) Miller (NC)  
 Cole Miller, Gary Miller, George  
 Conaway Hunter Minnick  
 Connolly (VA) Ingليس Mitchell  
 Conyers Inslee Mollohan  
 Cooper Israel Moore (KS)  
 Costa Issa Moore (WI)  
 Costello Jackson (IL) Moran (KS)  
 Courtney Jackson-Lee Moran (VA)  
 Crenshaw (TX) Murphy (CT)  
 Crowley Jenkins Murphy, Patrick  
 Cuellar Johnson (GA) Murphy, Tim  
 Culberson Johnson (IL) Myrick  
 Cummings Johnson, E. B. Nadler (NY)  
 Dahlkemper Johnson, Sam Napolitano



Miller (NC)	Reyes	Souder
Miller, Gary	Richardson	Space
Miller, George	Rodriguez	Speier
Minnick	Roe (TN)	Spratt
Mitchell	Rogers (AL)	Stearns
Mollohan	Rogers (KY)	Sullivan
Moore (KS)	Rogers (MI)	Sutton
Moore (WI)	Rohrabacher	Tanner
Moran (KS)	Rooney	Taylor
Murphy (CT)	Ros-Lehtinen	Teague
Murphy, Patrick	Roskam	Terry
Murphy, Tim	Ross	Thompson (CA)
Myrick	Rothman (NJ)	Thompson (MS)
Nadler (NY)	Roybal-Allard	Thompson (PA)
Napolitano	Royce	Thornberry
Neal (MA)	Ruppersberger	Tiahrt
Neugebauer	Rush	Tiberi
Nunes	Ryan (OH)	Tierney
Nye	Ryan (WI)	Titus
Oberstar	Salazar	Tonko
Obey	Sánchez, Linda	Towns
Olson	T.	Tsongas
Olver	Sanchez, Loretta	Turner
Ortiz	Sarbanes	Upton
Pallone	Scalise	Van Hollen
Pascrell	Schakowsky	Velázquez
Pastor (AZ)	Schauer	Visclosky
Paulsen	Schiff	Walden
Payne	Schmitt	Walz
Pence	Schock	Wamp
Perlmutter	Schrader	Wasserman
Perriello	Schwartz	Schultz
Peters	Scott (GA)	Waters
Peterson	Sensenbrenner	Watson
Petri	Serrano	Watt
Pingree (ME)	Sessions	Waxman
Pitts	Sestak	Weiner
Platts	Shadegg	Welch
Poe (TX)	Shea-Porter	Westmoreland
Polis (CO)	Shimkus	Wexler
Pomeroy	Shuler	Whitfield
Posey	Shuster	Wilson (OH)
Price (GA)	Simpson	Wilson (SC)
Price (NC)	Sires	Wittman
Putnam	Skelton	Wolf
Quigley	Slaughter	Woolsey
Radanovich	Smith (NE)	Wu
Rahall	Smith (NJ)	Yarmuth
Rangel	Smith (TX)	Young (AK)
Rehberg	Smith (WA)	Young (FL)
Reichert	Snyder	

## NOES—8

Conyers	Honda	Scott (VA)
Edwards (MD)	McDermott	Stark
Hirono	Paul	

## ANSWERED "PRESENT"—2

Farr	Moran (VA)
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## NOT VOTING—12

Buyer	Kaptur	Murphy (NY)
DeLauro	Larson (CT)	Murtha
Fudge	Linder	Sherman
Granger	McHenry	Stupak

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## □ 1501

So (two-thirds being in the affirmative) the rules were suspended and the concurrent 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

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3081.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

THE SPEAKER pro tempore. Pursuant to House Resolution 617 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. 3081.

## □ 1503

## 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. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, with Mr. CAPUANO 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 gentlewoman from New York (Mrs. LOWEY) and the gentleman from Illinois (Mr. KIRK) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I'm pleased to present H.R. 3081, the fiscal year 2010 appropriations bill for the Department of State, Foreign Operations, and Related Programs. I am deeply appreciative to my ranking member, KAY GRANGER, for her key role in drafting this bill. This reflects our bipartisan priorities and is a better product as a result of our collaboration.

After all the hard work that Ms. GRANGER put into this bill, I am deeply saddened that she's unable to be on the House floor with us today to see the passage of our bipartisan product. I would like to extend my heartfelt thanks to my friend, Ms. GRANGER, and I know all of us wish for her a speedy recovery. Her presence is missed today on the floor, but I know her thoughts are with us, and I look forward to continuing to work closely with her as we move forward with the bill.

The bill has also benefited from the input of our very informed and engaged subcommittee members. The bill totals \$48.843 billion, \$3.2 billion below the request and \$1.2 billion below the fiscal year 2009 enacted level, including supplemental appropriations.

The bill provides an upfront and transparent accounting of the resources needed to fund our foreign policy and national security interests to end the reliance on supplemental appropriations to fund anticipated needs.

Let there be no doubt, this bill, which funds the U.S.'s diplomatic and development priorities, is a cornerstone of U.S. national security. It includes \$4.7 billion for assistance to Afghanistan, Pakistan, and Iraq to help stabilize, strengthen, and rebuild these critical countries.

In conjunction with funding in the 2009 supplemental, the bill fully funds the U.S. commitments to our allies and partners in the Middle East, including a total of \$2.775 billion in FMF pursuant to the MOU between the United States and our ally Israel and our commitments to Egypt and Jordan.

The bill provides \$987 million to continue support for counternarcotics and alternate development programs in Mexico, Central America, the Caribbean Basin, and Colombia and Peru.

The bill continues the congressional commitment to increasing the capacity of our civilian agencies to carry out diplomatic and development missions and provides resources to hire, train, support, and provide security for 1,000 new Department of State personnel and 300 new USAID personnel.

H.R. 3081 provides \$7.6 billion for global activities, including \$5.7 billion for global HIV/AIDS, which is \$150 million above the President's request. Not less than \$750 million will support the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the bill includes \$648 million for voluntary family planning services in the developing world, of which \$60 million is for the United Nations Population Fund.

Addressing pandemics and other health concerns overseas before they reach our shores is one of the best investments the United States can make to protect American citizens while saving lives overseas. To this end, the bill provides \$75 million to address pandemic preparedness and response, in addition to \$50 million in the supplemental appropriations act of 2009.

Now, while I continue to be personally committed to permanently repealing the global gag rule, in the interest of bipartisan cooperation, the bill does not change any provisions of law that restrict funding for abortion or otherwise condition family planning assistance.

The bill increases funding for key long-term development priorities, including \$1.2 billion to improve access to quality basic and higher education and provide alternatives to madrassas where youth are often exposed to extremism; \$1 billion for food security and agricultural development to respond to the global food crisis; over \$1.2 billion in bilateral and multilateral assistance for clean energy, biodiversity and climate change initiatives; and \$310 million to expand access to safe water and sanitation.

It includes \$2.4 billion in refugee and disaster assistance to meet growing humanitarian needs, including in Pakistan and Afghanistan.

The bill also provides \$450 million for the Peace Corps to jump-start the President's pledge to increase the number of volunteers.

Finally, oversight is a bipartisan priority, and in order to improve accountability, the bill provides a total of \$146.5 million for the activities of the Inspectors General of the Department of State and USAID, as well as for the

Special Inspectors General for Iraq and Afghanistan Reconstruction.

I want to take a moment to thank all of the staff that have worked so hard on this bill, especially Nisha Desai, our clerk, and her team: Craig Higgins, Steve Marchese, Michele Sumilas, Celia Alvarado, Courtney Dunn. I also want to thank Ann Vaughan, Jennie Munoz, and Elizabeth Stanley on my staff for their work.

And I would also like to thank our hardworking minority staff, including Ann Marie Chotvacs, the minority clerk, and Alice Hogans, Mike Ringler, Jason Small, and Rachel Carter for all their work.

Mr. Chairman, the bipartisan foreign assistance package before you preserves our Nation's interests. I urge my colleagues to give this bill our bipartisan support.

I reserve the balance of my time.

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

I'm pleased to join Chairwoman LOWEY at the beginning of the consideration of this bill making appropriations for fiscal year 2010 for the Department of State, Foreign Operations, and Related Programs. This bill funds programs that safeguard our national security and promote U.S. interests abroad.

It was first founded under the auspices of the Marshall Plan under the understanding that good diplomacy and development can dramatically reduce national security problems and troop deployments for the United States.

I want to commend Chairwoman LOWEY for her bipartisan work on this bill. She's listened to concerns of Members on this side of the aisle and worked to address them.

I also want to thank the staff both on this and the other side of the aisle for so many long hours of work on this. That's Nisha Desai-Biswal, Craig Higgins, Steve Marchese, Michele Sumilas, Cecilia Alvarado, and Courtney Dunn. I also particularly want to thank Ann Marie Chotvacs, Mike Ringler, Alice Hogans, and Jason Small.

I know that Ms. LOWEY and Ranking Member GRANGER, who is out today, appreciate their personal office staffs' work on this bill, especially Ann Vaughan and Rachel Carter. And I particularly want to thank my staff, particularly Rich Goldberg.

Now, on this legislation, we make one big key change, and that is with regard to the International Atomic Energy Agency's new report on the Iran nuclear program and related responses of the United States to their report. They showed that after producing low-enriched uranium at a rate of 40 kilograms per month over a 21-month period, Iran has now increased its stockpile by 60 percent in just 6 months, doubling its rate to over 80 kilograms of enriched uranium per month.

We know that Iran's greatest weakness remains her economic dependence on foreign gasoline. And we can all

agree that the United States taxpayers should not be asked to help increase the supply of gasoline to Iran, especially now, especially after what we saw after the Iranian elections. Surprisingly, this is exactly what our taxpayer dollars have been doing.

In 2007 and 2008, the U.S. Export-Import Bank approved two separate loan guarantees totaling \$900 million to expand the largest refinery owned by Reliance Industries Limited, an Indian company that provides roughly one-third of Iran's daily import of gasoline. In effect, the U.S. taxpayer is underwriting the increased supplies of gasoline to Iran.

This bill includes the Kirk-Sherman amendment to prohibit further use of taxpayer dollars to guarantee or insure or extend credit to any company that supplies gasoline to Iran. I think that is a very important step that leads off to legislation that Chairman BERMAN and I have put forward that we hope, later in the year from the authorizing committee, that will begin to truly squeeze Iran and her need for foreign gasoline.

□ 1515

Now with regard to the overall bill, I am disappointed that we have departed from the tradition of considering appropriations under an open rule. I first worked on the Foreign Operations bill of fiscal year 1984. I was taught appropriations at the foot of Appropriations chairmen Jamie Whitten and Bill Natcher. It was under these historic chairmen that we always considered appropriations bills under an open rule, protected under clause 2 of rule XXI that only monetary amendments could be offered.

Now we have departed from the long tradition established by Jamie Whitten and Bill Natcher. The rule that governs this bill makes in order only eight of 89 amendments, a 90 percent death rate for amendments in the Rules Committee on what used to be an open rule.

I would suggest that the partisan pressures under Speaker Wright, under Speaker Foley, were as bad or worse as now, but we are responding with highly restrictive rules that I think hurt our committee in the long run. I hope that we can address this soon and return to what I would call the Whitten-Natcher tradition.

Now let me turn to the substance of this bill, the product of work of especially Chairwoman LOWEY and Ranking Member GRANGER.

The American people are aware that we face many global challenges that are well addressed in this bill. The funds provide security assistance to our allies in support countries living in some pretty dangerous neighborhoods.

There is another reality of this bill and that is the financial crisis that we see and that we are helping countries through so that they do not collapse, triggering some sort of new global economic downturn.

The allocation given to the subcommittee, \$48.8 billion, is an amount,

when strictly compared to last year's base, that is very high. But the administration has pledged to eliminate the wartime supplemental spending in favor of a regular appropriations process. If it sticks to that plan, then funding levels in this bill appear to be much more reasonable, and it includes programs for State and USAID operations that I support.

I have to admit, though, I remain in doubt whether the administration really will not request a supplemental next year. In fact, I probably would lay a dollar bet with anyone that we probably will see a supplemental. I hope not. Chairman MURTHA has already suggested that supplemental funds may be needed to sustain our troops because of the 302(b) allocation that his Defense Subcommittee received that in his view may not cover all of the FY 2010 needs. In that case, I hope we could restrict funding under this bill.

Now, I know Chairwoman LOWEY and Ms. GRANGER have worked together on a number of very good governance provisions such as language to strengthen oversight of hiring, training and deployment of new staff funded by this bill; and a provision that launches a comprehensive review of roughly \$8 billion in global health funding provided by this bill. Too often we forget that the United States has made the largest commitment of health funding ever in the history of mankind. It is something that the United States hasn't yet received enough credit for.

They also agree to language that closely mirrors the fiscal year 2008 bill which prevents U.S. taxpayer dollars from going to organizations that support or participate in involuntary or coercive methods of family planning, and that was the bipartisan commitment that Chairwoman LOWEY just alluded to.

The bill also includes amendments from several of my colleagues offered in full committee, particularly like a provision requiring the Secretary of State to report to Congress on deals brokered with foreign nations that receive detainees from Guantanamo Bay, Cuba, like Palau.

The June 10, 2009, New York Times reported that the United States has agreed to provide Palau with \$200 million in return for receiving 17 suspected Uyghur terrorists from Guantanamo Bay. Now, according to the CIA Factbook, Palau has a population of only 20,796 people. Its GDP is only \$164 million. Under this commitment then, the U.S. would be paying the Republic of Palau nearly \$11.7 million per Uyghur terrorist.

With average incomes in the United States of \$56,000, \$200 million would support incomes of over 3,500 Americans; with tuition at \$25,000 a year annually, it could put 7,000 students through college for a year. And \$200 million also compares poorly to the cost of Guantanamo Bay itself. Guantanamo Bay, as a total facility, cost just \$54 million to build. This would be

four times that amount for just 17 Uyghurs.

There is also an amendment in this bill for new oversight and sunset restrictions on funding provided to the International Monetary Fund in the fiscal year 2009 supplemental, and language affirming intellectual property rights protections for U.S. energy and environmental technologies, critical in the G-8 discussions right now and the coming Copenhagen discussions in which China and India have pledged to require compulsory licensing over all climate change and energy technology. Compulsory licensing is a code word for stealing U.S. patents. There will be no green jobs if that provision goes through in the Copenhagen treaty. I am very happy that the House voted nearly unanimously on the Larson-Kirk amendment to prevent that.

Now, Chairwoman LOWEY has also described highlights of the bill. I will simply reiterate three very important items related to our national security. This bill includes \$1.4 billion for the expanded work of the Millennium Challenge Corporation, a \$25 million increase to support prosperity and security of our partners around the developing world, a very important program that underlies the key point you cannot have long-term development without policy reform. You can build a dam, but if the government steals everything, all you will have is an empty structure a few years later. The MCC works to address that very problem in an effective way.

When taken together with supplemental funds, this bill fully funds our security assistance request for our strategic allies in the Middle East like Israel, Egypt, and Jordan, and continues the fight against illegal drug trafficking in this hemisphere. I think especially with Ranking Member GRANGER's full backing, we have full funding for the pending request for Mexico and Central America by providing \$7 million above the request, also for continued gains made in Colombia.

In summary, this bill is focused on furthering foreign policy and national security interests. It monitors the wise use of our tax dollars and achieves some fairly balanced solutions to some complex problems leading to what I hope will be a fairly bipartisan debate today.

I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield to a distinguished member of the committee, the gentlewoman from California (Ms. LEE), for a unanimous consent request.

(Ms. LEE of California asked and was given permission to revise and extend her remarks.)

Ms. LEE of California. Mr. Chairman, I ask unanimous consent to put my statement into the RECORD in support of this very good bill, H.R. 3081, and to especially thank you for working to increase funding for two very important issues: support for the global fund to

fight AIDS, tuberculosis, malaria, and also our bilateral tuberculosis program.

Mr. Chairman, I rise in strong support of H.R. 3081, the FY10 Department of State and Foreign Operations Appropriations bill.

I would also like to thank Chairwoman LOWEY, Ranking Member GRANGER, and all the staff on the State, Foreign Operations Subcommittee of which I am a member for their hard work and dedication in putting this bill together.

H.R. 3081 includes many valuable provisions and much-needed resources to extend the United States' arm of diplomacy in the interest of development, progress, and peace.

This bill will provide for the hiring of more than 1000 new foreign service officers and approximately 300 new employees at USAID.

Rebuilding the capacity of these two departments will transform our ability to put America's "smart" power to work, strengthen our national security, and have a dramatic and lasting impact on individuals and communities throughout the world.

I especially want to thank the Chairwoman for working with me to increase funding for two issues that I believe are critical—support for the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and for our bilateral tuberculosis programs.

This bill includes \$7.8 billion for global health programs, including \$5.75 billion for HIV/AIDS initiatives, which for years have been a strong bipartisan priority.

These programs continue to save millions of lives while helping us to stop the spread of this devastating global pandemic. I am hopeful in the future we can further increase resources for these programs in order to meet their unprecedented demand.

I am also pleased that this legislation provides \$450 million to meet President Obama's campaign pledge to double the size of the Peace Corps over several years.

As countries throughout the world seek assistance to combat poverty, hunger, disease, and environmental degradation, this commitment to the Peace Corps' mission of peace and friendship through service is particularly timely.

Lastly, I am greatly encouraged by the steps taken in this bill, and other appropriations measures, to avoid future reliance on supplemental appropriations that in the past have undermined efforts to obtain an honest accounting of the costs of conflict and war which our efforts in diplomacy and development seek to avoid.

I urge my colleagues to support this effort and to support this bill.

Mrs. LOWEY. I would like to yield for a unanimous consent to my distinguished colleague from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. I thank the gentlewoman for her leadership on this bill, and I rise in support of this bill, and particularly commend the chairwoman for her leadership on the United Nations Population Fund, which was denied funding for 7 years under the prior administration, and will save women's lives; and her focus on helping the women under the oppressive Taliban

regime in Afghanistan with over \$100 million focused on female NGOs and the security of our country and the help for our allies. A great bill. I appreciate your allowing me to include my statement.

Mr. Chairman, I rise today in strong support of the Foreign Operations Appropriations bill and commend Chairwoman LOWEY and Ranking Member GRANGER for their hard work in crafting this important bill.

I am particularly pleased that it includes \$60 million for the critical work done by UNPFA (the United Nations Population Fund).

Every minute of every day, a woman dies needlessly in pregnancy or childbirth, most in the developing world—this translates into 10 million women lost per generation.

4 million newborns also die every year of similarly preventable causes. UNPFA has worked to end these deaths since it became operational in 1969.

It has provided significant assistance to improve the health and quality of life and to promote the health and rights of women worldwide.

UNPFA is the largest source of international assistance for women's reproductive health in the world and despite the past 7 years during which the previous Administration withheld funding for UNPFA, the United States Congress has demonstrated its strong support of the organization by approving U.S. financial support for UNPFA each year.

Fully 42 percent of all pregnancies worldwide suffer complications and in 15 percent of all pregnancies, the complications are life-threatening.

In too many places, maternal health still receives inadequate attention and funding.

Fortunately for women around the world, UNPFA operates in 154 countries specifically to combat maternal mortality and to promote safe motherhood.

The impact of losing U.S. funding over the past 7 years has been devastating.

For each of these years, UNPFA could have helped to prevent 2 million unintended pregnancies, 800,000 abortions, 4,700 mothers' deaths, and more than 77,000 infant and child deaths.

In 2001, the U.S. Agency for International Development estimated the global economic impact of maternal and newborn mortality at \$15 billion per year in lost potential production, half associated with women and half with newborns.

Investing in UNPFA actually reduces healthcare costs, and teaching and promoting safe motherhood enables adequate time between births for women's bodies to better carry another pregnancy.

Mr. Chairman, this funding will help to restore the United States' standing in the global community while demonstrating its commitment to the lifesaving work of UNPFA.

Mrs. LOWEY. I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM) who has been an outstanding member of the committee and has made it a great bill because of her important work.

Ms. MCCOLLUM. Mr. Chairman, I applaud the chairwoman and ranking member for both of their work in crafting a bill that everyone in this House can be proud to support.

This bill commits about 1 percent of the total Federal budget to confront all

of the global challenges we face: poverty, conflict, famine, drought, disease and global climate change. If we ignore these issues, they will threaten our way of life.

This year's bill makes bold, necessary investments in areas of global health, agriculture and climate change, and it puts America back onto the path of doubling the number of Peace Corps volunteers proudly serving our country.

I look forward to working with the chairwoman and President Obama to increase our investment in child survival and maternal health and to meet America's commitment to the Millennium development goals.

Today, we start building a safer, healthier world for America's children and all of the world's children.

Mr. KIRK. I yield 3 minutes to the gentleman from Florida (Mr. CRENSHAW), a distinguished member of the subcommittee.

Mr. CRENSHAW. I thank the gentleman for yielding me this time, and I want to compliment the chairwoman and our ranking member for the hard work that they have put into this good bill. I rise in strong support.

There are a lot of reasons why I think Members should vote for this bill, but let me just mention two. One is I think when you talk about foreign policy, it is really like a three-legged stool. Part of it is defense, part of it is diplomacy, and part of it is development. You can't have one without the other two. I think what this bill does, it brings into balance these three areas. When you have the appropriate diplomacy, when you have the appropriate folks to do the development, then you free up those in the defense to focus on their mission. So I think this bill brings that into balance and I think that is a good thing overall in terms of foreign policy, in terms of national security.

And in particular, I like the Millennium Challenge Corporation. As someone who has a business background, I have watched this corporation grow, and this is the fifth year we have had it in place. I think it is a great example of how we can provide foreign assistance in a smart way. No longer do we simply write a blank check to some country and never know where the money is going to go or what the results are. Now we enter into a compact, a contract, if you will, between the country receiving the money and our country. If they want to build a power plant or build a dam, whatever, in return, they agree to try to meet certain standards in terms of openness and democracy and transparency and accountability and human rights. So they have an incentive to follow through on this contract. It is smart aid, in my view. It is the right way to give assistance, and I think this fifth year of the Millennium Challenge Corporation is a very critical time because sometimes these contracts are entered into for a long period of time. It is ade-

quately funded this year. For those reasons, I urge Members to support this good bill.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to an outstanding member of our committee who has made major contributions and has helped make this bill the good bill that it is, the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN of New Jersey. I thank my distinguished chairwoman.

I rise today in strong support of this bill. First, I would like to thank Chairwoman Lowey for her amazing leadership, and as well our ranking member, KAY GRANGER, who is not with us, and my fellow subcommittee members, including Congressman KIRK, who is taking the lead on the floor today for the great leadership efforts that they have shown in ensuring that this bill puts partisan differences behind, and that this bill makes sure that we promote our Nation's foreign policy and national security interests by funding economic development, health, and education around the world, and diplomacy.

This bill also includes in particular language that would improve transparency and accountability, Mr. Chairman, at the United Nations Relief and Works Agency for Palestine refugees in the Near East, commonly called UNRWA. For almost 60 years, UNRWA has provided humanitarian services to Palestinians living in refugee camps throughout the Middle East.

Unfortunately, as UNRWA has grown over the years, it has not taken nearly enough steps to ensure that it does not employ, affiliate with, or provide benefits to known terrorists. The problem with UNRWA is fundamental. There is a remarkable lack of available information.

That is why I am so grateful to Chairwoman LOWEY and our ranking member and my colleagues for including in the bill requirements that the information available regarding textbooks being used to teach the next generation of Palestinians be provided, and more money being provided for that information, and to require the State Department to undertake a review of those educational materials and UNRWA schools to ensure that there are no calls for hatred or intolerance, including anti-Semitism, in these textbooks provided by UNRWA to the Palestinian refugees.

□ 1530

In addition, the legislation requires the State Department to report on whether UNRWA is complying with current U.S. law, which states appropriately that no American taxpayer dollars be directed to terrorists or to further terrorist propaganda.

I stand in strong support of this bill. I thank my distinguished chairwoman and my colleagues for this wonderful bill and I urge its passage.

Mr. KIRK. Mr. Chairman, I yield myself 1 minute.

I just want to thank my colleague from New Jersey for his leadership on this.

UNRWA is an organization that is utterly irresponsibly run. Any corporation in America of UNRWA's size—which is \$400 million a year—would have an outside independent audit, and yet UNRWA has never had that—and in fact doesn't want it. UNRWA's staff has met with Republicans and Democrats up here and admitted that they, indeed, do make martyr payments to people that have carried out attacks against the people of Israel. And then we've seen all the video of mortar rocket attacks being used from UNRWA schools where UNRWA security personnel clearly could have prevented that.

This bill helps increase the heat on UNRWA, one of the least accountable U.N. agencies. And I really want to thank the gentleman for his leadership on that.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to an outstanding member of our committee, the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the distinguished chairwoman, my extraordinary colleague from New York.

Mr. Chairman, I am so pleased to rise in support of this bill. This is one of the finest State-Foreign Operations bills we have had in many years.

I am especially indebted to the chairwoman for allowing me to include two provisions in this bill. One is language that I have been interested in for several years since visiting India on an energy congressional delegation, learning what India is doing with respect to renewable energy and learning that there were six women in the Sunderbonds, a remote Delta region, who were lighting their entire village with a solar panel.

If you ask the Department of Defense what we need in order to promote stability and security and affluence and prosperity, they will tell you we need a robust defense budget, something I agree with. But in the Sunderbonds, they are doing it with a solar panel which charges solar lanterns, which these six women rent to other villagers. And so you have all the elements that you need for stability and security; you have the empowerment of women, you have a sustainable small business model, and you have light.

As a result of the chairwoman's support and the support of the ranking member, we have included \$10 million to establish the Solar Villages Initiative in the State Department to replicate this project.

I further want to thank the chairwoman and the ranking member for their support of the National Solidarity Program in Afghanistan. The essential lesson that Afghanistan teaches us is that order cannot be imposed from above—Alexander the Great tried it, Genghis Khan tried it, the British tried it, the Soviets tried it. We can try it, but it does not succeed.

Afghanistan is stable when order comes from the Afghan people, when

they are empowered to achieve their own solutions. And as a result of the chairwoman's support and the support from the minority, we have included \$175 million for the multidonor National Solidarity Program, which is the leading program rebuilding Afghanistan. That allows local villages to secure some funding to plan their own projects, to plan their own future, to bring women into governing councils, to establish those projects which will secure those villages and promote long-term security and stability.

These are two programs, among many, which make this a product that both sides of the aisle can be very proud of. It is the best investment that we can make. And I again thank the chairwoman for her support.

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

I want to thank the gentleman because I have worked very closely with him to support I think one of the key combat-support elements of this bill, which is the National Solidarity Program of the Government of Afghanistan.

We won the war in El Salvador largely through the help of a program called Mayors in Action, in which we funded programs totaling between \$5,000 and then \$10,000, as long as the community could come together and decide on what project. Having government services and activities in support of the El Salvadoran Government quickly undercut the insurgency and helped win a counterinsurgency campaign there.

Based on the success of that program and others, the National Solidarity Program is now operating in Afghanistan. This bill provides \$175 million, largely through the leadership of the gentleman from New York.

When I deployed to Afghanistan in December, I spent quite a lot of time working with Monty Greer and Minister Zia, who described how this program is now in hundreds of villages throughout Afghanistan, but they had a funding shortfall. And working with General Nicholson of ISAF Region South, we put together a plan so that this bill would fund community development programs right behind the advance of U.S. troops.

It has been little noticed so far in this body that 2 weeks ago the United States Marine Corps launched an offensive in the key poppy-growing region of Afghanistan called Helmand Province, and it was that funding shortfall which would have not enabled U.S. troops to have the money to do community development projects right in the wake of their advance, along with the Afghan troops. This legislation allows them to have those tools right away so that the Afghan people will see progress in community development right behind the battlefield. It makes our chances of success much greater. It makes the sustainment and expansion of the Afghan Government much more likely. And bottom line, I think it will save a number of lives, especially for those of

our constituents right now working for what sometimes has been called "Uncle Sam's misguided children," otherwise known as the United States Marine Corps.

I yield to the gentleman who has worked with me so much with Minister Zia on this.

Mr. ISRAEL. Well, I thank the gentleman for his personal commitment and participation in this project.

Mrs. LOWEY. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. LYNCH) for a colloquy.

Mr. LYNCH. I thank the gentleman for yielding.

As the co-Chair of the House Task Force on Terrorist Financing and Nonproliferation, I rise to engage in a colloquy with my distinguished colleague, Chairwoman LOWEY.

I would like to confirm that the \$57 million requested by President Obama for nonproliferation, antiterrorism, demining, and related programs in Afghanistan, will be fully funded.

Is it the chairwoman's intent that those critical security and humanitarian-related activities will be funded at the President's requested level?

Mrs. LOWEY. Reclaiming my time, first, I thank my friend for raising this important issue.

Yes, it is the committee's intent to fully fund Afghanistan's nonproliferation, antiterrorism, demining, and related programs at the President's requested level. We agree these programs are vital to our success in Afghanistan. And as we developed the bill, our funding assumption was, unless otherwise noted, that the President's full request for Afghanistan was met.

I yield to the gentleman.

Mr. LYNCH. Thank you.

Is it also the chairwoman's view that the State Department should ensure that these funds are used to support the range of programs, such as export control and border security, antiterrorism assistance, terrorist interdiction activities, counterterrorism financing, humanitarian demining, and destruction of small arms and other weapons?

Mrs. LOWEY. Reclaiming my time, yes, it is the committee's intent to support these activities.

And I yield to the gentleman.

Mr. LYNCH. Thank you. I want to thank the chairwoman for her courtesy, and to the gentleman from Illinois for his bipartisanship on this and all of our critical efforts in Afghanistan.

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

Mrs. LOWEY. I am pleased to yield 2 minutes to the distinguished gentleman from California, an outstanding member of the committee, Mr. SCHIFF.

Mr. SCHIFF. I thank the gentleman.

I rise in strong support of the 2010 State-Foreign Ops Appropriations bill and congratulate my Chair and friend, NITA LOWEY, for her leadership in crafting a bill that not only addresses critical national security needs, but does so in a cost-effective manner.

After too many years in which diplomacy and smart power were shunted aside, this legislation is a reassertion of American leadership in helping to assure a brighter, more peaceful future for America's children and for children around the world.

I am particularly concerned about Somalia's renewed descent into chaos and the prospect that al Qaeda, which is under increasing pressure along the Afghan/Pakistan frontier, will take advantage of the power vacuum in that country as it did in Afghanistan during the 1990s.

This must not be allowed to happen. And the U.S. must be willing to work with the United Nations, the African Union, and nongovernmental organizations to help stabilize Somalia and create an atmosphere in which governance and security are again possible.

This will be a long and difficult process, and in the main it must be driven by the Somalis themselves. But I was gratified that the bill includes aid above the President's request to foster economic growth, encourages the State Department to continue its support of Somali refugees in neighboring countries and, most importantly, provides \$102 million to support both the African Union mission in Somalia and security sector reform within Somalia itself.

In this bill, even as we have provided funding for important initiatives like that, and we provided robust funding to increase the size of our Foreign Service and USAID professionals to revamp our aid to Pakistan and to help it to better confront the threat from al Qaeda, to provide crucial aid to key Middle Eastern allies Israel, Jordan and Egypt, to ramp up our efforts to fight the scourges of malaria, HIV/AIDS, and tuberculosis, and fully meet our obligations to the United Nations, Ms. Lowey, Ranking Member GRANGER, and the staff of the subcommittee have also been mindful of the state of our economy here at home. In fact, this bill is \$1.2 billion, or 2.4 percent, below the President's spending, and \$3.2 billion, or 6 percent, below the administration's request.

Finally, I am very pleased the bill includes \$48 million in economic assistance to Armenia, as well as an increase in humanitarian assistance to Karabakh to \$10 million, and maintains military assistance parity to both countries at \$3 million, and the IMET assistance at \$450,000 each.

Importantly, the report accompanying the bill references the policy of parity in military assistance provided to Armenia and Azerbaijan.

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

It's also important to note that this bill carries forward the Kirk amendment that now prohibits any U.S. assistance to a Palestinian Authority that includes Hamas—a terrorist organization, as designated by the United States, President Clinton, President Bush and I believe now President

Obama—unless every member of the new Palestinian Government has publicly, in writing, recognized Israel's right to exist and renounced terrorism. Over 20 United States citizens have been murdered directly by Hamas, and having this provision included in this legislation I think is very important.

Also, this legislation reverses the administration's proposed cut for U.S. assistance to Armenia. We provide \$48 million in economic aid and \$3 million in military aid for Armenia while maintaining military funding parity with Azerbaijan and providing \$10 million in assistance to Nagorno-Karabakh. The bill also includes a new requirement for the administration to consult with Congress before exercising its waiver authority for assistance to Azerbaijan granted under section 907 of the Foreign Assistance Act.

Now, according to the Congressional Research Service, between 100,000 and 500,000 Korean Americans still have family living in North Korea. Almost all of them have not seen their loved ones since the end of the Korean War, while many have not seen family members even since World War II. In the absence of diplomatic relations between the two countries, elderly Korean Americans are forced to contact their relatives without the protection of the U.S. Embassy or help from the State Department. Families are at the mercy of a black market group of smuggling rings that control access to North Korea.

This legislation urges the State Department Policy Coordinator for North Korea to make the issue of divided American citizen families who have their relatives in North Korea a priority and to establish a coordinator for this issue.

One last thing I want to highlight. As the United States draws down our troop commitment to Iraq, and we have tremendous concerns about safe and secure and sustainable homes and businesses for Iraq's embattled Christian minority, this bill provides a historic \$20 million dedicated to religious minorities in Iraq, a big step forward for building an autonomous administrative region for Chaldo Assyrians in the Nineveh Plain. It's an important group that we should be concerned about, especially as the United States leaves Iraq.

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

Mrs. LOWEY. Mr. Chairman, I yield myself 2 minutes for a colloquy with the gentlewoman from California (Ms. WOOLSEY).

I am pleased to yield to Ms. WOOLSEY.

Ms. WOOLSEY. I thank the chairwoman and applaud her leadership on behalf of women's health. No one in Congress has done more to prioritize the needs of women and children in our foreign assistance spending.

As you well know, Madam Chairwoman, every minute somewhere in the world a woman dies during preg-

nancy or childbirth. In the poorest regions, one out of 22 women will die from these causes compared to one in 4,800 in the United States. In the developing world, mothers routinely face death or injury as a result of uncontrolled bleeding, infection, seizures, hypertensive disorders, birth obstruction, or other complications.

□ 1545

A pregnancy should be a joyful time in a woman's life, not a death threat.

The good news is that practical interventions exist. We just need to leverage the necessary resources and sufficiently focus our assistance on maternal health.

Mrs. LOWEY. I thank the gentlewoman for her kind words and for her support for women's health at home and abroad. Healthier mothers will enjoy safer pregnancies and childbirths, enabling them to better care for their children. Bolstering maternal health initiatives can help reduce the 4 million newborn deaths each year in the developing world. The committee has directed USAID to undertake a detailed review of its maternal health portfolio, and I look forward to working with my colleagues on this important issue.

Ms. WOOLSEY. I thank the chairwoman. I look forward to working with her on this issue to ensure that not one more mother has to replace a birth announcement with a death notice.

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

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

We rarely do this under this legislation, but we also have an important tradition of highlighting human rights cases, especially if they set a particularly dangerous precedent. And one of the most concerning precedents is the one set by the Government of Egypt when they imprisoned Kareem Amer, who is the first blogger ever to be arrested for what he wrote on his Internet blog, calling for reconciliation between Muslims and Jews on his personal blog. He was convicted. He's currently serving in prison, and it is a particularly dangerous precedent to have set that merely what you may write in your Internet blog will land you in jail.

It's interesting to me, too, that of all the Muslim countries around the world, Egypt set the precedent, and of all the countries around the world that could have set this precedent against the freedom of speech on the Internet, it was one of the largest recipients of U.S. foreign assistance under this act. We have not gone to the step yet of dramatically affecting the U.S. assistance provided by this, but we do have to highlight Abdel Kareem Nabil Soliman, his full legal name, and his time in jail, a very dangerous precedent under Egyptian law and one that should be highlighted here.

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

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California for the purpose of a colloquy.

Ms. ESHOO. I thank the very distinguished chairwoman of the State, Foreign Operations Appropriations Subcommittee, Mrs. LOWEY, who is a great friend, and I want to thank her staff for their diligence in working with us. They have been absolutely more than wonderful on an important issue.

My intention today is to confirm that the \$20 million provided by the subcommittee for religious minorities in Iraq is intended to focus on the needs of the Nineveh Plains region.

Did the subcommittee intend that this funding for ethnoreligious minorities focus on the Assyrian/Chaldean/Syriac/Christians of the Nineveh Plains region since that is the primary location of these displaced persons?

I yield to the gentlewoman.

Mrs. LOWEY. Yes. The committee is aware that this region is home to most of the displaced ethnoreligious minorities in Iraq.

Ms. ESHOO. Is the chairwoman's view that the State Department should ensure that these funds are used to support a range of programs such as security, small microenterprise development, agriculture capacity building, economic development, educational institution capacity building, health care enhancement, and democratization programs, including the dialogue on the Nineveh Plain Administrative Unit?

Mrs. LOWEY. Yes. It is the committee's intent to support these types of activities.

Ms. ESHOO. Would the chairwoman support the award of these funds to nongovernmental organizations that are already working tirelessly in the region such as the Dominican Sisters, the Assyrian Aid Society, the Nineveh Center for Research and Development, the Hammurabi Human Rights Organization, and other groups that provide services to all people on a nondiscriminatory basis?

Mrs. LOWEY. Yes. There are a number of organizations that have provided health, education, and other assistance in the region and should be considered as potential alternatives to governmental entities. I expect the State Department to continue to use a competitive bidding process to ensure that the most appropriate and effective organizations receive U.S. Government assistance.

Ms. ESHOO. I can't thank the chairwoman enough for her support of funding to alleviate the plight of these ancient people so critical to the future of Iraq. Her efforts are going to help hundreds of thousands of displaced ethnoreligious minorities. And I know that our colleagues Congresswoman JAN SCHAKOWSKY, Congressman GARY PETERS, and certainly Congressman FRANK WOLF thank you for your leadership and for your attention to this issue that matters to so many. God bless you.

Mrs. LOWEY. I thank the gentlewoman.

Mr. KIRK. Mr. Chairman, I yield 2 minutes to the distinguished minority whip, Mr. CANTOR.



Mr. CANTOR. I thank the gentleman for yielding.

Mr. Chairman, the legislation before us provides \$2.22 billion worth of vital security assistance to the State of Israel, our most dependable and democratic ally in the Middle East. The funding in this bill will help ensure Israel maintains its qualitative military advantage in the region. That means Israel can defend itself against the existential threat posed by Iran and against Iranian terrorist proxies, Hamas and Hezbollah, both sworn to Israel's destruction.

A strong Israel means a more stable Middle East. A weakened Israel only gives momentum to the radicals in the region determined to sow discord and harm U.S. interests. Joint cooperation with Israel has also yielded tangible benefits to America since Israel is a leader in methods of fighting terrorism and preventing civilian casualties in terrorist attacks.

Mr. Chairman, there is no doubt in my mind that Israel is a pillar in the national security interests of the United States, and it is, in my opinion, essential that we provide this assistance to Israel because it is in the best interests of the United States. That's why I support this legislation, and I urge my colleagues to do the same.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, let me congratulate the chairwoman. I served on this subcommittee for a few years, and this is an extraordinary bill. I think it's the best Foreign Operations bill in more than a couple of decades in this House on a range of issues, but I'm only here to speak about one.

I want to thank the chairwoman for her continued support, and notice in the bill and in the accompanying report the effort around safe blood in Africa, in sub-Saharan Africa. When we began talking about this issue a few years ago, there were no safe blood centers and there are now 35. It wouldn't have happened without the chairwoman's support and understanding the correlation and nexus between malaria and blood transfusions and, therefore, increases in AIDS when you have unsafe blood being used in those transfusions. So I want to thank her and congratulate her on a great bill.

Mr. KIRK. Mr. Chairman, I yield myself 1 minute.

I want to highlight a key provision of this bill, section 7006, which withholds 10 percent of the funding under this legislation for the Board of International Broadcasting, Radio Deewa. This is a service actually that the chairwoman and I helped sponsor and get rolling because of our perception that there was very little international broadcasting service and outside information in the main language of northwest Pakistan and Afghanistan of Pashtun. But we found that they were putting Batula Massoud on the U.S.

taxpayer-funded radio, giving him a platform just 6 days after the Secretary of State put him on the Rewards for Justice terrorism list for his crimes against a number of terrorist targets, including the Prime Minister of Pakistan. So I really want to thank the chairwoman for including this because we sent a very clear signal that we want open and free communication with accurate news, but we do not give platforms to terrorists on the Rewards for Justice list of the State Department.

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

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to a leader in this Congress who understands the importance of water, in addition to bicycles, and has been a tireless advocate for a whole range of important causes, my good friend Mr. BLUMENAUER.

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this, as I appreciate her leadership in being able to advance a cause that's near and dear to both of our hearts.

Mr. Chairman, I will speak for 2 minutes. In the course of that time, about 10 children around the world will die needlessly from waterborne disease. We have been working, over the course of the last 5 years, for the United States to exercise its appropriate leadership to try to eliminate this tragedy.

I deeply appreciate the work that the subcommittee has done. Indeed, in the manager's amendment it takes an increase from last year and has a further increase of \$25 million, meaning \$335 million to help implement our Water for the Poor Act, dealing the world's number one public health problem.

Mr. Chairman, we have more than a billion people worldwide who lack access to both sanitation and clean drinking water, without which children cannot learn in school; the sick, including those with HIV/AIDS, cannot take their medication; stable societies cannot be built; and millions needlessly continue to die. Entirely preventable tragedies trap countries in poverty and diminish our own development and security efforts. It's no coincidence that the Middle East and North Africa, the most water-stressed region in the world has some of the most complex security issues. The State Department has said securing fresh drinking water is a significant part of the Middle East peace process and one that brings people together rather than dividing them.

I deeply appreciate the chairwoman and her staff for working with me and my colleague DON PAYNE, who has been tireless in advancing this issue. I hope that the administration, with the leadership of Secretary Clinton, will join in this effort so that we can make the progress that poor people around the world deserve and that we all need.

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

Mrs. LOWEY. I am very pleased to yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

□ 1600

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank the chairman of the committee and the ranking member for their work.

I rise today in support of a provision in the manager's amendment to increase the amount of funds available for human rights and democratic initiatives of the U.S. Department of State and the U.S. Agency for International Development. Specifically, the Democracy Fund in this appropriations bill will be, in large, helping countless people across the globe.

I'd like to thank my colleagues, the Honorable NITA LOWEY and the Honorable KAY GRANGER for accepting my amendment; and I commend them for their hard work on this bill. This really is an important bill. At this moment in history, I cannot help but be reminded of particular problems we are facing internationally. Although we have developed and maintained a high standard of living in our own country, we must remember that so many people across the globe cannot think about democracy because, frankly, they're so busy trying to survive, and they don't share the same luxuries and comforts that we take for granted in the United States. Basic human rights are a pillar of our democracy, and we seek to live in a stable and peaceful world. I work with women from around the world, trying to help build a culture of peace in this world. So this really is a very important part of it for me. The Democracy Fund does just this. It gives countless people a way to identify with a country of democracy.

I ask my fellow colleagues to join me in supporting the manager's amendment, which seeks to expand and encourage democratic and human rights initiatives globally.

Mrs. LOWEY. If the gentleman has no more speakers, I am prepared to close if he wishes to yield back the balance of his time.

Mr. KIRK. Let me just say this bill also contains one last program—and then I will close—and that is called the Near East Regional Democracy program. It used to be called the Iran democracy program, and I hope that's still exactly what it does. We're providing \$40 million for this, and it's very important. Following the suppression of democracy in Iran, we're particularly concerned about key minority groups there. The Azeris, representing 40 percent of the country, including the leading candidate for president whose vote was suppressed; the Kurds that we worked with so well in northern Iraq; and the Baluch, in which a significant Iranian military presence is there. And I want to pay particular attention to the plight of the Baha'i. The National Assembly of the Baha'i Faith is located in my district; but this is the faith that



was founded in Persia, now Iran. There are 330,000 Baha'is in Iran right now. Under this regime, we have now seen that they have been told to register their businesses and place of address, that this is the bureaucratic machinery that we have seen in other countries in other uniforms before. It is the machinery of oppression and potentially worse. We have seen now that just following the time President Ahmadinejad claimed that he had won the election—remembering, of course, that in 150 Iranian cities, the votes totaled more than the number of people living in those cities—that just following their claim to have won the election after only 2 hours of counting the ballots, that he moved against the Baha'i leaders, putting them on trial for their lives in that country. The Near East Regional Democracy program can help us build alternative voices in that country, all the more important.

Let me close on this bill by saying that this bill has one key and major component, which is assistance to the State of Israel for us. In my view, land for peace generally means no land and even more war, as we saw with Israel's withdrawal from Gaza where an area that used to be used for agricultural produce is now used for mortars and rockets against southern Israel, especially Sderot and Ashkelon. My worry is that we might have more of that kind of adventurism by the other side further if we see instability in southern Lebanon and especially on the West Bank. This legislation helps us underscore our commitment to the Israeli Air Force, their missile defense system and, especially, to their army to at least encourage the states in that region to make sure that no adventurism like we saw, especially in 1973, can move forward against our best allies in the Middle East. My hope is that we have very strong commitment for this on the floor today and in the United States Senate because I think this bill, more than any other, makes any potential conflict in the Middle East less likely; and that is good for us all.

With that, I recommend passage of the bill. I want to commend our chairwoman and our greatly missed Ranking Minority Member KAY GRANGER, who's out today, for bringing us a bill that adheres to the key principle that I try to follow at every possible turn, and that is the aphorism that we say, that partisanship should end at the water's edge. In my service in the United States military, I generally found that when we were being shot at, they weren't shooting at Democrats or Republicans. They were shooting at American citizens. The United States has bipartisan interests overseas, and this bill fulfills this.

I yield back the balance of my time. Mrs. LOWEY. As we close this debate, I want to thank KAY GRANGER again, the ranking member of this committee, who has been an invaluable partner in creating what we think is a

very, very good bill. I also want to thank Mr. KIRK for his leadership not only in the committee but certainly in his role in presenting this bill today. We really have an outstanding subcommittee. Again, it's because the subcommittee members and the staff on both sides, who I acknowledged in my opening statement, and the ranking member; as well as the Chair of the overall Appropriations Committee, Mr. OBEY. Everyone contributed to making this a really important bill.

I just must say in closing that, for me, it's a real privilege to be a Chair of this committee, to wake up every day and know that you can contribute to the great challenges we have internationally; and every day we are presented with an additional challenge that we have to face. As the leader of the free world, the United States of America has a key role to play, and I know that all the members of this committee understand our responsibility.

So this is a good bill. I appreciate your support. I hope we can get support from the majority of Members on your side of the aisle and our side of the aisle because this is an important bill; and as we move forward, it's extremely important that all of us support these efforts.

Mr. KLEIN of Florida. I rise to support H.R. 3081, the State, Foreign Operations and Related Programs Appropriations Act of 2010.

This legislation addresses our most urgent national security needs, rebuilds our diplomatic infrastructure for the long term, and maintains our commitment to fiscally responsible government. The total for this bill comes in \$3.2 billion below the President's budget request, meaning that we cut spending tremendously but still managed to fund the most vital programs around the globe. I'd like to touch on some of these programs.

This legislation requires that the Administration report to Congress on the status and progress of diplomatic efforts to prevent Iran from acquiring nuclear weapons. I support the President's current efforts to stop Iran's dangerous nuclear weapons program; however, diplomacy should not be open-ended. This legislation makes it clear that Congress will exercise its oversight authority over these negotiations to ensure that there is a plan to stop Iran from building a nuclear weapon.

Furthermore, the legislation prevents the U.S. Export-Import Bank from providing or guaranteeing credit to companies that provide Iran with significant amounts of refined petroleum. Iran imports about 40 percent of its refined petroleum. Then-Presidential candidate Barack Obama stated that restricting these imports could be a valuable lever in persuading Iran to cease its efforts to acquire nuclear weapons capabilities. We start that process today, and I am proud to support legislation that takes the first step in instituting crippling sanctions against the Iranian government.

Iran represents a great threat to the United States and our allies throughout the world. This legislation helps mitigate that threat to our allies by ensuring that countries that Iran would seek to destroy or destabilize receive support from the United States. U.S. aid to Israel represents a cornerstone in the strong relationship that our two countries share. I vis-

ited Israel right after the signing of the 10-year Memorandum of Understanding between the United States and Israel, and it was clear that this agreement would help cement our long-term friendship. This legislation fully funds our commitment under this accord and serves as an assurance to Israel that we will work together to ensure Israel's security during a time when Israel faces several powerful threats.

In addition, this legislation helps put us and our allies on a path to energy independence, funding clean energy initiatives that reduce our dependence on oil and make us more energy efficient. By partnering with other countries, we can share these important technologies and learn from others about new innovations.

Finally, I would like to briefly mention my support for the amendment by the gentleman from New York, Mr. WEINER. This amendment sends a strong statement to Saudi Arabia to cease its funding of terrorism and stop its incitement against Israel, Jews and America. While the bill prohibits aid to Saudi Arabia, it leaves the door open in case the President deems that aid is necessary. This amendment shuts that door. Common sense tells us that Saudi Arabia has enough American dollars from money that we waste on our dependence on oil.

In closing, this bill fulfills the American imperative to lead the world in commitment to democracy, human rights and security. I am proud to support this legislation.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the 2010 State and Foreign Operations Appropriations Bill. This bill reflects the bipartisan priorities of Congress in the areas of national security and counterterrorism, diplomacy, development, global health and oversight.

This bill appropriates \$48.8 billion for State Department operations, programs and foreign aid, including \$13.4 billion for national security, counterterrorism and counternarcotics programs, \$7.8 billion for global health programs, \$5.8 billion to combat HIV/AIDS, \$2.5 billion for general development aid, and \$2.4 billion for the Child Survival and Disease Fund. And, to assist and enhance our diplomatic efforts around the world, the bill provides funding for over a thousand new Foreign Service officers and \$746 million for international broadcasting activities such as the Voice of America.

To honor our strategic and diplomatic commitments to our partners around the world, the bill appropriates \$2.2 billion in aid for Israel, \$1.3 billion for Egypt, and \$513 million in economic and security aid for Jordan. The bill also funds such commitments closer to home in Mexico where in 2008, more than 6,200 people died in drug-related violence, more than twice the number killed in 2007. More than 1,000 people have died so far in 2009.

This problem has grown so severe that the Department of Homeland Security is reviewing ways to assist Mexican law enforcement to stop the flow of guns, assault rifles, and cash from the U.S. into Mexico. This bill recognizes this challenge and provides \$987 million to support counter narcotics and alternative development programs in Mexico, Central America, the Caribbean Basin, Colombia and Peru.

U.S. peacekeeping and humanitarian efforts are also served by this bill. The bill appropriates \$2.4 billion for various peacekeeping operations, including missions in Darfur and

Somalia, where the United States continues to be the leading donor for emergency refugee and humanitarian assistance. For Sudan alone, this bill provides over \$700 million in combined assistance for African Union and United Nations missions there.

I want to thank Chairman LOWEY and Ranking Member GRANGER and all the members of the Appropriations Committee for crafting a bipartisan bill that responsibly satisfies our strategic, development and diplomatic commitments around the world. I encourage my colleagues to join me in supporting it.

Mrs. MILLER of Michigan. Mr. Chair, I rise today in support of H.R. 3081—Department of State, Foreign Operations Appropriations Act for 2010.

Providing funding to our friend and steadfast ally Israel is in our national interest, and this bill provides \$2.2 Billion Dollars for Israel in the form of Military Assistance.

In a turbulent part of the world, we can count on the friendship of Israel because we share the important values of freedom of religion, speech and thought—values that aren't universally shared across the Middle East.

Israel is the only mature democracy in a region that hungers for freedom from dictators and tyrants and whose people are distracted by a steady stream of vitriol directed at the Jewish people.

We recently saw that hunger for freedom displayed on the streets of Iran in the wake of the disputed election and how it was brutally suppressed by the Iranian government, resulting in the death of several protesters.

Freedom and Democracy should be supported wherever we find it and this bill supports a vital ally, who shares our commitment to the rule of law, and freedom of assembly.

Israel has showed extraordinary restraint in response to terrorism and daily rocket attacks emanating from fanatical Hamas militants in the Gaza Strip. I can think of no country in the world that would have shown such restraint in the face of direct attacks on their civilians.

Every government of Israel has worked towards peace. Yet, except for Egypt and Jordan, no Arab government has even recognized the State of Israel. This bill calls for all Arab League States to normalize relations with Israel, which is an important step on the road to a durable peace in the region.

I was happy to see that no support will be provided to support a Palestinian state unless the Secretary of State determines that they have demonstrated a commitment to peaceful coexistence with Israel and is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza.

This bill provides essential support to our friend and ally Israel, so I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. PETERS. Mr. Chair, I rise today in strong support of H.R. 3081. I would like to thank Chairwoman LOWEY and Ranking Member GRANGER for their hard work on this important legislation.

I am pleased that this bill provides \$2.2 billion to one of our most important allies: the State of Israel. Israel is a strategic partner and this funding will help ensure Israel has the resources it needs to protect her borders and citizens. Ever since the United States became the first nation to recognize Israel's independence our two nations have shared a special friendship and I am pleased that this bill continues that close relationship.

I am also proud to support report language that will provide at least \$20 million to provide relief to religious minorities in Iraq, including assistance for displaced and refugee populations. In the last year thousands of Iraqi Christians have sought refuge in Southeast Michigan and thousands more are expected in the years to come. This funding will aid refugee populations in Iraq that are most in need of our assistance I thank Chairwoman LOWEY and Representative ESHOO for their work on this issue.

This bill ensures that America will continue to be the leader in spreading security and opportunity throughout the world and I urge its passage.

Ms. WATERS. Mr. Chair, I rise to support this bill, which protects our security and promotes our values by funding humanitarian assistance, health care, education, poverty reduction, and disaster relief throughout our world, and especially in countries like Haiti, a poverty-stricken but democratic nation close to our shores.

I oppose amendments to cut funding for these critical programs. I am especially concerned about the Lewis amendment, which cuts more than \$500 million from multilateral development programs, including debt relief for the world's poorest countries. Debt relief has already helped more than 20 poor countries, freeing up billions of dollars for investments in health care, education, clean water, and poverty reduction. The United States played a critical role in negotiating poor country debt relief, and we did it with bipartisan support from this Congress.

In the last Congress, I introduced H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation, to expand poor country debt relief. The House passed this bill last year, although the Senate was not able to complete consideration of it. I will reintroduce the Jubilee Act later this year.

Both Bread for the World and Catholic Relief Services strongly supported debt relief, and now they are calling on Members of Congress to support this bill and oppose amendments like the Lewis amendment.

I urge my colleagues to support this bill.

Mr. LOWEY. 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 for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111-193. Each amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to a demand for division of the question. An amendment printed in part B of the report may be offered only at the appropriate point in the reading.

The Clerk will read.

The Clerk read as follows:

H.R. 3081

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the

fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS  
DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$8,229,000,000, of which \$1,577,427,000 is for Worldwide Security Protection (to remain available until expended): *Provided*, That the Secretary of State may transfer up to \$137,600,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That, consistent with existing law and regulation, the Secretary of State shall notify in writing the member of the House of Representatives representing the district of a left-behind parent when the parent reports an international child abduction to the Department of State and the Secretary shall maintain a computerized data tracking system to track and monitor such reported international child abduction cases: *Provided further*, That the requirements of the previous proviso shall not apply to cases where the left-behind parent does not consent to the Secretary taking such actions: *Provided further*, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,667,130,000 to remain available until September 30, 2011, of which not less than \$138,075,000 shall be available only for public diplomacy American salaries, and, \$220,840,000 is for Worldwide Security Protection and shall remain available until expended.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$2,497,158,000, to remain available until September 30, 2011, of which not less than \$381,800,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$892,012,000, to remain available until September 30, 2011.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, \$2,172,700,000, to remain available until September 30, 2011, of which, \$1,356,587,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed \$1,653,305 shall be derived from fees collected from other executive

agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER AND REPROGRAMMING.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

PART A AMENDMENT NO. 1 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mrs. LOWEY:

Page 2, line 10, after the first dollar amount, insert "(increased by \$300,000)".

Page 3, line 22, after the dollar amount, insert "(increased by \$300,000)".

Page 7, line 15, after the dollar amount, insert "(decreased by \$25,300,000)".

Page 7, line 21, after the dollar amount, insert "(increased by \$8,000,000)".

Page 7, line 23, after the dollar amount, insert "(increased by \$2,000,000)".

Page 7, line 25, after the dollar amount, insert "(increased by \$2,000,000)".

Page 24, line 17, after the dollar amount, insert "(decreased by \$28,000,000)".

Page 25, line 19, after the dollar amount, insert "(increased by \$10,000,000)".

Page 31, line 11, after the dollar amount, insert "(increased by \$25,000,000)".

Page 32, line 1, after the dollar amount, insert "(increased by \$25,000,000)".

Page 38, line 15, after the dollar amount, insert "(increased by \$10,000,000)".

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

LIMITATION ON ASSISTANCE TO SRI LANKA

SEC. 70XX. None of the funds made available in this Act under the heading "Foreign Military Financing Program" may be available for assistance for the Government of Sri Lanka.

PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

SEC. 70XX. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by

this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 617, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. I yield myself as much time as I may consume.

My amendment makes several modifications to the bill. Specifically, it would increase funding for safe water and sanitation programs by \$25 million and democracy programs by \$10 million. It would provide \$300,000 for the implementation of the U.S.-Brazil Joint Action Plan to eliminate racial and ethnic discrimination and promote equality; increase funding for maternal health programs by \$10 million; and ensure proper use of taxpayer dollars by increasing funding for oversight of Department of State and USAID programs by \$8 million. These additions would be offset by reductions to the Department of State Capital Investment Fund and USAID's Capital Investment Fund. The amendment would also restrict foreign military financing to Sri Lanka, but I would note that the base bill includes up to \$1 million for demining activities under the non-proliferation, anti-terrorism, demining, and related programs' account to continue the work with the Sri Lankan Government to help the displaced Tamil population return to their homes. Lastly, this amendment includes a restriction on first-class travel by employees of agencies funded by this act.

I am pleased to have worked with Representatives EARL BLUMENAUER, HENRY CUELLAR, ALCEE HASTINGS, EDDIE BERNICE JOHNSON, JIM MARSHALL and GWEN MOORE to address these concerns. I urge all of my colleagues to support this amendment.

I reserve the balance of my time.

Mr. KIRK. Mr. Chair, I seek time in opposition.

The CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. KIRK. I yield myself 4 minutes. I rise in reluctant opposition to this amendment. There are many parts of the amendment that I support, like moving funds away from accounts that received a significant increase in the stimulus bill in order to increase funds for safe drinking water and sanitation programs.

Unfortunately, I oppose this amendment for what it represents. We are continuing the movement away from bipartisan consideration of amendments because it appears that the new practice under the Rules Committee is to take a number of Democratic amendments and put them in one group under the chairman's aegis so that it looks like we have a balanced list of amendments offered but really a much larger number of Democratic amendments are being considered. This is a very troubling practice that has

now entered into the appropriations bills.

Once again, I would point out, under clause 2 of rule XXI, the only amendments that are allowed under our rules on the floor are money amendments that cut or rearrange funds, not policy amendments. That gives awesome power to the committee on both sides to limit debate on this bill. It's very odd that in all the consideration of appropriations bills before, we haven't really made this a standard practice like is happening now.

Mrs. LOWEY. Will the gentleman yield?

Mr. KIRK. I yield to the gentlewoman from New York.

Mrs. LOWEY. I just want to note that KAY GRANGER, the ranking member's amendment, is not a money amendment. It's a policy amendment as well.

Mr. KIRK. I stand corrected. Under the rule it's allowed, but we didn't need rules for appropriations bills. I would reiterate my admiration for Bill Natcher who insisted that his legislation always come to the floor without a rule because it was protected under clause 2 of rule XXI.

I'm also worried about this amendment because it cuts off FMF, Foreign Military Financing, for Sri Lanka. Now the Sri Lankan-elected democratic government was fighting the Tamil Tigers, registered as a terrorist organization by the State Department. Their victory over the Tamil Tigers will bring human rights and democracy to the whole country and remove the need for any kind of military operations which could tempt either side to hurt civilians.

The victory of the Sri Lankan military against the Tamil Tigers is exactly what will bring order, rule of law and democracy to that country. So we're now sending a signal that a democracy who is fighting a terrorist organization and wins will be cut off in its financing by the United States. I would put it to you that if we ever had a rebel terrorist organization operating in our country, maybe like the Confederate States after our victory, it would be odd, indeed, to see some country cutting off funding for us. Yet that's exactly what we did in our civil war. And I would say that a cutoff now is an odd signal when I would expect that the record of human rights, respect for the individual rule of law and especially in democracy will definitely go up now that the Sri Lankan Government controls all of their territory.

I reserve the balance of my time.

□ 1615

Mrs. LOWEY. I thank the gentleman for his remarks but I just want to emphasize, again, that we are providing up to \$1 million for demining activities under NADR for the Sri Lankan Government to help the displaced Tamil population return to their home. And in addition to the terrorism that occurred on the part of the Tamil Tigers,

we do have many civilians that have been displaced. And I think it is essential that the Government of Sri Lanka respond to that challenge and help those people return to their homes. So I know that we will continue to follow this issue to be sure that the policy that is in place adjusts to the actions that the government takes.

I urge all of my colleagues to support this amendment, and I yield back the balance of my time.

Mr. KIRK. I yield myself such time as I have remaining.

I would say that I think with this amendment it would have been better to have handled it under a different procedure. But the key point that I would make here is there are many good parts of this amendment. I particularly love the part about no first class travel and hope that that goes into the final bill.

I would urge us in conference to reconsider sending the signal that we are sending to Sri Lanka. The general signal should be that when a democratic government engages a terrorist organization, we support the democratic government. When that democratic government wins against that terrorist organization, we should support them. That means that we should support all the aspects of that government that can effect good order and a return to normalcy, which means helping refugees and which means helping the government, but it means helping also to maintain a good relationship with that democracy that just did a good thing in making sure that the world has one less terrorist organization.

So I would urge opposition to the amendment.

I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mrs. LOWEY).

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

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

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

PART B AMENDMENT NO. 2 OFFERED BY MR. BUYER

Mr. BUYER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. BUYER:

Page 2, line 10, after the first dollar amount, insert "(reduced by \$1,200,000,000)".

Page 21, line 25, after the first dollar amount, insert "(reduced by \$330,000,000)".

Page 25, line 19, after the dollar amount, insert "(reduced by \$670,000,000)".

The CHAIR. Pursuant to House Resolution 617, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I yield myself 3 minutes.

It is very clear that Americans are feeling the burden of a shrinking economy, empty pocketbooks and also economic uncertainty. What is clear is that the American people are hurting and that we are continuing to lose jobs.

The Obama administration and congressional Democratic leadership promised that their trillion-dollar stimulus would create jobs immediately and gave the assurance to the American people that unemployment would not rise above 8 percent. In June alone, almost one-half million jobs were lost, driving unemployment now to 9.5 percent, the highest level in almost three decades.

I believe the American people know we cannot tax and spend nor bail our way out to a growing economy. So what are we doing here today? We are continuing this practice of reckless spending. Now what is clever is that there is a release that was sent out by the chairman of the Appropriations Committee that said, well, it appears as though perhaps we are cutting, actually this bill is cutting, foreign spending. No, it is not.

What has to be clear here is that you have to be careful to this appropriations language called "enacted" level of spending. So when you look at 2008 and as we go into 2009, we had a continuing resolution, and then from the CR we go into an omnibus. On top of the omnibus, we go into supplemental spending. And now we go into the 2010 bill. So we have this 33 percent increase.

What I'm doing is I look at three specific accounts here in Foreign Operations. And I'm saying, okay, fine, keep your increases. But let's try to hold the line with regard to our Federal spending. I have great respect for the men and women that represent our country in Foreign Service abroad. They are serving on America's outposts, and I salute them. They deserve the best the Nation can provide to them. What I oppose is the continued habit of reckless and seemingly endless spending that this bill represents. So with the interests of our Nation's financial integrity at stake, I offer this amendment that cuts \$2.2 billion from the bill to remedy this bloated increase.

The amendment reduces three accounts to match the fiscal year 2009 enacted funding levels; number one, the diplomatic and consular programs account reduced by \$1.2 billion; secondly, the operating expense of USAID by \$330 million; and the global health account reduced by \$670 million. This represents a total savings of \$2.2 billion left in the Treasury and not borrowed against our children's and grandchildren's future.

With that, I reserve the balance of my time.

Mrs. LOWEY. I claim time in opposition to the gentleman's amendment.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. Ms. GRANGER and I have worked hard to craft a bill that strengthens the civilian diplomatic and development capacity of the U.S. Government.

President Obama, Secretary of State Clinton, former Secretary of State Rice, Secretary of Defense Gates and many of us in this Chamber have said time and time again that the State Department and USAID have to start leading U.S. Government efforts to address the global threats of the 21st century, including preventing and responding to conflict. As our new administration sets priorities, develops strategies and creates greater efficiencies and harmony in our foreign policy, this requires an expansion of people and resources.

The proposed cuts in this amendment, to USAID's operating expenses and the Department of State's operating account, strike at the very heart of the bill's efforts to strengthen our civilian capacity. This amendment would have a devastating impact on USAID and the Department of State's ability to carry out their diplomatic, development, and reconstruction mission.

For USAID operating expenses, the amendment would halt support for over 200 existing personnel, including in Afghanistan, Pakistan and Sudan, putting the U.S. Government missions in those countries in jeopardy.

The amendment would stop the construction of secure and safe facilities for USAID employees in nearly 30 countries overseas and halt the hiring of 350 new Foreign Service officers as planned in the development leadership initiative which is intended to rebuild the civilian development workforce.

Within the Department of State's operating account, the amendment would eliminate \$328 million to add 1,000 foreign and civil service officers to fill the 12 percent vacancy rate at the 260 diplomatic posts worldwide and to fill urgently needed positions here in D.C., eliminate \$213 million to add nearly 300 diplomatic security positions to better protect and secure diplomatic and development personnel, and reduce by nearly \$700 million funding to regularize diplomatic operations in Iraq.

USAID is a global leader on health, and the proposed cuts would hamper their ability to save the lives of hundreds of thousands of people. The proposed cut in this amendment could result in 18.3 million women being without access to voluntary family planning services, which could lead to an estimated 5.5 million additional unintended pregnancies, 300,000 additional under-5 deaths per year and 15,000 additional maternal deaths per year, and approximately 800,000 people in four high-burden countries going without planned multidrug resistance tuberculosis diagnosis and treatment services.

Congress must strengthen civilian agencies to respond to foreign policy

crises and not cut core programs in our diplomacy and development initiatives, as this amendment seeks to do.

So I urge my colleagues to vote “no” on this amendment.

I reserve the balance of my time.

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

I would say the gentlelady’s comments still don’t address the reason I brought this amendment. I will use two words that you just used to the gentlelady: “jeopardy” and “devastate.” That is exactly what Congress is doing to America’s economy if we do not get our fiscal house in order.

This isn’t my quote; this is OMB’s. In May, OMB projected that if we continue this type of spending, the Federal debt will grow to \$23.3 trillion in 2019. That is within 10 years, \$23 trillion. I think the American people are getting numb to these numbers. Now to get \$1 billion, to get \$1 billion, if I take, excluding corporate income tax receipts, every individual working in my congressional district, if I take their Federal income tax revenue, I can get \$1 billion. That is just \$1 billion. So I think about all the hard work and labor of people in my congressional district in Indiana, that is \$1 billion. So you throw numbers around here as though it is just nothing, it is just money. It is more than money. It represents the hard labor of people. They give it to us, and they make sure that we spend it in a fiscally responsible manner. At a time when America’s economy is hurting, you plead to me in response, Mr. Chairman, the plea here is that all Members should weep and cry about the challenges that are all around the world. Well, what about the challenges in America? That is what I’m talking about. We are engaged here in a two-front war, actually, a multi-front war, but in two fronts right now in Afghanistan and Iraq.

I appreciate the leadership of our ranking member and what he is doing. But don’t stand here on the floor and talk about we need more money for “family planning,” which is a code word for us to pay for abortions overseas. No, this is a moment in time. And I am going to ask for a recorded vote on something like this because I want a signal to be sent to the American people to take a look at this vote. That is what I will say to America, Mr. Chairman: watch this vote.

Do we have what it takes to cut \$2.2 billion or not? I’m even saying, guess what? I will take your 33 percent increase that you had over the baseline. I will just take us back to the 33 percent increase. And, America, watch what this Congress will do. Will they be fiscally responsible with your dollar? Or will they continue the reckless policies that have been going on in this Congress?

I urge everyone to support this amendment, and I yield back.

Mrs. LOWEY. Mr. Chairman, I just want to respond to my friend, the gentleman, Mr. BUYER. I agree. And I

think most of us in this Congress would agree that we have to get our fiscal house in order. However, we put this bill together in a bipartisan way. And I again regret that Ms. GRANGER who worked so hard on this bill couldn’t be here with us today. And I want to make it very clear that cutting funding for our diplomats who are serving our great Nation in very difficult parts of the world, whether it is Pakistan, Afghanistan, whether it is in Iraq, and I could go on and on, is irresponsible.

So I think it is fine to say that we have to put our house in order. However, I would like to remind you that in the past administration, diplomacy, development and defense were considered the three pillars of our national security. So just to say we can cut \$1 billion here and \$1 billion there and not to have the consequences, have great impact on the security of our people who are fighting for our Nation, I think is irresponsible.

Again, I ask for a “no” vote on this amendment.

I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

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

Mr. BUYER. 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 Indiana will be postponed.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 46, line 4 be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

#### CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$125,000,000, to remain available until expended: *Provided*, That funds made available under this heading may be made available in fiscal year 2010 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: *Provided further*, That notwithstanding any other provision of law and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, only to support an actively deployed civilian response corps, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not later than 45 days after enactment of this Act, the Secretary of State and the

Administrator of the United States Agency for International Development shall submit a coordinated joint spending plan for funds made available under this heading and under the heading “Civilian Stabilization Initiative” in title II of this Act.

#### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$160,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$100,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections, of which \$23,000,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$23,000,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$600,000,000, to remain available until expended: *Provided*, That not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

#### REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$8,175,000.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$28,500,000, to remain available until September 30, 2011.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$876,850,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$847,300,000, to remain available until expended.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$10,000,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading “Repatriation Loans Program Account”, subject to the same terms and conditions.

## BUYING POWER MAINTENANCE ACCOUNT

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), \$7,500,000, to remain available until expended.

REPATRIATION LOANS PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$739,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, \$711,000, which may be transferred to, and merged with, funds made available under the heading "Diplomatic and Consular Programs".

PAYMENT TO THE AMERICAN INSTITUTE IN  
TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$21,174,000.

PAYMENT TO THE FOREIGN SERVICE  
RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$158,900,000.

INTERNATIONAL ORGANIZATIONS  
CONTRIBUTIONS TO INTERNATIONAL  
ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,697,000,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this title shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL  
PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$2,125,000,000, of which 15 percent shall remain available until September 30, 2011: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in

advance as is practicable): (1) the Committees on Appropriations are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (3) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the Committees on Appropriations that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

## INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER  
COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

## SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$33,000,000.

## CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$43,250,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL  
COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$12,608,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses.

## INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$48,576,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324, *Provided further*, That, in addition to other funds available for such purposes, funds available under this heading may be used to make payments necessary to fulfill the United States' obligations under the Pacific Salmon Treaty.

## RELATED AGENCY

## BROADCASTING BOARD OF GOVERNORS

## INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors, as author-

ized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, \$733,788,000: *Provided*, That of the total amount in this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

## BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$12,662,000, to remain available until expended, as authorized.

## RELATED PROGRAMS

## THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), \$19,000,000, to remain available until expended, as authorized.

## UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$49,220,000, to remain available until September 30, 2011.

CENTER FOR MIDDLE EASTERN-WESTERN  
DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2010, to remain available until expended.

## EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2010, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

## ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2010, to remain available until expended.



## NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$100,000,000, to remain available until expended, of which not less than \$250,000 shall be for human rights and democracy programs relating to Tibet: *Provided*, That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis: *Provided further*, That funds made available by this Act for the promotion of democracy may be made available for the National Endowment for Democracy notwithstanding any other provision of law or regulation.

## OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF  
AMERICA'S HERITAGE ABROAD

## SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$635,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON INTERNATIONAL RELIGIOUS  
FREEDOM

## SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$4,300,000, to remain available until September 30, 2011.

COMMISSION ON SECURITY AND COOPERATION IN  
EUROPE

## SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$2,610,000, to remain available until September 30, 2011.

CONGRESSIONAL-EXECUTIVE COMMISSION ON  
THE PEOPLE'S REPUBLIC OF CHINA

## SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$2,000,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2011.

UNITED STATES-CHINA ECONOMIC AND  
SECURITY REVIEW COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, \$3,500,000, including not more than \$4,000 for the purpose of official representation, to remain available until September 30, 2011: *Provided*, That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: *Provided further*, That section 308(e) of the United States-China Relations Act of 2000 (22 U.S.C. 6918(e)) (relating to the treatment of employees as Congressional employees), and section 309 of such Act (22 U.S.C. 6919) (relating to printing and binding costs), shall apply to the Commission in the same manner as such section applies to the Congressional-Executive Commission on the People's Republic of China: *Provided further*, That the Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals: *Provided further*, That the Commission shall comply with section 4505a of title 5, United States Code, with respect to

limitations on payment of performance-based cash awards: *Provided further*, That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code: *Provided further*, That travel by members of the Commission and its staff shall be arranged and conducted under the rules and procedures applying to travel by members of the House of Representatives and its staff.

## TITLE II

UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT  
FUNDS APPROPRIATED TO THE PRESIDENT  
OPERATING EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,388,800,000, of which up to \$105,000,000 may remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed \$1,000,000: *Provided further*, That of the funds made available under this heading for capital investments related to the Development Leadership Initiative, up to \$245,000,000 may remain available until September 30, 2014: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That any decision to open a new USAID overseas mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

## CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to establish, support, maintain, mobilize, and deploy a ci-

vilian response corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$30,000,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title I of this Act.

## CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$213,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$46,500,000, to remain available until September 30, 2011, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

## TITLE III

BILATERAL ECONOMIC ASSISTANCE  
FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2010, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$2,375,000,000, to remain available until September 30, 2011, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this paragraph, not to exceed \$400,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That of the funds appropriated



under this paragraph, \$77,000,000 should be made available for a United States contribution to The GAVI Fund: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than six months after the date of enactment of this Act, and must be accompanied by a comprehensive analysis as well as the complete evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104

of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,409,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than \$750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2010 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to \$14,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the Global AIDS Coordinator.

#### DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$2,465,000,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$44,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated by this Act, not less than \$265,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: *Provided further*, That of the funds appropriated under this heading, not less than \$24,000,000 shall be made available for the American Schools and Hospitals Abroad program: *Provided further*, That of the funds appropriated by this Act, not less than \$310,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the

Poor Act of 2005 (Public Law 109-121): *Provided further*, That of the funds appropriated by title III of this Act, not less than \$1,000,000,000 shall be made available for food security and agricultural development programs, of which \$32,000,000 shall be made available for Collaborative Research Support Programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso and after consultation with other relevant Federal departments and agencies, the Committees on Appropriations, and relevant nongovernmental organizations, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a strategy for achieving the food security and agricultural development program goals: *Provided further*, That of the funds appropriated under this heading for food security and agricultural development programs, \$10,000,000 shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110-246: *Provided further*, That of the funds appropriated under this heading, not less than \$20,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

#### INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$830,000,000, to remain available until expended.

#### TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$100,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That of the funds made available under this heading, up to \$50,000,000 may be made available for a Rapid Response Fund: *Provided further*, That none of the funds made available for the Rapid Response Fund may be obligated until the Administrator of the United States Agency for International Development consults with the Committees on Appropriations on the country that will receive assistance, the level of assistance proposed for such country, a description of the proposed programs, projects and activities, and the implementing agencies or departments of the United States Government: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$25,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*,

That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,600,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2012.

#### ECONOMIC SUPPORT FUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$6,370,096,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, \$250,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, not less than \$25,000,000 shall be made available for democracy, human rights and governance programs, and not less than \$25,000,000 shall be made available for education programs: *Provided further*, That \$11,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That of the funds appropriated under this heading, not less than \$363,000,000 shall be made available only for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading not more than \$400,400,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed \$2,000,000 may be used for administrative expenses of the United States Agency for International Development (USAID), in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: *Provided further*, That not more than \$150,000,000 of the funds provided for the West Bank and Gaza shall be for cash transfer assistance: *Provided further*, That of the funds appropriated under this heading for assistance for Afghanistan and Pakistan, assistance may be provided notwithstanding any provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between

either country and the Central Asian republics: *Provided further*, That \$300,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance only after the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and provincial level is cooperating fully with United States-funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That the President may waive the previous proviso if the President determines and reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, \$200,660,000 shall be apportioned directly to USAID for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for Colombia, not less than \$4,500,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to nongovernmental organizations that provide emergency relief aid to Colombian refugees in neighboring countries.

#### DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, \$120,000,000, to remain available until September 30, 2011, of which \$70,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and \$50,000,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development: *Provided*, That funds appropriated by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation: *Provided further*, That with respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

#### INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$18,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2011.

#### ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, \$722,253,000, to remain available until September 30, 2011, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall

be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings "Independent States of the Former Soviet Union" and similar headings and "Assistance for Eastern Europe and the Baltic States" and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabagh.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$1,630,000,000, to remain available until September 30, 2011: *Provided*, That during fiscal year 2010, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading for assistance for Afghanistan may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics purposes: *Provided further*, That in the event the Secretary of State makes a determination pursuant to the previous proviso, the Secretary shall consult with the Committees on Appropriations prior to the obligation of funds for such eradication programs: *Provided further*, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: *Provided further*, That funds appropriated under this heading that are made available for assistance for the Bolivian military and police may be made available for such purposes only if the Secretary of State certifies to the Committees on Appropriations that the Bolivian military and police are respecting internationally recognized human rights and cooperating fully with investigations and

prosecutions by civilian judicial authorities of military and police personnel who have been credibly alleged to have violated such rights: *Provided further*, That in order to enhance border security and cooperation in law enforcement efforts between the United States and Mexico, funds appropriated under this heading for assistance for Mexico may be made available for the procurement of law enforcement communications equipment only if such equipment utilizes open standards and is compatible with, and capable of operating with, radio communications systems and related equipment utilized by Federal law enforcement agencies in the United States to enhance border security and cooperation in law enforcement efforts between Mexico and the United States.

NONPROLIFERATION, ANTI-TERRORISM,  
DEMINEING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$717,430,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed \$75,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for IAEA only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, not more than \$500,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That of the funds made available for demining and related activities, not to exceed \$700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2011.

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution

to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$1,480,444,000, to remain available until expended, of which not less than \$25,000,000 shall be made available for refugees resettling in Israel.

□ 1630

The CHAIR. The Clerk will read.

The Clerk read as follows:

UNITED STATES EMERGENCY REFUGEE AND  
MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$75,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501-2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$450,000,000 to remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$4,000 may be made available for entertainment expenses: *Provided further*, That any decision to open a new domestic office or to close, or significantly reduce the number of personnel of, any office, shall be subject to the regular notification procedures of the Committees on Appropriations.

□ 1630

PART B AMENDMENT NO. 6 OFFERED BY MR.  
STEARNS

Mr. STEARNS. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. STEARNS:

Page 46, line 18, after the dollar amount, insert "(reduced by \$76,560,000)".

The CHAIR. Pursuant to House Resolution 617, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, the gentlelady from New York talked about bipartisanship. This is a bipartisan amendment.

The President has requested \$373 million be allocated to the Peace Corps

under the State-Foreign Operations bill and related appropriations. The gentlelady should realize, all my amendment does is ensure that we fund the Peace Corps at simply the level the President requested.

So when you look at this amendment, it's really an President Obama-Stearns amendment in which he is saying, I think we can get it done, the Peace Corps allocation under the Foreign Operations bill, for \$373 million. And when you look at the facts, I think you will probably agree with me. In fact, I think, obviously, the President must agree because that's what he has allocated.

In 2009, the Peace Corps was funded at \$340 million. President Obama has requested \$373.4 million, so this is an increase of \$33 million. So there is an increase, 10 percent, it's right there, I agree with him. Let's go ahead and approve it this afternoon at what the President requested.

Now, I support the Peace Corps, but I think what you have done is allocated \$450 million, which is almost \$77 million increase from what President Obama has requested. That's \$110 million above the FY 2009 level.

So what you are trying to do is increase the Peace Corps by 33 percent over last year's level and, frankly, to the gentlelady from New York, with the economy the way it is we should keep the money in America and not in 76 other countries. Certainly the money that we are spending overseas could be used in this country. So I think President Obama tried to be conservative in saying let's allocate \$373 million rather than your number of \$450 million.

So I think again, with the severe economic crises, and all of us agree, we must consider carefully how we use taxpayers dollars. We certainly don't want to send them overseas when we can use them here in the United States. As Mr. Buyer mentioned we are spending Federal tax dollars at a rate we can't sustain, and we are putting ourselves into deeper debt.

Today our national debt stands at almost \$12 trillion. You know, adoption of my amendment, my simple amendment, will demonstrate a positive step towards restoring fiscal balance and responsibility but also staying in line with what President Obama has requested.

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

Mrs. LOWEY. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I would like to remind my good friend, Mr. STEARNS, that the Peace Corps is also a job-creating program. These are our young people here who are going abroad to serve our country. So it is also a job-creation program for our young people. The Peace Corps, which is funded at \$450 million in this bill, has long been one

of America's most effective tools in directly reaching citizens of other countries, demonstrating firsthand the best of American values and generating goodwill for our Nation around the world.

Just last year, Peace Corps volunteers helped train 148,000 teachers, health care workers and other professionals overseas. Their efforts improved the lives of over 2 million people in developing countries, including countries that are vital to our national security interests.

In recent years, the Peace Corps has been chronically underfunded. Last year the agency was forced to cut 500 new positions. Funding the Peace Corps at the authorized \$450 million level lays the groundwork to fulfill the President's pledge to increase the number of Peace Corps volunteers at a responsible pace. In addition, the bill calls for the GAO to conduct a management review to ensure that every dollar is well spent and every volunteer's effort is well placed.

In recent weeks I and other Members have heard from thousands of Peace Corps' 200,000 alumni. I am sure there are some in Florida, Mr. STEARNS, and other constituents calling for this increase. In fact, the gentleman from Florida may have heard from some of the nearly 7,000 Peace Corps current and former volunteers from the State of Florida.

I hope my colleagues will support me in opposing this amendment.

I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, it's obvious that the gentledady from New York does not agree with her President. Her President has offered a funding level. He said he thinks this will do the job, and you obviously don't agree with him.

So I am a little surprised if the President of the United States, your President, indicates he thinks the job can be done with those dollars, then why don't you agree with him? Using your argument, you want to increase spending so that we can send jobs for people in America to go overseas.

And the question is, a simple question for you is, why not let these people have jobs here in the United States? Why not take the money, give the jobs to the people in the United States so they don't have to go overseas?

It is cheaper. It is cheaper to give a job to a student, a college graduate, here in the United States than to send them overseas into all these 76—100 countries that we have allocated it for. It's also cheaper logistically. So I think if the Democrats will look at this, why aren't you agreeing with your President on the allocation for the Peace Corps, and why do you want to spend more money overseas when we can put the jobs here in this country.

I reserve the balance of my time.

Mrs. LOWEY. I am very pleased to yield 1 minute to Sam Farr, a former Peace Corps worker, from California.

Mr. FARR. Thank you very much, Madam Chair.

I rise in strong support of this. And the answer to your question is the President has not endorsed your position. He has not asked us to cut this amount. The reason is that there are 12,000 Americans that applied for Peace Corps jobs that can't be filled because there isn't enough money to fill them.

There are 20 other countries that want Peace Corps in them. We can't expand the program because there isn't enough money for it. That's why the committee put more money in it. This is the most effective foreign aid program, the most effective domestic program. If we are going to curtail violence in the world, we have got to do it through initiating what is best in America by sending more and more Peace Corps volunteers to countries who want them.

To the people who apply for the jobs, there is only room for one out of every four applicants because of the money. So this \$450 million is exactly what President Obama has said in his campaign speeches—that he wanted to double the Peace Corps. You can't double it without putting more money in it.

So I object to your opinion that Mr. Obama, President Obama, supports your amendment. He does not, and neither do the people in this House or the other House.

Mr. Chairman, I submit for the RECORD Senator CHRISTOPHER BOND's letter asking for \$450 million from the Senate for an Appropriations Committee.

U.S. SENATE,

Washington, DC, July 9, 2009.

Hon. PATRICK LEAHY,  
Senate Appropriations Committee, Subcommittee  
on Foreign Operations,

Senate Dirksen Building, Washington, DC.

Hon. JUDD GREGG,

Senate Appropriations Committee, Subcommittee  
on Foreign Operations,  
Senate Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GREGG:

President Obama pledged to double the number of Peace Corps volunteers by 2011—a goal I strongly support—but unfortunately failed to provide the necessary funding to do so in his budget request. The House of Representatives has already acted to correct this oversight by increasing funds for the Peace Corps to \$450 million for fiscal year 2010. I hope that in the House-Senate Conference Committee the Senate's conferees will support providing additional resources the Peace Corps needs to accomplish their critical mission.

The need for the Peace Corps has never been more important. There is no doubt that anti-Americanism is growing throughout the world. One of the most effective tools to combat, this anti-Americanism and other extremist ideologies is the Peace Corps, which remains one of the United States' most effective grassroots diplomacy and development programs.

In addition to the growing need for the Peace Corps, the demand is up as well. The Peace Corps reports that as many as twenty nations are interested in starting Peace Corps programs where none currently exist, and there are real opportunities to expand and improve upon existing programs.

An increased investment in Peace Corps will support an expansion of Americans serv-

ing our country as volunteers, enable new country programs to be established in strategic—and too long ignored—countries like Indonesia, and continue the collaboration and integration of volunteers into our foreign assistance priority program areas, like basic education, agriculture and nutrition, global health, and HIV/AIDS prevention and treatment. Expanding and strengthening our Peace Corps would provide an immediate opportunity to realize America's commitment to global leadership and citizen service.

Smart Power initiatives like the Peace Corps should be a cornerstone in our foreign policy and in our efforts to combat extremism and terrorism around the world. Your recognition and support of these critical efforts is invaluable. Chairmen Leahy and Ranking Member Gregg, I appreciate your difficult task of balancing the many competing Smart Power priorities with limited resources and I appreciate the subcommittee's support for my additional Smart Power requests like international exchanges, biotechnology research and public diplomacy to name a few. However, I also believe it is critical that we work together to support an increased investment in the Peace Corps above the President's request. Our nation must reinvigorate the Peace Corps as part of its overall effort to strengthen our Smart Power efforts.

Sincerely,

CHRISTOPHER S. BOND.

Mr. STEARNS. Mr. Chairman, President Obama certainly doesn't endorse your plan because he did not propose \$450 million. He proposed a lot less. He proposed a 10 percent increase; you proposed a 33 percent increase.

Really, although the President hasn't called me up to say he endorses my amendment, frankly, I have endorsed his. I have endorsed his legislative initiative. What he has proposed, is a 10 percent increase, I think this is fair. I am just asking you folks to recognize what he has proposed is fair.

Why not adopt my amendment and let it go at that. Why do you want to increase the Peace Corp 33 percent and send these jobs overseas when, frankly, we can keep them here cheaper, and logistically it's easier. So again I ask you to explain to me why you don't want to agree with the President's request.

I reserve the balance of my time.

Mrs. LOWEY. I am pleased to yield 1 minute to a great advocate of the Peace Corps and a distinguished member of the committee, BETTY MCCOLLUM.

Ms. MCCOLLUM. Thank you, Madam Chair. I am very proud of my staff and the other staff and Members who have served in the Peace Corps who are in this House.

Mr. Chairman, today the Peace Corps, one of the most successful foreign policy initiatives, is at a crossroads. Since 1961, over 200,000 Americans have served our country by helping others around the world. Today's Peace Corps needs to be reenergized. Peace Corps is not capable of meeting the demand of Americans of all ages who want to serve. As I said, Peace Corps is at a crossroads.

We have an opportunity here today in this moment to reinvigorate Peace Corps for the next new century, but it's

going to take leadership from Congress. The President's request simply was not enough, even though the President does propose to double, increase and fully fund Peace Corps out into the years.

We have an opportunity to do it today. Chairwoman LOWEY is leading with \$450 million, a commitment to Peace Corps to put the agency back on track to double those numbers.

President Bush spoke up from this Chamber and President Obama spoke too in his inaugural address.

We have an opportunity to make history today. Support the Peace Corps.

Mr. STEARNS. The gentlelady says the Peace Corps is not meeting the demands around the world. I think the American taxpayers want the people to meet the demands of the American people here at home.

I yield back.

Mrs. LOWEY. I am pleased to yield 1 minute to the gentleman from Ohio (Mr. DRIEHAUS), who is a former Peace Corps volunteer.

Mr. DRIEHAUS. Mr. Chairman, I am a former Peace Corps volunteer, and I am an American, and the money was spent wisely. As a matter of fact, I don't know if the sponsor is familiar at all with the Peace Corps, but we spend \$225 a month on a Peace Corps volunteer. That's what the salary is for a Peace Corps volunteer.

Now, find me a job anywhere else where America's dollars are better spent on foreign policy than for \$225 a month. The total cost of the Peace Corps is less than two F-22 fighters, almost 1½ planes. That's what we spend to send hundreds of thousands of Americans across the globe to help people better understand this United States. That's what we spend, less than two F-22 fighters.

The Peace Corps is critical to the foreign policy of this United States. That is why the Obama administration did not, did not object to this funding increase, because they know it is the right thing to do. It is the most cost-effective foreign policy program we have.

I would urge my colleagues to support the Peace Corps and reject this amendment.

Mr. HONDA. Mr. Chair, I rise today in opposition to the Stearns amendment, which would reduce the amount appropriated to the Peace Corps from a much needed \$450 million to a little more than \$373 million. As a former Peace Corps Volunteer and a member of the House Appropriations committee, I was pleased to see Chairwoman LOWEY answer President Obama's call to double the size of the Peace Corps, beginning with increased funding.

Since President John F. Kennedy's call to serve in 1960, over 195,000 people have served as Peace Corps Volunteers spanning 139 countries. The Peace Corp gives Volunteers the chance to travel the world and help some of the most impoverished people in the world develop better lives for themselves and their communities. Beyond that, my experience as a Peace Corps volunteer in El Salvador was a defining moment in my life—I de-

veloped both personally and professionally, and tested my physical, emotional, and spiritual limits. I returned with a passion for teaching, and quickly put my skills, including fluency in Spanish, to use in Santa Clara county schools and started a lifelong commitment to public service.

There are currently just under 8,000 Peace Corps volunteers serving around the world, with thousands more ready, willing, and eager to join, but held back by the lack of funding and opportunity. A \$450 million dollar funding level is necessary to help the Peace Corps modernize its systems, optimize the number of Volunteers and staff in existing countries, strengthen and expand recruiting and diversity efforts, expand to new nations, and maximize safety and security training and compliance efforts. I hope that with increased funding, a commitment to double the size of the Peace Corps, and a renewed call to service by President Barack Obama, people from all walks of life will bear the torch of peace and goodwill that many Americans in the past have carried proudly to other countries.

The Peace Corp's budget is 1% of the foreign policy budget of the United States, which, in itself, is only 1% of the entire federal budget. For the good this does around the world, it is a critical investment. With a bleak economic outlook and an international community under pressure, the Peace Corps mission is more vital than ever, and so I urge my colleagues to oppose the Stearns Amendment and urge full funding of the Peace Corps at the \$450 million level agreed upon by the Appropriations Committee.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. 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.

The Clerk will read.

The Clerk read as follows:

MILLENNIUM CHALLENGE CORPORATION  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, \$1,400,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$95,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2010: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Corporation should reimburse

the United States Agency for International Development (USAID) for all expenses incurred by USAID with funds appropriated under this heading in assisting the Corporation in carrying out the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), including administrative costs for compact development, negotiation, and implementation: *Provided further*, That the Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,760,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533), \$30,000,000, to remain available until September 30, 2011: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to \$10,000 if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$25,000,000, to remain available until September 30, 2012, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572

of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$60,000,000, to remain available until September 30, 2012: *Provided*, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration;

*Provided further*, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as “enclave” loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

*Provided further*, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

#### TITLE IV

### INTERNATIONAL SECURITY ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign As-

sistance Act of 1961, \$331,500,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of the Foreign Assistance Act, to provide assistance to enhance the capacity of foreign security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds made available under this heading, not less than \$26,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That up to \$102,000,000 may be made available for assistance for Somalia, of which up to \$55,000,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

#### INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$110,283,000, of which up to \$4,000,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Nigeria, Sri Lanka, Nepal, Ethiopia, Bangladesh, Libya, and Angola may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed \$55,000 may be available for entertainment allowances.

#### FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,260,000,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That the Department of State shall consult with the Committees on Appropriations prior to exercising the authority contained in the previous proviso: *Provided further*, That of the funds appropriated under this heading, not less than \$2,220,000,000 shall be available for grants only for Israel, and not less than \$1,040,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$583,860,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated under this heading estimated to be

outlaid for Egypt during fiscal year 2010 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: *Provided further*, That of the funds appropriated by this paragraph, \$150,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not more than \$60,000,000 shall be available for Colombia, of which \$12,500,000 is available to support maritime interdiction and riverine operations: *Provided further*, That funds appropriated under this heading for assistance for Pakistan may be made available only for border security, counter-terrorism and law enforcement activities directed against Al Qaeda, the Taliban and associated terrorist groups: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456) unless the Department of State, in coordination with the Department of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$54,464,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering



military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation allowances: *Provided further*, That not more than \$550,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2010 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

## TITLE V

## MULTILATERAL ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

## INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$395,091,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

## INTERNATIONAL FINANCIAL INSTITUTIONS

## GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$86,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

## CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,235,000,000, to remain available until expended.

## CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For contributions to the multilateral Clean Technology Fund, \$225,000,000, to remain available until expended: *Provided*, That none of the funds made available under this heading may be obligated without specific authorization in a subsequent Act of Congress.

## CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For contributions to the multilateral Strategic Climate Fund, \$75,000,000, to remain available until expended: *Provided*, That none of the funds made available under this heading may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That the Secretary of the Treasury shall consult with the Committees on Appropriations on the proposed uses of these funds prior to making a contribution to the Strategic Climate Fund.

## CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, \$4,670,000, to remain available until expended.

## CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$25,000,000, to remain available until expended.

## CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$115,250,000, to remain available until expended.

## CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$159,885,000, to remain available until expended.

## CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$30,000,000, to remain available until expended.

## TITLE VI

## EXPORT AND INVESTMENT ASSISTANCE

## EXPORT-IMPORT BANK OF THE UNITED STATES

## INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$2,500,000, to remain available until September 30, 2011.

## PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2010: *Provided further*, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or energy efficient end-use technologies.

## SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed \$58,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2025, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2010, 2011, 2012 and 2013: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification proce-

dures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

## ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$83,880,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2010.

## RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: *Provided further*, That of amounts collected in fiscal year 2010 in excess of obligations, up to \$50,000,000, shall become available on September 1, 2010 and shall remain available until September 30, 2013.

## OVERSEAS PRIVATE INVESTMENT CORPORATION NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$52,310,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

## PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2010, 2011, and 2012: *Provided further*, That funds so obligated in fiscal year 2010 remain available for disbursement through 2018; funds obligated in fiscal year 2011 remain available for disbursement through 2019; and funds obligated in fiscal year 2012 remain available for



disbursement through 2020: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT  
TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$55,200,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, not to exceed \$4,000 may be made available for representation and entertainment allowances.

TITLE VII  
GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations

for members of the United States Marine Corps.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERNATIONAL BROADCASTING

SEC. 7006. (a) Of the funds appropriated in this Act under the heading "International Broadcasting Operations" for programming to the Middle East, Afghanistan, and Pakistan, 10 percent of the funds shall not be available for obligation until the Broadcasting Board of Governors reports to the Committees on Appropriations that each relevant language service or grantee is abiding by the standards and principles set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)), is in compliance with the relevant Journalistic Code of Ethics, and have a policy, including appropriate management controls, of not providing an open platform for terrorists or those who support terrorists.

(b) The Broadcasting Board of Governors shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, was found to be in violation of the principles, standards, or journalistic code of ethics referenced in subsection (a).

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made

available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2010, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2010, and for each fiscal quarter, a report in writing on the uses of

funds made available under the headings "Foreign Military Financing Program", "International Military Education and Training", and "Peacekeeping Operations": *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

#### AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Assistance for Europe, Eurasia and Central Asia" and "Development Credit Authority", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

#### LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

#### PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2010 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2011 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the

Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

#### RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that con-

tinue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

#### REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V in this Act under the headings "Global Health and Child Survival", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Europe, Eurasia and Central Asia", "Economic Support Fund", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses", "Civilian Stabilization Initiative", "Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Foreign Military Financing Program", "International Military Education and Training",

“Peace Corps”, and “Migration and Refugee Assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this subsection shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Mexico, Kazakhstan, or Cambodia and countries listed in section 7045(c)(2) and (f)(2) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of origi-

nal acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act or any previously enacted Act making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2011.

#### PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

#### ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

“Civilian Stabilization Initiative”.  
 “Educational and Cultural Exchange Programs”.  
 “International Fisheries Commissions”.  
 “International Broadcasting Operations”.  
 “Global Health and Child Survival”.  
 “Economic Support Fund”.  
 “Assistance for Europe, Eurasia and Central Asia”.  
 “International Narcotics Control and Law Enforcement”.  
 “Nonproliferation, Anti-terrorism, Demining and Related Programs”.  
 “Foreign Military Financing Program”.  
 “Peacekeeping Operations”.  
 “International Organizations and Programs”.

(b) For the purposes of implementing this section and only with respect to the tables included in the report accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Ap-

propriations and section 634A of the Foreign Assistance Act of 1961.

(c) The requirements contained in subsection (a) shall apply to the table under the heading “Bilateral Economic Assistance” in such report.

#### PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Global Health and Child Survival”, “Development Assistance”, and “Economic Support Fund” may be obligated or expended to pay for—

(1) alcoholic beverages; or  
 (2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

#### PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a government that supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 7022. (a) Funds appropriated for bilateral assistance under any heading in titles III through VI of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or  
 (2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

## AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

## DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7024. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund" and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

## AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

## COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961

shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

## SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account estab-

lished pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

## ELIGIBILITY FOR ASSISTANCE

SEC. 7028. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in

this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2010, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

#### IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

#### INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(d) For purposes of this section "international financial institutions" are the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

#### DEBT-FOR-DEVELOPMENT

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the adminis-

trator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

#### SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

#### (b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading “Debt Restructuring”.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

#### SPECIAL AUTHORITIES

SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles III and VI of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108-447; 118 Stat. 3038) is amended by striking “2010” and inserting “2011”.

(e) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(f) INTERNATIONAL PRISON CONDITIONS.—Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I

and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available notwithstanding section 660 of the Foreign Assistance Act of 1961 for assistance to address inhumane conditions in prisons and other detention facilities administered by foreign governments that the Secretary of State determines are making efforts to address, among other things, prisoners’ health, sanitation, nutrition and other basic needs.

(g) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2009” and inserting “2009, and 2010”; and

(B) in subsection (e), by striking “2009” each place it appears and inserting “2010”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2009” and inserting “2010”.

(h) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than \$10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(i) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(j) PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the funds appropriated by this Act under the heading, “Economic Support Fund”, not less than \$5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501-4508, as amended).

(k) MIDDLE EAST FOUNDATION.—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations.

(l) INTERPARLIAMENTARY EXCHANGES.—Of the unobligated funds in the “Educational and Cultural Exchange Programs” appropriation account, \$411,687 shall be transferred to the permanent appropriation for delegation expenses provided under Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, as enacted into law by section 101(a) of Public Law 100-202 (22 USC 276e Note), for the purpose of conducting Interparliamentary Exchanges and shall remain available until expended.

#### ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.



(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (“Limitation on Assistance to the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2010, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary

has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to \$500,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2010 under the heading “Economic Support Fund”. The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed. The report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109-446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended. The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

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Mrs. LOWEY (during the reading). Mr. Chair, I ask unanimous consent that the remainder of the bill through page 126, line 19, be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

SAUDI ARABIA

SEC. 7041. None of the funds made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia unless the President certifies that Saudi Arabia



is fully cooperating with efforts to combat international terrorism and such assistance will facilitate these efforts.

PART B AMENDMENT NO. 7 OFFERED BY MR. WEINER

Mr. WEINER. I have an amendment made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 7 offered by Mr. WEINER:

Page 126, beginning on line 23, strike “unless the President certifies that Saudi Arabia is fully cooperating with efforts to combat international terrorism and such assistance will facilitate these efforts”.

The CHAIR. Pursuant to House Resolution 617, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. I thank the Chair and I thank the body for its patience, allowing me to breathlessly run over and offer my amendment.

Let me begin with a noncontroversial statement. The American people and this body of their representatives believes that there should be no money, no taxpayer dollars, going from the people of the United States of America to the Kingdom of Saudi Arabia.

I can say that with some confidence because in fiscal year 2007, 312 Members said so. In fiscal year 2006, 293 Members said so. I can say that with some certitude because the bill we have before us says that no money in this bill will go to the Kingdom of Saudi Arabia.

Yet, despite the fact that we in this House keep expressing that sentiment loudly and clearly, for reasons that would be mysterious anyplace else but Washington, money continues to flow. That has to stop.

The reason it happens, by the way, is because we always feel this sense that we have to include language in the bill offering an exemption, a loophole you can drive a truck through, that says: Unless the President says so.

Well, I have news for you, my colleagues. Democrat and Republican alike, Presidents seem to develop a love affair with the notion of Saudi Arabia based on what they say. They say they want to be friends to the United States. They say they want to be a fulcrum against terrorism. They say they want to be a moderate force in the Middle East. And yet, year after year, we see evidence that they do the opposite.

We know this, for example, by reading the human rights reports over the last several years that see more and more stories like the one of a 75-year-old woman being sentenced to be lashed nearly to death for having the audacity of being in a home of two unrelated men.

We know, based on research that was done this year by my office, that they continue to teach hate in their textbooks now; things that teach ninth-graders, for example, to say things

like, The hour of judgment will not come until the Muslims fight the Jews and kill them. If there is a Jew behind me, come kill him. This is what ninth-graders are being taught.

We know, for example, that 15 of the 19 homicide bombers that attacked my city on September 11th were Saudis, and we also know, based on evidence that came out in the lawsuit against the Saudi Government, that these were agents that were not acting apart from the Saudi Government but, in many cases, were intertwined.

So my amendment does something simple. It takes the very good work of the Chair of the subcommittee that says, No money, and takes out the loophole. Because, to be honest with you, even if the administration certifies something, I can tell you already that the United States Department of International Narcotics Control Strategy said in February of this year that the Saudis were responsible for laundering money that “continues,” in their words, “to be a significant jurisdictional source for terrorism financing worldwide.”

If you believe that there should not be money going to the Saudis, like I guarantee your constituents do, you have to vote “yes” on the Weiner amendment. If you want to kind of have it both ways, that you get to vote and then but you really want the money to go, then vote “no.” But I believe overwhelmingly in a bipartisan way in this House we have made it clear.

I reserve the balance of my time.

Mr. ELLISON. I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. It's important to get the facts out as to what this foreign assistance is. This is simply American-to-Saudi joint military training. This is an opportunity for Americans and Saudis to work in concert so that we can continue to build a bridge with our historic ally so that we can be in a better position to influence Saudi society and we can learn from them what they have to offer.

The fact is that this particular amendment does not bring America safety, doesn't bring it security. It brings it the opposite.

This new administration, this new Congress is about opening a new era of foreign policy, a new page in diplomacy that is smarter, more respectful of other countries, more appreciative of our allies. Saudi Arabia is one of the most important allies in the Middle East.

King Abdullah of Saudi Arabia is one who proposed the Arab Peace Initiative, which has recently been endorsed by the Arab League. President Obama himself expressed support for this initiative in the early days of his Presidency.

I would go on, but I do want to yield time to a distinguished Member from Florida, Congressman CRENSHAW, who

is here today to offer his views on why this amendment is not good.

Before I yield to the gentleman, let me say that the 2008 U.S. State Department Country Report on Terrorism praised Saudi Arabia in Saudi counterterrorism practices, credited Saudi cooperation with U.S. counterterrorism efforts as significant, and characterized Saudi anti-extremism initiatives as aggressive, directly contrary to the gentleman from New York's representation of what Saudi Arabia is doing.

I urge Members not to perpetuate prejudice, but to try to build a bridge of understanding with the rest of the world.

I yield to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for yielding.

Let me just give you a little perspective on this. I think we ought to reject this amendment because I think it's the wrong policy.

Every year, the State Foreign Operations Subcommittee on Appropriations includes a little bit of foreign assistance for Saudi Arabia. It's usually less than half a million dollars. Some of it's for military training, sometimes it's for counterterrorism. The last couple of years Mr. WEINER has offered an amendment to say we want to restrict that flow of foreign assistance unless the President waives that.

He offered that amendment in 2007 and it passed. Again, it had the language saying unless the President deems in his wisdom that we need to waive that. It passed again in 2008.

So this year, in the bill that we have before us is that language, the language that Mr. WEINER always wanted to put, and we put it in there. It wasn't unanimous, but it's in the bill today. It says that no foreign assistance will be paid to Saudi Arabia unless the President waives that provision.

Now he wants to go a step further and take out that provision that he's always had before and say, Under no circumstances, no circumstances can the President find that there might be a need for foreign assistance to Saudi Arabia.

I don't think he really wants to do that to this new President, who we all hope somehow, some way can negotiate around the world, do a great job of foreign affairs, national security. Give him that option. Why would you want to tie his hands in his first year?

No matter what he thinks, no matter what he thinks is important to the national security of America, he's not going to have the opportunity to exercise his Presidential authority. I think that's a step too far. I think it's wrong. I think we should reject the amendment.

Mr. WEINER. Would the gentleman yield on that point?

Mr. CRENSHAW. Yes, sir.

Mr. WEINER. I guess the question is what are we doing here. I think what we're doing here with this entire bill is saying what we, the Representatives of

this country, who have the power of the purse, think should and should not be in the bill.

What's the purpose of doing that, I ask the gentleman, if year after year after year, despite the preferences of this Congress, Presidents, Democrat and Republican alike, say, We don't really care what Members of Congress say.

What is this exercise for? Why not have one giant waiver authority on everything and say we don't want to tie his hands. We do want to tie his hands; 319 of us say we do want to tie his hands. And if it wasn't abused year after year, I wouldn't be standing here.

Mr. CRENSHAW. Why did you put, every time the amendment that you always offer to say no foreign assistance unless—unless—the President has a waiver? That's what you've always said.

Mr. WEINER. Actually, that's not true.

Mr. CRENSHAW. And now you want to go one step further. All I'm saying is you got what you wanted.

Mr. WEINER. If the gentleman would yield, first of all, the last time when it passed the House and died in the Senate, I had the waiver struck in that amendment as well, in fairness.

Mr. ELLISON. I'd like to reclaim the time, Mr. Chair, and I want to thank the gentleman from Florida. I actually just want to submit that I see the gentleman has a poster board up there, and it's extremely unfortunate that that poster board, I would submit to the American people, is extremely upsetting to me because, first of all, it has to do with something called Hadith, and that is disputed. It's not necessarily even authentic.

Mr. WEINER. Will the gentleman yield?

Mr. ELLISON. No, no. I will not yield. I didn't yield, Mr. Chairman. I will not yield.

The CHAIR. The gentleman's time has expired.

Mr. ELLISON. So that is the kind of thing that will promote prejudice and religious bigotry. And I'm very ashamed for this body that he would do what he's doing right now.

The CHAIR. The gentleman's time has expired.

Mr. WEINER. First of all, I would ask the gentleman to observe decorum on the floor, referring to the gentleman in the first person, but I will respond.

Do you know whose words these are? This is the Saudi Arabian Department of Education teaching to its ninth-graders. I did not write this. Now, I did translate it, but I did not write it. If the translation is incorrect, the gentleman will be the first to ever point that out.

But I will say this. The simple question is this for my colleagues: If you want aid to go to Saudi Arabia, if, as the gentleman says, you somehow believe they need our foreign assistance, one of the richest kingdoms, on our blood money, that there is on Earth—

Mr. CRENSHAW. Will the gentleman yield?

Mr. WEINER. I would ask the gentlemen to let me continue my point, because it's a good one.

If he believes that our paying \$80 a barrel for oil when the Saudis would do nothing to help us with it is a good idea, vote "no" on this, but don't say it's because you don't want to tie hands.

Mr. CRENSHAW. Will the gentleman yield?

Mr. WEINER. What we want to do here is tie the President's hands to finally live up to what this Congress has said, which is not a dollar, not a shekel, not a pound, not a dime going to the Saudi Arabians of our tax dollars.

Enough is enough. And I think that the gentlelady has it exactly right. No money. And you can't have it both ways. You can't say, Yes, I want no money, but I want there to be some wiggle room.

We want no wiggle room in this case, I say to my colleagues. We want there to be no money going to this nation. They have blood on their hands. They say one thing and do something else. We all know it. 319 of us—and maybe with some help around here we'll get closer to 419 of us—have said, Enough is enough.

Year in and year out. 2004, 217 said no more money; \$960,000 went. In 2005, 293; \$1.5 million went. 2006, 312 Members said no money, and \$319,000.

Have you no sense of dignity around here?

Mr. CRENSHAW. Will the gentleman yield?

Mr. WEINER. Let me just finish. I'm reaching a crescendo.

□ 1700

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

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

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

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

The CHAIR. The Clerk will read.

The Clerk read as follows:

#### IRAQ

SEC. 7042. (a) MATCHING REQUIREMENT.—Funds appropriated in this Act for assistance for Iraq shall be made available in accordance with the Department of State's April 9, 2009, "Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects".

(b) BASE RIGHTS.—None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

#### IRAN

SEC. 7043. (a) DIPLOMACY WITH IRAN.—Not later than 90 days after the enactment of this Act and every 90 days thereafter, the Secretary of State shall report to the Com-

mittees on Appropriations, in classified form if necessary, on the status and progress of diplomatic efforts aimed at curtailing the pursuit by Iran of nuclear weapons technology.

(b) LIMITATION ON THE USE OF FUNDS BY THE EXPORT-IMPORT BANK RELATED TO IRAN.—None of the funds made available in Title VI under the headings "Program Account" and "Subsidy Appropriation" may be used by the Export-Import Bank of the United States to guarantee, insure, or extend credit for any project controlled by an energy producer or refiner that provides the Islamic Republic of Iran with significant refined petroleum resources, that materially contributes to Iran's capability to import refined petroleum resources, or that allows Iran to maintain or expand, in any material respect, its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

(c) SANCTIONS REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on the status of multilateral and bilateral United States sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran. The report, which may be submitted in classified form if necessary, shall include the following:

(1) A list of all current United States bilateral and multilateral sanctions against Iran;

(2) A list of all United States and foreign registered entities which the Secretary of State has reason to believe may be in violation of existing United States bilateral and multilateral sanctions;

(3) A detailed description of United States efforts to enforce sanctions, including a list of all investigations initiated in the 12 months preceding the enactment of this Act that have resulted in a determination that a sanctions violation has occurred and United States government actions taken pursuant to the determination;

(4) In the instances when sanctions were waived or otherwise not imposed against entities that were determined to have violated United States bilateral or multilateral sanctions, the reason in each instance of why action was not taken to sanction the entity; and

(5) A description of United States diplomatic efforts to expand bilateral and multilateral sanctions against Iran and strengthen international efforts to enforce existing sanctions.

#### LEBANON

SEC. 7044. (a) Funds appropriated under the heading "Foreign Military Financing Program" in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups and implementing United Nations Security Council Resolution 1701.

(b) None of the funds in subsection (a) may be made available for obligation until after the Secretary of State provides the Committees on Appropriations a detailed spending plan, which shall include a strategy for professionalizing the Lebanese Armed Forces, strengthening border security and combating terrorism in Lebanon.

#### WESTERN HEMISPHERE

SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the funds appropriated by this Act not less than \$10,000,000 from "Development Assistance" and not less than \$10,000,000 from

“Economic Support Fund” shall be made available for labor and environmental capacity building activities relating to the free trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) ASSISTANCE FOR HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than \$300,000,000 shall be made available for assistance for Haiti.

(3) None of the funds made available by this Act under the heading “International Narcotics Control and Law Enforcement” may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended.

(c) CARIBBEAN BASIN SECURITY INITIATIVE.—Of the funds appropriated under the headings “Development Assistance”, “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Foreign Military Financing Program” in this Act, up to \$37,000,000 may be made available to provide equipment and training for counter-narcotics forces to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, education, anti-corruption, rule of law activities, and maritime security, of which not less than \$21,100,000 shall be made available for social justice and education programs to include vocational training, workforce development and juvenile justice activities: *Provided*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.—

(1) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of the Caribbean Basin by this Act, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(2) DEFINITION.—For the purposes of this subsection, the term “countries of the Caribbean Basin” means Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” not less than \$3,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated by this Act under the heading “International Military Education and Training” (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided*, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary

of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, and with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(3) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not more than \$1,000,000 may be made available for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided*, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, including protecting and providing to the Attorney General’s office all military archives pertaining to the internal armed conflict, and cooperating with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(e) ASSISTANCE FOR MEXICO.—

(1) ASSISTANCE.—Of the funds appropriated under the headings “International Narcotics Control and Law Enforcement”, “Foreign Military Financing Program”, and “Economic Support Fund” in this Act, not more than \$235,825,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Mexico to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Mexico.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated under the headings “International Narcotics Control and Law Enforcement”, and “Foreign Military Financing Program”, \$83,000,000 may be made available for assistance for the countries of Central America only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security: *Provided*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(1) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (4) of section 7045(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated or otherwise made available by this Act for assistance for countries of Central America to the same extent and in the same manner as such provisions of law

applied to funds appropriated or otherwise made available by such other Act for assistance for the countries of Central America.

(2) DEFINITION.—For the purposes of this subsection, the term “countries of Central America” means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

COLOMBIA

SEC. 7046. (a) ASSISTANCE FOR COLOMBIA.—Of the funds appropriated under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “International Military Education and Training”, and “Foreign Military Financing Program” in this Act, not more than \$520,000,000 shall be available for assistance for Colombia.

(b) FUNDING.—

(1) Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That assistance made available in prior Acts for the Government of Colombia to protect the Cano-Limon pipeline may also be used for purposes for which funds are made available under the heading “International Narcotics Control and Law Enforcement”: *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That rotary and fixed wing aircraft supported with funds appropriated under the heading “International Narcotics Control and Law Enforcement” for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States.

(2) Of the funds available under the heading “International Narcotics Control and Law Enforcement” in this Act for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: *Provided*, That such funds may not

be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such aerial eradication are thoroughly evaluated and fair compensation is being paid in a timely manner for meritorious claims: *Provided further*, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may be used for aerial eradication in Colombia's national parks or reserves only if the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

(c) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Colombia.

(2) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111-8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(A) Subsection (b)(1)(B) is amended by striking clause (iv) and inserting the following:

“(iv) That the Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.”

(B) Subsection (b)(2) is amended by striking “July 31, 2009” and inserting “July 31, 2010”.

(C) Subsection (b)(3) is amended by striking “Andean Counterdrug Programs” and inserting “International Narcotics Control and Law Enforcement”.

(D) Subsection (c) is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(E) Subsection (d)(1) is amended—

(i) by striking “\$16,769,000” and inserting “\$18,606,000”; and

(ii) by striking “fiscal year 2009” and inserting “fiscal year 2010”.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to

enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING MISSIONS

SEC. 7050. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has not submitted to the Congress such a recommendation.

PEACEKEEPING ASSESSMENT

SEC. 7051. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, (22 U.S.C. 287e note) is amended by striking clause (v) and inserting in lieu thereof:

“(v) For assessments made during each of the calendar years 2005, 2006, 2007, 2008, 2009, and 2010, 27.1 percent.”

UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 7052. The Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 90 days there-

after until September 30, 2010, on the resolutions proposed and adopted in the United Nations Human Rights Council: *Provided*, That the report shall include a summary of each proposed and adopted resolution; the sponsor and a record of how member nations voted.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7053. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7054. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7055. (a) Subject to subsection (c), of the funds appropriated under titles III through VI by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall

submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term “fully adjudicated” includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term “parking fines and penalties” means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2009.

(3) The term “unpaid property taxes” means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

#### LANDMINES AND CLUSTER MUNITIONS

SEC. 7056. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher functioning rate; and

(2) the agreement applicable to the assistance, transfer, or sale of the cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.

#### LIMITATION ON RESIDENCE EXPENSES

SEC. 7057. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

SEC. 7058. (a) AUTHORITY.—Up to \$93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2011.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual’s responsibilities primarily relate. Funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(g) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to \$15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: *Provided*, That such authority is only used to reduce USAID’s reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”.

(i) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) TECHNICAL ADVISORS.—Up to \$13,500,000 of the funds made available by this Act in title III for assistance under the heading “Global Health and Child Survival”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, USAID for the purpose of carrying out ac-

tivities under that heading: *Provided*, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID’s Afghanistan program: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(l) HIRING AUTHORITY.—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 30 individuals under the Development Leadership Initiative: *Provided*, That the authority contained in this subsection shall expire on September 30, 2011.

#### GLOBAL HEALTH ACTIVITIES

SEC. 7059. Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading “Global Health and Child Survival” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than \$648,457,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

#### DEVELOPMENT GRANTS PROGRAM

SEC. 7060. Of the funds appropriated in title III of this Act, not less than \$40,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161) and of which, \$15,000,000 shall be for grants for organizations focused on building women’s leadership capacity, addressing women’s unique development needs, or directly benefitting women and girls: *Provided*, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7064.

#### WOMEN IN DEVELOPMENT

SEC. 7061. (a) Programs funded under title III of this Act shall include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act shall be made available to support programs to enhance economic opportunities

for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial services, and improving women's ability to participate in the global economy, including expanding their access to markets.

(c) Funds made available under title III of this Act for food security and agricultural development shall take into consideration the unique needs of women in agriculture development and technical assistance for women farmers should be a priority.

#### GENDER-BASED VIOLENCE

SEC. 7062. (a) Funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials shall address, where appropriate, gender-based violence.

#### EDUCATION

##### SEC. 7063. (a) BASIC EDUCATION.—

(1) Of the funds appropriated by title III of this Act, not less than \$1,000,000,000 should be made available for assistance for basic education, of which not less than \$365,000,000 shall be made available under the heading "Development Assistance".

(2) There shall continue to be a Coordinator of United States government basic education assistance in developing countries as established in section 664 of division J of Public Law 110-161.

(3) The United States Agency for International Development (USAID) shall ensure that programs supported by funding appropriated for basic education in this Act, and prior Acts, are fully integrated with other health, agriculture and economic development funding. Programs should provide access to a quality education and funding from other accounts should be integrated into the economic and social needs of the broader community. Schools supported by funding in this Act and in prior Acts should serve as "Communities of Learning" and should be the focal point for health, education and development activities.

(4) USAID shall ensure that pilot programs implemented pursuant to section 664 of division J of Public Law 110-161 include "Communities of Learning" in the five-year strategic plans.

(b) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than \$200,000,000 should be made available for assistance for higher education, of which not less than \$20,000,000 shall be made available to expand higher education activities in Africa.

#### RECONCILIATION PROGRAMS

SEC. 7064. Of the funds appropriated by title III of this Act under the headings "Economic Support Fund" and "Development Assistance", \$27,000,000 shall be made available to support people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil conflict and war, of which \$11,000,000 shall be made available to support programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

#### COMPREHENSIVE EXPENDITURES REPORT

SEC. 7065. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the

total amount of United States Government expenditures in fiscal years 2008 and 2009, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: *Provided*, That if required, information may be submitted in classified form.

#### REQUESTS FOR DOCUMENTS

SEC. 7066. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### SENIOR POLICY OPERATING GROUP

SEC. 7067. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

#### PROHIBITION ON USE OF TORTURE

SEC. 7068. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

#### AFRICA

##### SEC. 7069. (a) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading "International Military Education and Training" in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote D'Ivoire, Guinea and Zimbabwe may be made available only for expanded international military education and training.

(2) None of the funds appropriated under the heading "International Military Education and Training" in this Act may be made available for assistance for Equatorial Guinea or Somalia.

##### (b) SUDAN LIMITATION ON ASSISTANCE.—

(1) Subject to subsection (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) Subsection (b)(1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias.

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements.

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) EXCEPTIONS.—The provisions of subsection (b)(1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(4) DEFINITIONS.—For the purposes of this Act, the term "Government of Sudan" shall not include the Government of Southern Sudan.

(5) Notwithstanding any other provision of law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CRF 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination.

##### (c) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in subsection (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(d) ZIMBABWE.—



(1) The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and a transition government has been established that reflects the will of the people as they voted in the March 2008 elections.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe, except with respect to funds made available for macroeconomic growth assistance, unless the Secretary of State makes the determination pursuant to subsection (d)(1).

## ASIA

## SEC. 7070. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than \$7,300,000 of the funds appropriated by this Act under the heading “Economic Support Fund” should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

## (b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to \$12,000,000 may be made available for humanitarian assistance for individuals and communities impacted by Cyclone Nargis and to support democracy activities in Burma, and not less than \$20,000,000 shall be made available for assistance along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma’s borders: *Provided*, That such funds may be made available notwithstanding any other provision of law: *Provided further*, That in addition to assistance for Burmese refugees provided under the heading “Migration and Refugee Assistance” in this Act, not less than \$4,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: *Provided further*, That funds made available under this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

## (c) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not to exceed \$20,000,000 shall be made available for assistance for Indonesia, of which \$2,000,000 shall be made available only after the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed under such heading in the report accompanying this Act.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Indonesia, not less than \$300,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

## (d) NORTH KOREA.—

(1) Funds made available under the heading “Migration and Refugee Assistance” in this Act should be made available for assistance for refugees from North Korea.

(2) Of the funds made available under the heading “International Broadcasting Operations” in title I of this Act, not less than \$7,800,000 shall be made available for broadcasts into North Korea.

(3) None of the funds made available under the heading “Economic Support Fund” may be made available for assistance for the Government of North Korea unless the Secretary of State determines and reports to the Committees on Appropriations in writing that North Korea is fulfilling its commitments under the Six Party Talks agreements.

## (e) PEOPLE’S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading “Diplomatic and Consular Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People’s Liberation Army (PLA) of the People’s Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(f) PHILIPPINES.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not to exceed \$30,000,000 may be made available for assistance for the Philippines, of which \$2,000,000 may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that—

(1) the Government of the Philippines is taking effective steps to implement the recommendations of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, to include prosecutions and convictions for extrajudicial executions; sustaining the decline in the number of extrajudicial executions; addressing allegations of a death squad in Davao City; and strengthening government institutions working to eliminate extrajudicial executions;

(2) the Government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for internationally recognized human rights, and is investigating and prosecuting military personnel and others who

have been credibly alleged to have violated such rights; and

(3) the Philippine Armed Forces do not have a policy of, and are not engaging in, acts of intimidation or violence against members of legal organizations who advocate for human rights.

(g) VIETNAM.—Notwithstanding any other provision of law, funds appropriated under the heading “Development Assistance” in this Act may be made available for programs and activities in the central highlands of Vietnam, and shall be made available for environmental remediation and related health activities in Vietnam.

## SERBIA

SEC. 7071. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2010, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2010, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination and a certification by the President to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

## INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7072. (a) None of the funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia” shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) Funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia” for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) Of the funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia” that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical



expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international nongovernmental organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

#### REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7073. (a) None of the funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia” in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party; and

(2) is—

(A) honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(B) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(C) is immediately releasing political leaders, activists and journalists who remain in detention.

#### UZBEKISTAN

SEC. 7074. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress—

(1) in meeting its commitments under the “Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America”, including respect for internationally recognized human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media; and

(2) in investigating and prosecuting the individuals responsible for the deliberate killings of civilians in Andijan in May 2005.

(b) If the Secretary of State has credible evidence that any current or former official of the Government of Uzbekistan was responsible for the deliberate killings of civilians in Andijan in May 2005, or for other violations of internationally recognized human rights in Uzbekistan, not later than 6 months after enactment of this Act any person identified by the Secretary pursuant to this subsection shall be ineligible for admission to the United States.

(c) The restriction in subsection (b) shall cease to apply if the Secretary determines and reports to the Committees on Appropriations that the Government of Uzbekistan has taken concrete and measurable steps to improve respect for internationally recognized human rights, including allowing peaceful political and religious expression, releasing imprisoned human rights defenders, and implementing recommendations made by the United Nations on torture.

(d) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives.

(e) For the purpose of this section “assistance” shall include excess defense articles.

#### AFGHANISTAN

SEC. 7075. (a) IN GENERAL.—Funds appropriated under the heading “Economic Support Fund” that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation of Afghan women and directly improves the security, economic and social well-being, and political status, of Afghan women and girls.

(b) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) Funds appropriated in title III of this Act for assistance for Afghanistan shall comply with sections 7061 and 7062 of this Act and shall be made available to support programs that increase participation by women in the political process, including at the national, provincial, and sub-provincial levels, and in efforts to improve security in Afghanistan.

(2) Of the funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement”, not less than \$175,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and for women-led nongovernmental organizations.

(c) NATIONAL SOLIDARITY PROGRAM.—Of the funds appropriated under the heading “Economic Support Fund” that are available for assistance for Afghanistan, not less than \$175,000,000 shall be made available for the National Solidarity Program.

(d) ANTICORRUPTION.—Ten percent of the funds appropriated under the heading “International Narcotics Control and Law Enforcement” that are available for assistance for the Government of Afghanistan shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan is implementing a policy to promptly remove from office any government official who is credibly alleged to have engaged in narcotics trafficking, gross violations of internationally recognized human rights, or other major crimes.

(e) BASE RIGHTS.—None of the funds made available by this Act may be used by the United States Government to enter into a

permanent basing rights agreement between the United States and Afghanistan.

#### ENTERPRISE FUNDS

SEC. 7076. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

#### UNITED NATIONS POPULATION FUND

SEC. 7077. (a) CONTRIBUTION.—Of the funds made available under the heading “International Organizations and Programs” in this Act for fiscal year 2010, \$60,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health and Child Survival” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People’s Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available to UNFPA unless—

(1) UNFPA maintains funds made available to UNFPA under this section in an account separate from other accounts of UNFPA;

(2) UNFPA does not commingle amounts made available to UNFPA under this section with other sums; and

(3) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7078. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

#### OPIC

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 7079. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961,

up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### EXTRADITION

SEC. 7080. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "Emergency Migration and Refugee Assistance", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

#### ENERGY AND ENVIRONMENT

SEC. 7081. (a) CLEAN ENERGY.—Of the funds appropriated by title III of this Act, not less than \$180,000,000 shall be made available to the United States Agency for International Development (USAID), in addition to funds otherwise made available for such purposes, for programs and activities that reduce global warming by promoting the sustainable use of renewable energy technologies and energy efficient end-use technologies, carbon sequestration, and carbon accounting: *Provided*, That of the amount made available to USAID for clean energy programs, \$10,000,000 shall be made available for the "Solar Energy Microfinance Initiative".

(b) CLIMATE CHANGE ADAPTATION.—Funds appropriated by this Act may be made available for a United States contribution to the Least Developed Countries Fund and to the Special Climate Change Fund to support grants for climate change adaptation programs and activities, if the Global Environment Facility makes publicly available on its website an annual report detailing the criteria used to determine which programs and activities receive funds, the manner in which such programs and activities meet such criteria, the extent of local involvement in such programs and activities, the amount of funds provided, and the results achieved.

(c) BIODIVERSITY.—Of the funds appropriated by title III of this Act, not less than \$200,000,000 shall be made available for programs and activities which directly protect biodiversity, including tropical forests and wildlife, in developing countries, of which not less than \$25,000,000 shall be made available for USAID's conservation programs in

the Amazon Basin: *Provided*, That of the funds made available under this paragraph, not less than \$17,500,000 shall be made available for the Congo Basin Forest Partnership: *Provided further*, That funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided further*, That funds appropriated under the heading "Development Assistance" may be made available as a contribution to the Galapagos Invasive Species Fund.

#### (d) EXTRACTION OF NATURAL RESOURCES.—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems for:

(A) accurately accounting for payments for companies involved in the extraction and export of natural resources;

(B) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and

(C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources in the preceding 12 months, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (1).

#### PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7082. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

#### COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7083. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

#### TRANSPARENCY AND ACCOUNTABILITY

SEC. 7084. (a) UNITED NATIONS.—Funds made available by this Act shall be made available to continue reform efforts at the United Nations: *Provided*, That not later than September 30, 2010, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by United Nations organizations under the headings "Contributions to International Organizations" and "International Organizations and Programs" to continue reform of United Nations financial management systems and program oversight.

#### (b) NATIONAL BUDGET TRANSPARENCY.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of any country that fails to make publicly available on an annual basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive the requirements of paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interest of the United States.

#### SRI LANKA

SEC. 7085. (a) IN GENERAL.—Funds appropriated in title III of this Act that are available for assistance for Sri Lanka shall be made available to fund programs that promote reconciliation between the ethnic Sinhalese and Tamil communities, support post-conflict reconstruction, and establish a meaningful and inclusive role for Tamil and other minorities in national, political, and economic life.

(b) SECURITY ASSISTANCE.—Funds made available in title IV of this Act that are available for assistance for Sri Lanka should encourage programs that include the recruitment and training of Tamils into the Sri Lankan Security Forces, Tamil language training for Sinhalese forces, and human rights training for all security forces.

(c) DEMINING.—In addition to subsection (a), up to \$1,000,000 of the funds appropriated under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be provided for demining of conflict affected areas.

(d) REPORTING REQUIREMENT.—Not later than 60 days after enactment of this Act, the Secretary of State shall report to the Committee on Appropriations on the extent to which the Government of Sri Lanka's is:

(1) providing unrestricted humanitarian access to the displaced within camps;

(2) providing protection for internally displaced persons (IDPs) and humanitarian workers, including the International Committee of the Red Cross at all sites where the military and police conduct security screening;

(3) permitting freedom of movement for IDPs once they have completed security screening, including allowing the displaced to return home or move to other safe locations;

(4) allowing civilian authorities to run without interference camps and hospitals that house the displaced; and

(5) allowing for the safe and timely return of IDPs to their homes.

#### UNRWA ACCOUNTABILITY

SEC. 7086. The Secretary of State shall prepare and submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on whether UNRWA is:

(1) continuing to utilize Operations Support Officers in the West Bank and Gaza to inspect UNRWA installations and report any inappropriate use;

(2) dealing promptly with any staff or beneficiary violations of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961;

(4) continuing regular reporting to the Department of State on actions it has taken to ensure conformance with the conditions of section 301(c) of the Foreign Assistance Act of 1961;

(5) taking steps to improve the transparency of all educational materials currently in use in UNRWA-administered schools;

(6) continuing to use curriculum materials in UNRWA-supported schools and summer camps designed to promote tolerance, non-violent conflict resolution and human rights;

(7) not engaging in operations with financial institutions or related entities in violation of relevant United States law and is enhancing its transparency and financial due diligence and working to diversify its banking operations in the region; and

(8) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

**LIMITATION ON FUNDS RELATING TO TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA**

SEC. 7087. None of the funds made available in this Act, or any other Act, may be obligated for any country, including a state with a compact of free association with the United States, that concludes an agreement with the United States to receive by transfer or release individuals detained at Naval Station, Guantanamo Bay, Cuba, unless, not later than 5 days after the conclusion of the agreement but prior to implementation of the agreement, the Secretary of State notifies the Committees on Appropriations in writing of the terms of the agreement.

**IMF PROVISIONS**

SEC. 7088. (a) **OPPOSITION TO IMF PROVIDING HARD CURRENCY FOR SDRS RECEIVED BY TERRORIST COUNTRIES.**—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to oppose the provision by the Fund of United States dollars, euros, or Japanese yen to any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act, to be a government that has repeatedly provided support for acts of international terrorism, in exchange for any Special Drawing Rights received by the country pursuant to the amendments to the Articles of Agreement of the Fund as described in section 64 of the Bretton Woods Agreements Act.

(b) **SUNSET ON AUTHORITY TO MAKE LOANS TO FUND THE NEW ARRANGEMENTS TO BORROW.**—Section 17(a)(2) of the Bretton Woods Agreements Act (22 U.S.C. 286e-2(a)(2)) is amended by inserting “: Provided further, That the authority to make loans under this section shall expire on the date that is 5 years after the date of the enactment of this proviso” before the period.

(c) **LIMITATION ON PERCENTAGE OF NEW ARRANGEMENTS TO BORROW TO BE FUNDED BY THE UNITED STATES.**—At any time during fiscal years 2009 through 2014, no United States contribution to the New Arrangements to Borrow may cause the total amount of

United States Government contributions to the New Arrangements to Borrow to exceed 20 percent of the total amount of funds contributed to the New Arrangements to Borrow from all sources.

(d) **REPORTING REQUIREMENTS.**—Not later than December 15, 2009, and semiannually thereafter, the Secretary of the Treasury, in consultation with other appropriate Federal agencies, shall submit to the Committees on Appropriations a report on the loans made and programs carried out using financing provided by or through the New Arrangements to Borrow. Each such report shall include the following:

(1) A description of the economies of countries requiring the assistance from the New Arrangements to Borrow, including the monetary, fiscal, and exchange rate policies of the countries.

(2) A description of the degree to which the countries requiring the assistance have fully implemented domestic reforms including—

(A) the enactment and implementation of appropriate financial reform legislation;

(B) strengthening the domestic financial system and improving transparency and supervision;

(C) opening domestic capital markets; and

(D) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements.

(3) A detailed description of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

(4) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund pursuant to the New Arrangements to Borrow.

Mrs. LOWEY (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 197, line 10, be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

**INTELLECTUAL PROPERTY RIGHTS PROTECTIONS**

SEC. 7089. Prior to the obligation of the funds made available in this Act for “Contribution to the Clean Technology Fund” or “Strategic Climate Fund” of the World Bank, the Secretary of State shall certify in writing to the Committees on Appropriations that all actions taken during the negotiations of the United Nations Framework Convention on Climate Change ensure robust compliance with and enforcement of existing international legal requirements as of the date of the enactment of this Act that respect intellectual property rights and effective intellectual property rights protection and enforcement for energy and environment technology, including wind, solar, biomass, geothermal, hydro, landfill gas, natural gas, marine, trash combustion, fuel cell, hydrogen, microturbine, nuclear, clean coal, electric battery, alternative fuel, alternative refueling infrastructure, advanced vehicle, electric grid, or energy efficiency-related technologies.

PART B AMENDMENT NO. 5 OFFERED BY MR. CULBERSON

Mr. CULBERSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. CULBERSON:

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

SEC. 70XX. Appropriations made in title V of this Act are hereby reduced in the amount of \$505,896,000.

The CHAIR. Pursuant to House Resolution 617, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, as the designee of Mr. LEWIS, I am pleased to offer this amendment today to give the House an opportunity to keep funding for multilateral assistance at last year's level. In fact, this is actually a 1 percent increase, trying to keep it as close to inflation as we can. I would prefer, as a fiscal conservative, to cut far more at this time of record debt, record deficit, of increasing unemployment; but we want to give the liberal majority some opportunity to cut somewhere. And if we will not cut foreign multilateral assistance simply by keeping the level of funding at last year's level, plus a little 1 percent bump, where will we cut?

In our personal lives, if we have a financial downturn, someone in the family loses a job, if there has been a financial hardship of some type in your personal life, if as a business you have suffered a dramatic downturn in sales, if you lose money or your income is reduced, then all of us in our private lives in the private sector understand that you start to cut expenses. The first thing to go, for example, in the private sector certainly is discretionary dollars in advertising. Or in a personal life, as much as I might like to have a swimming pool or expand the house, you just don't do it when your income is reduced; and the United States of America is in a similar situation.

The Nation is hurting. Unemployment is climbing. We have lost a record number of jobs. Under the new liberal leadership of this Congress, our new liberal administration in the White House, this Congress, this President has spent more money in less time than any Congress in the history of the United States.

In the first 6 months of this year under the budget adopted by this new liberal majority, the amount of debt created in the first 6 months of this year exceeds the amount of debt created from the time of George Washington to President George W. Bush. The national debt now exceeds \$11 trillion. The deficit exceeds a trillion dollars. We as a Nation are on a path to become Argentina if we don't stop spending money.

So those of us in the fiscally conservative minority have offered in the Appropriations Committee multiple amendments. We have offered amendments on the floor to the limited extent we can under these very restrictive guidelines. We, in the conservative

minority, have offered amendments to cut 5 percent; 1 percent; 10 percent. On every bill on every occasion, we have searched for some way, somehow that the liberal majority might try to save some of our kids' money.

It hasn't happened yet. I haven't seen a cut yet that the liberal majority will agree to. This amendment today is simply to title V, multilateral assistance, asking that we keep funding at 2009 levels. In fact, the 2009 spending level is a 16 percent increase over 2008. And the programs, the international organizations that are included under title V, include Global Environmental Facility, a clean technology fund. There is even a new and completely unauthorized climate technology fund and strategic climate fund that costs a total of \$300 million. These have not been approved by Congress, and they are just stuck into this bill. I know there are a lot of noble, good things accomplished by our foreign aid bill.

One that is near and dear to my heart is my support for the State of Israel. I personally support Mr. WEINER's amendment. I think Saudi Arabia can certainly afford to pull their own weight. But our good friends in Israel, I think one of the reasons God blesses the United States of America is America is the sword and shield of Israel. We have an obligation as a Nation to stand behind our friends around the world and help them. But at a time of economic downturn, at a time when so many Americans are losing their jobs, and at a time as we as guardians of the U.S. Treasury have an obligation to try to save money everywhere we can and follow Dave Ramsey's advice, don't spend money you don't have; don't borrow money to pay off borrowed money, the amendment is offered today in all sincerity to try to hold the line.

And if we won't cut here, Mr. Chairman, where will we cut? If we won't cut spending for multilateral assistance to foreign aid, which all of our constituents get, if we won't cut at the edges in money that we don't need to spend at this level for foreign assistance, where will we cut?

Are we not going to save any money anywhere, folks? This is a \$500 million savings to keep us at 2009 levels.

The CHAIR. The gentleman's time has expired.

Mrs. LOWEY. I claim the time in opposition to the gentleman's amendment.

The CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I understand that it is quite easy in a time of fiscal belt tightening to offer an amendment to reduce funding for the international financial institutions, but I would encourage my colleagues to recognize that voting in favor of this amendment has serious consequences to U.S. interests.

It would cut funding for the Asian Development Fund which provides basic loans and grants to support health care, education, infrastructure and economic development resources for Afghanistan and Pakistan.

The World Bank, which provides debt relief to developing countries, is supporting an integrated agricultural initiative to address the global food crisis. The Global Environmental Facility and the International Fund for Agricultural Development provide loans and grants. This amendment would undermine the ability of the United States to meet its commitments to global debt relief efforts and to countries around the world that rely on our assistance.

Remember, this is in the interest of our national security. These institutions fund valuable initiatives that provide opportunities to millions of people.

I urge my colleagues to vote "no" on this amendment.

I yield the balance of my time to my good friend, the gentleman from Massachusetts (Mr. FRANK), the Chair of the Financial Services Committee.

Mr. FRANK of Massachusetts. I thank the gentlewoman.

As I listened to the gentleman from Texas, I recall these ferocious debates we have had, led by a true fiscal conservative, the gentleman from Arizona, as he assailed earmarks. And I heard the gentleman from Texas's voice in the earmarks debate. But then I realized I was a little confused: he was defending his earmark.

So the gentleman's ferocity on behalf of fiscal conservatism does not extend, apparently, to every earmark, including his own. Now I understand that. But it did seem to me a little inconsistent with the uncompromising ferocity of his rhetoric. The gentleman does not come here with quite the credentials as, for instance, the gentleman from Arizona.

As to the money here being spent, I would say this: the gentleman said, Where will we cut? I would like to cut the F-22 spending which we no longer need. I supported the President's proposals for cuts in agriculture spending. This notion that it is always the liberals who want to spend and the conservatives who don't want to spend is fallacious. When it comes to unnecessary Cold War weapons and when it comes to American troops being stationed overseas in countries where they should be able to defend themselves, you know, we could save a lot more money overseas by telling our wealthy allies that it is time for them to defend themselves. That is a lot better, in my mind, than cutting a much smaller amount of money that goes to feed poor children and that goes to prevent preventable deaths in the health care areas. And it would also save us because there has been the correct perception by a whole range of people, including Secretary Gates, including Colin Powell, a number of distinguished Republicans who have served in national security positions, that it is far better to spend money sensibly to avoid the kind of social conditions that don't cause terrorism, the terrorists are sick people with no justification,

but it makes support for them. It recruits for them, and we should be undercutting their recruiting by these kinds of things.

The gentleman almost sneeringly said, well, it is global environmental, let's be national. Well, it may pain the gentleman, but it is kind of hard to confine the environment to the borders of the United States. The environment does not respect borders. So if you want to deal with the environment, it has to be done globally. Many of us feel, in fact, that it would be a grave error for us to go ahead with tough climate issues here unless we also did them internationally.

I was very proud, along with SPENCER BACHUS and Jim Leach and MAXINE WATERS, at the urging of the late Pope John Paul the Second and others to do debt relief for the poorest countries in the world, to take money that would otherwise go to pay off debts and give it to the poor children and to health care, and this would threaten that kind of problem.

So the half a billion dollars here, it pales in comparison, not in general because it is a lot of money, but to money spent on unnecessary Cold War weapons, on money that goes for agricultural subsidies to farmers who do not need it, on sending human beings to Mars.

I don't know how the gentleman plans to vote on that. I plan to vote, if that comes up, against that.

Mr. CULBERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. I would yield.

Mr. CULBERSON. Thank you very much for yielding. I did vote against \$2.6 trillion of spending under President Bush, and I voted against the farm bills. And I voted against—

Mr. FRANK of Massachusetts. I appreciate that. I take back my time to explain to the gentleman, I wasn't questioning his credentials except on his earmark. Everybody is entitled to a little earmark.

I'm sorry, I did not yield again. I said the gentleman made cuts elsewhere. I wasn't saying that the gentleman didn't vote for cuts; I was refuting his notion that liberals don't vote for cuts.

I have voted for many cuts, including to bring down the overall budget.

Mr. Chairman, does the gentleman need an instruction on the rules of the House?

The CHAIR. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. The point is that the gentleman used up his time unwisely. He should have reserved a little time; he didn't do it. That is the way it goes.

The fact is that alleviating poverty overseas, going to the aid of children who will die of measles, who will die of diarrhea and who will die of these other illnesses, it is a far better use of our money morally and also in terms of national security because I repeat again what Secretary Gates and what

Colin Powell have said, what sensible military leaders have said, a much smaller amount of money spent in these ways on sensible efforts to alleviate the miserable conditions that lead to support for terrorism, not the terrorists themselves, is a very good way to preserve the national security much more cheaply in terms of human lives and in terms of money than a purely military solution.

I thank the gentlewoman for her leadership.

Mr. BRADY of Texas. Mr. Chair, I commend Mr. LEWIS for his leadership and work to reduce spending increases in this bill and other appropriations bills this year.

But I do have concern about the consequence of limiting funding for the World Bank's International Development Association. Doing so I believe could harm American credibility and leadership abroad. The Bank is doing critical work to help the world's poorest nations weather the global economic crisis, limit hunger, and provide for greater security in volatile areas of the world.

In Afghanistan, the World Bank helped build and reform the nation's telecommunications sector. This helped to attract \$500 million in private investment, accounting for 60% of all foreign direct investment in Afghanistan. The Bank also helped train health care workers in Afghanistan, to help increase access to health care there.

As we seek to cut the deficit and prioritize funding, we must also consider that we may ultimately lose leverage over the priorities and direction of the World Bank should the U.S. fail to live up to its commitments.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

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

Mr. CULBERSON. 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 Texas will be postponed.

PART B AMENDMENT NO. 4 OFFERED BY MR. KIRK

Mr. KIRK. I have an amendment for Ms. GRANGER under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. KIRK:

Page 198, after line 3, insert the following:  
LIMITATION ON USE OF FUNDS TO NEGOTIATE  
AGREEMENT IN CONTRAVENTION OF CERTAIN  
LAWS

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used by the Secretary of the Treasury to negotiate an agreement in contravention of section 1626 or 1627 of the International Financial Institutions Act, section 1112 or 1403 of the Supplemental Appropriations Act, 2009 (Public Law 111-32), or the provision added to the end of title XVI of the International Financial Institutions Act by section 1404 of the Supplemental Appropriations Act, 2009 (Public Law 111-32).

The CHAIR. Pursuant to House Resolution 617, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. Mr. Chairman, I rise to offer this amendment which refers to the following situation:

Last month through the 2009 supplemental bill, Congress provided an expansion of resources and powers to the International Monetary Fund as requested by President Obama. This included \$108 billion in new funding and approval for the IMF to sell 13 million ounces of gold to fund their internal operating expenses. As part of that bill, and consistent with its oversight role, Congress gave the administration clear guidelines on how an expanded IMF should function.

On June 24, President Obama decided to disregard those congressionally mandated guidelines. Upon signing the 2009 supplemental into law, the President issued a signing statement that said he would ignore sections 1110, 1112, 1403 and 1404 of the supplemental.

These provisions provide some of the only oversight that the United States exercises over the IMF, an organization that will triple in size this year.

The Granger amendment, which I offer here, would prohibit funds in this bill from being used by the Secretary of Treasury to negotiate any agreement in contravention of these statutorily enacted provisions in the supplemental.

One provision requires the U.S. to oppose IMF loans to countries that are supporters of terrorism, countries like Iran. The Congress consulted the Department of Treasury while drafting this provision.

□ 1715

Additionally, the provisions give the administration guidance from the Congress as to how the United States should vote at the IMF on health care, education, labor rights, and transparency issues.

This Congress, Democrats and Republicans, should not allow any administration to disregard a statutory mandate, especially on issues of transparency and accountability. The Congress voted to provide oversight for the IMF, and we should stand by those provisions.

Giving \$108 billion to the IMF without a clear path for the future is not a policy we would support. And so, therefore, I urge my colleagues to support this Granger amendment.

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

Mrs. LOWEY. Mr. Chairman, though I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Mrs. LOWEY. I want to again thank the gentlewoman who couldn't be with us today for her work on oversight and our assistance to the International Monetary Fund.

I recognize her concerns about the use of the signing statement by the President to interpret congressionally imposed mandates that apply to the World Bank and IMF in the fiscal year 2009 Supplemental Appropriations bill. It is my understanding that this issue was included in the signing statement because of concerns regarding constitutional authority and not because of underlying policy differences with the Congress.

Mr. Chairman, I yield 1 minute to the chairman of the Financial Services Committee, Mr. FRANK of Massachusetts.

Mr. FRANK of Massachusetts. I welcome this amendment from the gentlewoman from Texas and the gentleman from Illinois.

The Chair of the subcommittee, who does a great job, said that the administration says this is constitutional and not substantive, and I've been told by Treasury they intend to abide by them. That's not good enough. Let me give my constitutional friends over there another constitutional lesson: They won't have anything to put a signing statement to if we don't pass it.

I was asked by the administration and worked hard to get that money for the IMF with some reasonable conditions. There are some things in there that make sure that it ends the previous IMF practice of being unfair to low-income people.

The notion that the administration can take the money and pick and choose what it wants to do with the conditions is unacceptable. So let me say, as chairman of the committee that authorizes these and as someone who works closely with the appropriators in doing it, if the administration does not withdraw this claim that they can ignore conditions we put on it, then they will have nothing to ignore because there won't be any conditions and there won't be any money. And that's right there in the Constitution.

I thank the gentlewoman.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to my chairman, Mr. OBEY.

Mr. OBEY. Mr. Chairman, let me simply say I agree with every word uttered by the gentleman and rise also in support of the amendment.

The way the system works is that the administration asks the Congress for money. Many times that is not a popular request. Sometimes the only way that the votes can be found to provide the money the administration wants is to provide certain limitations on the use of that money. For any administration to say, Well, we will accept the money, but ignore the limitations is to greatly increase the likelihood that they will not get the money. That is not in the interest of the administration, and it certainly does not respect the rightful traditions and prerogatives of the Congress. And so I very much am in agreement with the amendment and congratulate the gentlewoman from Texas for offering the amendment and the gentleman from Illinois for offering it in her stead.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. KIRK. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIR. The gentleman from Illinois has 2½ minutes remaining.

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

Mr. Chairman, when we consider legislation in this body, we have several different ways to put forward an idea or policy of the Congress—a Dear Colleague letter, filing a bill or a resolution. When we speak with more authority, we use report language to accompany a bill, which says a general direction that can be ignored, but at the peril of the administration. But when it is in a statute, that is, under the law of the land, the supreme authority, absent being overridden by a provision of the Constitution.

I really want to thank the clear, bipartisan message that we are sending here by virtue of the chairwoman of the subcommittee, the chairman of the full committee, and the chairman of the authorizing committee here, because I think this is a rare example of showing bipartisan concern on behalf of this institution against the executive branch.

Now, I would shudder to think that if ever we concede somehow the abuse of signing statements—which I am not really that in favor of, and I don't think have received any long-term sanction by the Supreme Court to try to override a statute—basic law 101 would provide that.

I yield briefly to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would only make one correction. We do this—I'm sure he agrees with me, it's a wording change—we do this not on behalf of this institution, but literally on behalf of democracy, on behalf of the process by which people get elected and deliberate and do this. And there is a kind of a unilateralism, in an undemocratic, unreachable way, to these signing statements that is the opposite of what we do here. So I thank the gentleman.

Mr. KIRK. And I thank the gentleman because he was critical of signing statements under the previous administration and is now being critical of signing statements under this administration.

But there is a much more important legal point here, which is that a signing statement which attempts to override a statute enacted by the Congress of the United States should not require litigation before the Supreme Court. And that's why the statement of the full committee chairman, Mr. OBEY, is so critical here. Because in the end, the way that we enforce this absent court litigation is simply to deny funding. I learned that under Chairman Whitten, when I think I remember he defunded the Office of Legislative Affairs at the Department of Agriculture when he had a problem.

So the signal that we've sent to the Treasury is very clear: Ignore statute at your extreme peril. And this is on behalf of a bipartisan, overwhelming majority. We will be asking for a recorded vote on this and send a very clear signal to the Secretary of the Treasury.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

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

Mr. KIRK. 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 Illinois will be postponed.

PART B AMENDMENT NO. 3 OFFERED BY MR.

FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 3 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. FLAKE:

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

TERMINATION OF ONE-TIME SPECIAL EDUCATIONAL, PROFESSIONAL, AND CULTURAL EXCHANGE GRANTS PROGRAM

SEC. \_\_\_\_ None of the funds provided in this Act under the heading "Department of State—Administration of Foreign Affairs—Educational and Cultural Exchange Programs" shall be available for the one-time special educational, professional, and cultural exchange grants program, and the amount otherwise provided under such heading is hereby reduced by \$8,000,000.

The CHAIR. Pursuant to House Resolution 617, 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, on page 128 of the report accompanying this legislation it states, Neither the bill nor this report contain any congressional earmarks. I would have to disagree. The legislation will provide \$8 million for the "one-time special educational, professional, and cultural exchange grant program" begun in fiscal year 2008. These one-time grants can go for up to a half-million dollars, and the Department of State is to award these proposals on a competitive basis.

Now, I have been a long supporter of cultural exchange programs, both having Americans go overseas and foreigners to come here. I am also supportive of these grants being awarded on a competitive basis. The problem here is the fact that the report also says, The Secretary is encouraged to consider the following proposals for this competitive program, and then it lists several specific exchange programs.

The recommendations of funding for these 12 specific programs certainly

look like earmarks to me and certainly look like earmarks to a handful of Members who requested them, so much so that they actually listed the earmark requests on their Web sites—a number of them did. So to them it looked like an earmark; they're putting it in the report.

This year, the Appropriations Committee is telling us that earmarks aren't really earmarks; they're just suggestions to the agencies who are under no obligation to fund them. So my question would be, what is the difference here? And why, if in other bills there are disclosure requirements—certification letters, put your name next to the earmark, other things that we have to do, if those are mere suggestions to the agencies—a "look see" we are told by the Appropriations Committee—what is the difference here where we list several programs that the Secretary should consider?

Mr. Chairman, I reserve the balance of my time and hope to be illuminated on this question.

Mrs. LOWEY. Mr. Chairman, I claim time in opposition to the amendment of the gentleman from Arizona.

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

Mrs. LOWEY. The bill before the House contains an increase of 11 percent for education and cultural exchanges and is \$33 million below the amount requested in the budget.

The gentleman's amendment would reduce by \$8 million funding for international exchange programs, bringing the amount in the bill to over \$40 million below the request. It also would prohibit funding for the one-time special grants program begun in fiscal year 2008.

Grants under this program are required to be competitively awarded and support exchanges for people who do not benefit through existing programs. None of the entities and organizations listed in the report are earmarks. All entities highlighted in the report under the Special Grants Program must compete with all other applicants, whether listed in the report or not. And for example, of the 39 entities listed in the explanatory statement accompanying the State, Foreign Operations, and Related Programs Appropriations Act, 2008, only 12, or less than one-third, received funding.

So, I say to my friend, respectfully, these are not earmarks. This program fills a void in our international exchange portfolio. It is a targeted, one-time, competitive opportunity for an organization to address either a regional or population gap in international exchanges and should be continued.

So I urge my colleagues to reject the amendment.

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

Mr. FLAKE. The gentlelady mentioned FY 2008, mentioned there were some 36 listed. Only 24 of those 36 were actually eligible for funding. Half of



those that were eligible for funding did receive the funding, which took over half of the funding that was eligible to be dispersed. And so there is quite an uncanny alignment between what is put out there and what is actually then awarded.

And my question is, with the rest of our appropriations this year, if, as we are told, simply giving the agencies a list of recommendations or a “look see,” why is it that the so-called “hard earmarks” in other bills require a certification letter, require transparency, and other things, and these soft earmarks here, which act pretty much the same way, require no such disclosure or no such transparency? That’s my concern here. And it’s long been the concern of many with these soft earmarks.

The agencies have told us that their hands are sometimes too much tied by the soft earmarks. They have programs, and then Members of Congress will say, Oh, yes, we’re appropriating money, but it needs to be spent here, here and here. And we all know that the agency knows who butters their bread, who appropriates their money. And they’re inclined, particularly when it’s the case of a powerful Member, to go along with the recommendations made.

So that’s the question I have. It is more of transparency here; why are these earmarks treated differently than earmarks in other legislation?

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

Mrs. LOWEY. I certainly understand the gentleman’s concern, but I would like to reiterate again, there were 39 entities listed, 24 applied; and of that 24, only 12 received the grants. So I think it’s very different from an earmark where, if you list an earmark on many of the subcommittees, it is expected that those items listed will get the grants. So, if there were 12 of the 24, it’s clear to me that this is a competitive grant. And so I certainly rest my case that this is not an earmark.

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

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

The CHAIR. The gentleman from Arizona has 1½ minutes.

Mr. FLAKE. I thank the gentlelady.

I have to say, when we debated the Homeland Security bill just a few days ago, I challenged an earmark for a for-profit company, Global Solar.

□ 1730

I was told, no. Even though in the report language it says that the money is to go to Global Solar and there was a certification letter filled out by the Member saying the money is to go to Global Solar at this address, we were told there, well, no, it’s going to be competitively bid, so don’t worry about that language. It really doesn’t mean anything.

So I just don’t know what to believe here, if we are told that, well, this isn’t

like a hard earmark in other bills, and that’s what I am being told now, but then I was told on the other bills, well, this isn’t really a hard earmark either, but we did have the disclosure requirements there and we don’t have them here. So I think it behooves us, until we can figure that out, until we can figure out are these hard earmarks or are they soft earmarks? Are they to be treated differently? Certainly the Members who requested them who actually listed them on their Web site as appropriation requests, they see them as earmarks. So I would think that we need to be careful here.

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

Mrs. LOWEY. I would like to just say to the gentleman that in the bill that you referenced, there were a hundred applications, and 51 received funding of the hundred. And of the 24 that applied that were listed in the bill, 12 received funding. So that sounds like a competitive grant to me. It looks like a competitive grant. In my judgment, it is a competitive grant.

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

Mr. FLAKE. I would ask the gentlewoman, if that’s the case, why list them? If they have to compete competitively, why do we list them? Why do we say to the agencies, well, you have a competitive program but we want you to look at these programs, we want you to look at this exchange program, this sister city program, and we’re going to list it here in the report? If it’s not an earmark, then don’t list it and simply have those organizations compete like everyone else does.

Mrs. LOWEY. I would like to say to the gentleman, Members understand their districts. They have respect for some organizations and not for others. They have a right, certainly, to recommend to include, to reference specific groups. That doesn’t mean they are directing the agency to give them the earmarks. So, again, a hundred applied, 51 received them, and of the 24 that were referenced as suggested by Members, 12 of those received funding. So, again, they had to compete. But if the Members may believe that a particular group has done laudable work in their district, I think they have every right. As long as there is no guarantee, it is not an earmark.

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

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

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

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–193 on which further

proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Mrs. LOWEY of New York.

Amendment No. 2 printed in part B by Mr. BUYER of Indiana.

Amendment No. 6 printed in part B by Mr. STEARNS of Florida.

Amendment No. 7 printed in part B by Mr. WEINER of New York.

Amendment No. 5 printed in part B by Mr. CULBERSON of Texas.

Amendment No. 4 printed in part B by Mr. KIRK of Illinois.

Amendment No. 3 printed in part B by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 1 OFFERED BY MRS. LOWEY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. LOWEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 168, not voting 9, as follows:

[Roll No. 516]

AYES—261

Abercrombie	Connolly (VA)	Hall (NY)
Ackerman	Conyers	Halvorson
Adler (NJ)	Cooper	Hare
Altmire	Costa	Harman
Andrews	Costello	Hastings (FL)
Arcuri	Courtney	Heinrich
Baca	Crowley	Herseth Sandlin
Baird	Cummings	Higgins
Baldwin	Dahlkemper	Hill
Barrow	Davis (AL)	Himes
Bean	Davis (CA)	Hinchee
Becerra	Davis (IL)	Hirono
Berkley	Davis (TN)	Hodes
Berman	DeFazio	Holden
Berry	DeGette	Holt
Bishop (GA)	Delahunt	Honda
Bishop (NY)	Dicks	Hoyer
Blumenauber	Dingell	Insee
Bocchieri	Doggett	Israel
Bordallo	Donnelly (IN)	Jackson (IL)
Boren	Doyle	Jackson-Lee
Boswell	Driehaus	(TX)
Boucher	Edwards (MD)	Johnson (GA)
Boyd	Edwards (TX)	Johnson, E. B.
Brady (PA)	Ellison	Kagen
Braley (IA)	Ellsworth	Kanjorski
Bright	Emerson	Kaptur
Brown, Corrine	Engel	Kennedy
Butterfield	Eshoo	Kildee
Cao	Etheridge	Kilpatrick (MI)
Capps	Faleomavaega	Kilroy
Capuano	Farr	Kind
Cardoza	Fattah	Kirkpatrick (AZ)
Carnahan	Filner	Kissell
Carney	Foster	Klein (FL)
Carson (IN)	Frank (MA)	Kosmas
Castor (FL)	Giffords	Kratovil
Chandler	Gonzalez	Kucinich
Childers	Gordon (TN)	Langevin
Christensen	Grayson	Larsen (WA)
Clarke	Green, Al	Lee (CA)
Clay	Green, Gene	Levin
Cleaver	Griffith	Lewis (GA)
Clyburn	Grijalva	Lipinski
Cohen	Gutierrez	LoBiondo

Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
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  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Obey

## NOES—168

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggart  
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  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Cuellar  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Fallin

Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Platts  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)

Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth  
Young (AK)

Turner  
Upton  
Wamp

## NOT VOTING—9

DeLauro  
Fudge  
Granger

□ 1800

Messrs. CAMP and ROGERS of Michigan changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Chair, on rollcall No. 516, had I been present, I would have voted “aye.”

Stated against:

Mr. HELLER. Mr. Chair, on rollcall No. 516, had I been present, I would have voted “no.”

(By unanimous consent, Ms. GIFFORDS was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF THE HONORABLE JAMES F. MCNULTY, FORMER MEMBER OF CONGRESS

Ms. GIFFORDS. Mr. Chairman, today I rise in remembrance of James F. McNulty, an Arizonan, a patriot, a statesman and a former Member of this body. Mr. McNulty passed away in Tucson on the 30th of June.

During his long life of service of 83 years, Jim McNulty was many things. He was a World War II veteran, a proud University of Arizona alumnus, a father of three, a successful attorney, a member of the Catholic Church, a Peace Corps volunteer, and a legislator.

In 1982, Jim was elected to the U.S. House of Representatives, the fifth seat in the district of Arizona, a newly created seat. Though he only served for one single term, he was widely praised for his passionate advocacy for his community and for his constituents.

On behalf of the entire Arizona delegation, I would like to request that all Members please stand and observe a moment of silence in memory of our dear friend and former colleague, Jim McNulty.

The CHAIR. Members will please rise and observe a moment of silence.

## ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

PART B AMENDMENT NO. 2 OFFERED BY MR.

## BUYER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BUYER) 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 CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 271, not voting 11, as follows:

[Roll No. 517]

## AYES—156

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Carter  
Cassidy  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Culberson  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Fallin  
Flake  
Fleming  
Forbes  
Flake  
Fleming  
Forbes  
Foxy  
Franks (AZ)  
Frelinghuysen

Galleghy  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Goodlatte  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
Kingston  
Kirkpatrick (AZ)  
Kline (MN)  
Lamborn  
Latham  
Latta  
Lewis (CA)  
Linder  
Lucas  
Luetkemeyer  
Lummis  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson

Paul  
Paulsen  
Pence  
Petri  
Pitts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Schwartz  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Walden  
Wamp  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOES—271

Abercrombie  
Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Butterfield  
Cao  
Capito  
Capps  
Capuano  
Carnahan

Carney  
Carson (IN)  
Castle  
Castor (FL)  
Chandler  
Christensen  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus

Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Fortenberry  
Foster  
Frank (MA)  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Himes  
Hinchee  
Hirono

Hodes  
Holden  
Holt  
Honda  
Hoyer  
Insole  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
LoBiondo  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCullum  
McDermott  
McGovern

NOT VOTING—11

Cardoza  
DeLauro  
Fudge  
Gohmert

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1809

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER, Mr. Chair, on rollcall No. 517, had I been present, I would have voted "aye."

Stated against:

Mr. HINOJOSA, Mr. Chair, on rollcall No. 517, had I been present, I would have voted "no."

PART B AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) 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 CHAIR. This is a 5-minute vote. The vote was taken by electronic device, and there were—ayes 172, noes 259, not voting 7, as follows:

[Roll No. 518]  
AYES—172

Aderholt  
Adler (NJ)  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Bean  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Culberson  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ellsworth  
Fallin  
Flake  
Fleming  
Forbes

NOES—259

Abercrombie  
Ackerman  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield

Filner  
Foster  
Frank (MA)  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Hersteth Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Insole  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch

NOT VOTING—7

Barrow  
DeLauro  
Fudge

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1815

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER, Mr. Chair, on rollcall No. 518, had I been present, I would have voted "aye."

PART B AMENDMENT NO. 7 OFFERED BY MR. WEINER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) 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.

Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Cohen  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Costa  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah

Granger  
Heller  
Larson (CT)

Murphy (NY)

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 297, noes 135, not voting 6, as follows:

[Roll No. 519]

## AYES—297

Abercrombie	Flake	Massa
Adler (NJ)	Forbes	Matheson
Akin	Foster	McCarthy (CA)
Alexander	Fox	McCarthy (NY)
Altmire	Frank (MA)	McCaul
Andrews	Franks (AZ)	McClintock
Arcuri	Gallely	McCotter
Austria	Garrett (NJ)	McHenry
Baca	Gerlach	McHugh
Bachmann	Giffords	McIntyre
Bachus	Gingrey (GA)	McMahon
Barrett (SC)	Gohmert	McMorris
Barrow	Goodlatte	Rodgers
Bartlett	Gordon (TN)	Meek (FL)
Bean	Graves	Melancon
Berkley	Grayson	Mica
Bilirakis	Green, Al	Miller (FL)
Bishop (GA)	Green, Gene	Miller (MI)
Bishop (NY)	Griffith	Miller, Gary
Blackburn	Guthrie	Mitchell
Boccheri	Gutierrez	Mollohan
Bonner	Hall (NY)	Moore (KS)
Bono Mack	Hall (TX)	Moran (KS)
Boozman	Halvorson	Murphy (CT)
Boren	Hare	Murphy, Patrick
Boucher	Harper	Murphy, Tim
Boyd	Hastings (WA)	Murtha
Brady (PA)	Heinrich	Myrick
Bright	Hensarling	Nadler (NY)
Broun (GA)	Herger	Neal (MA)
Brown (SC)	Herseht Sandlin	Neugebauer
Brown-Waite,	Higgins	Nunes
Ginny	Hill	Nye
Buchanan	Himes	Olson
Burgess	Hinojosa	Ortiz
Burton (IN)	Hodes	Pallone
Butterfield	Hoekstra	Pascarell
Buyer	Holden	Paul
Calvert	Holt	Paulsen
Camp	Hoyer	Pence
Campbell	Hunter	Perlmutter
Cantor	Inglis	Perriello
Cao	Israel	Peters
Capito	Jenkins	Petri
Capuano	Johnson (IL)	Pitts
Cardoza	Jones	Platts
Carney	Jordan (OH)	Poe (TX)
Carter	Kagen	Polis (CO)
Chaffetz	Kaptur	Pomeroy
Chandler	Kennedy	Posey
Childers	Kildee	Price (GA)
Clarke	Kilroy	Putnam
Coble	Kind	Quigley
Coffman (CO)	Kirk	Radanovich
Cohen	Kirkpatrick (AZ)	Rangel
Cole	Kissell	Rehberg
Connolly (VA)	Klein (FL)	Reyes
Cooper	Kosmas	Richardson
Costello	Kratovil	Rodriguez
Crowley	Lamborn	Roe (TN)
Culberson	Lance	Rogers (AL)
Cummings	Langevin	Rogers (KY)
Davis (AL)	LaTourette	Rohrabacher
Davis (CA)	Latta	Rooney
Davis (IL)	Lee (NY)	Ros-Lehtinen
Davis (TN)	Levin	Roskam
Deal (GA)	Lewis (CA)	Ross
DeFazio	Lewis (GA)	Rothman (NJ)
DeGette	Lipinski	Royce
Dent	LoBiondo	Rush
Dicks	Lowe	Ryan (OH)
Doggett	Lucas	Sablan
Donnelly (IN)	Luetkemeyer	Salazar
Doyle	Lujan	Sanchez, Linda
Dreier	Lummis	T.
Driehaus	Lungren, Daniel	Sanchez, Loretta
Edwards (TX)	E.	Scalise
Ellsworth	Lynch	Schauer
Emerson	Maffei	Schrader
Engel	Maloney	Schwartz
Faleomavaega	Manzullo	Scott (VA)
Fallin	Marchant	Sensenbrenner
Farr	Markey (CO)	Sessions
Filner	Markey (MA)	Shadegg

Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Soudier  
Space  
Speier  
Stearns  
Sullivan  
Sutton

Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (PA)  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Turner  
Upton  
Visclosky  
Walden  
Wamp

Wasserman  
Schultz  
Waters  
Watson  
Waxman  
Weiner  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

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 CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 256, not voting 8, as follows:

[Roll No. 520]

## AYES—174

Ackerman  
Aderholt  
Baird  
Baldwin  
Barton (TX)  
Becerra  
Berman  
Berry  
Biggert  
Bilbray  
Bishop (UT)  
Blumenauer  
Blunt  
Boehner  
Bordallo  
Boswell  
Boustany  
Brady (TX)  
Braley (IA)  
Brown, Corrine  
Capps  
Carnahan  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Christensen  
Clay  
Cleaver  
Clyburn  
Conaway  
Conyers  
Costa  
Courtney  
Crenshaw  
Cuellar  
Dahlkemper  
Davis (KY)  
Delahunt  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dingell  
Duncan  
Edwards (MD)  
Ehlers  
Ellison

## NOES—135

Eshoo  
Etheridge  
Fattah  
Fleming  
Fortenberry  
Frelinghuysen  
Gonzalez  
Grijalva  
Harman  
Hastings (FL)  
Hinchee  
Hirono  
Honda  
Insee  
Issa  
Jackson (IL)  
Jackson-Lee  
    (TX)  
Johnson (GA)  
Johnson, E. B.  
Johnson, Sam  
Kanjorski  
Kilpatrick (MI)  
King (IA)  
King (NY)  
Kingston  
Kline (MN)  
Kucinich  
Larsen (WA)  
Latham  
Lee (CA)  
Linder  
Loebsack  
Lofgren, Zoe  
Mack  
Marshall  
Matsui  
McCollum  
McDermott  
McGovern  
McKeon  
McNerney  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George

Minnick  
Moore (WI)  
Moran (VA)  
Napolitano  
Norton  
Oberstar  
Obey  
Olver  
Pastor (AZ)  
Payne  
Peterson  
Pierluisi  
Pingree (ME)  
Price (NC)  
Rahall  
Reichert  
Rogers (MI)  
Roybal-Allard  
Ruppersberger  
Ryan (WI)  
Sarbanes  
Schakowsky  
Schiff  
Schmidt  
Schock  
Scott (GA)  
Serrano  
Sestak  
Shea-Porter  
Skelton  
Snyder  
Spratt  
Stark  
Stupak  
Thompson (MS)  
Thornberry  
Tsongas  
Van Hollen  
Velazquez  
Walz  
Watt  
Welch  
Wexler  
Woolsey

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

## NOES—256

NOT VOTING—6  
DeLauro  
Fudge

Granger  
Heller

Larson (CT)  
Murphy (NY)

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1824

Mr. INSLEE changed his vote from “aye” to “no.”

Ms. MARKEY of Georgia, Messrs. GINGREY of Georgia, BROUN of Georgia, AL GREEN of Texas and MEEK of Florida 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. HELLER. Mr. Chair, on rollcall No. 519, had I been present, I would have voted “aye.”

PART B AMENDMENT NO. 5 OFFERED BY MR.

## CULBERSON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CULBERSON) on

Abercrombie	Biggert	Capps
Ackerman	Bishop (GA)	Capuano
Adler (NJ)	Bishop (NY)	Cardoza
Andrews	Blumenauer	Carnahan
Arcuri	Blunt	Carney
Baca	Bordallo	Carson (IN)
Bachus	Boren	Castor (FL)
Baird	Boswell	Chandler
Baldwin	Boucher	Christensen
Barrow	Boyd	Clarke
Bean	Brady (PA)	Clay
Becerra	Brady (TX)	Cleaver
Berkley	Braley (IA)	Clyburn
Berman	Brown, Corrine	Cohen
Berry	Butterfield	Connolly (VA)

Conyers Kilpatrick (MI)  
 Cooper Kilroy  
 Costa Kind  
 Costello King (NY)  
 Courtney Kissell  
 Crowley Klein (FL)  
 Cuellar Kosmas  
 Cummings Kratovil  
 Dahlkemper Kucinich  
 Davis (AL) Langevin  
 Davis (CA) Larsen (WA)  
 Davis (IL) Lee (CA)  
 Davis (TN) Levin  
 DeGette Lewis (GA)  
 Delahunt Lipinski  
 Dicks Loeb sack  
 Dingell Lofgren, Zoe  
 Doggett Lowey  
 Donnelly (IN) Lujan  
 Doyle Lynch  
 Driehaus Maffei  
 Edwards (MD) Maloney  
 Ehlers Markey (CO)  
 Ellison Markey (MA)  
 Ellsworth Marshall  
 Engel Massa  
 Eshoo Matheson  
 Etheridge Matsui  
 Faleomavaega McCarthy (NY)  
 Farr McCollum  
 Fattah McDermott  
 Filner McGovern  
 Foster McHugh  
 Frank (MA) McIntyre  
 Giffords McMahan  
 Gonzalez McNerney  
 Gordon (TN) Meek (FL)  
 Grayson Meeks (NY)  
 Green, Al Melancon  
 Green, Gene Michaud  
 Griffith Miller (NC)  
 Grijalva Miller, George  
 Gutierrez Minnick  
 Hall (NY) Mitchell  
 Hare Mollohan  
 Harman Moore (KS)  
 Hastings (FL) Moore (WI)  
 Heinrich Moran (VA)  
 Herseth Sandlin Murphy, Patrick  
 Higgins Murtha  
 Hill Nadler (NY)  
 Himes Napolitano  
 Hinchey Neal (MA)  
 Hinojosa Norton  
 Hirono Nye  
 Hodes Oberstar  
 Holt Obey  
 Honda Oliver  
 Hoyer Ortiz  
 Inglis Pallone  
 Inslee Pascrell  
 Israel Pastor (AZ)  
 Jackson (IL) Payne  
 Jackson-Lee (TX) Perlmutter  
 Perriello  
 Johnson (GA) Peters  
 Johnson, E. B. Peterson  
 Kagen Pierluisi  
 Kanjorski Pingree (ME)  
 Kaptur Polis (CO)  
 Kennedy Pomeroy  
 Kildee Price (NC)

NOT VOTING—8

DeLauro Granger  
 Edwards (TX) Heller  
 Fudge Larson (CT)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1831

So the amendment was rejected.  
 The result of the vote was announced as above recorded.  
 Stated for:

Mr. HELLER. Mr. Chair, on rollcall No. 520, had I been present, I would have voted "aye."

PART B AMENDMENT NO. 4 OFFERED BY MR. KIRK  
 The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were post-

poned and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 429, noes 2, not voting 7, as follows:

[Roll No. 521]

AYES—429

Abercrombie Clay  
 Ackerman Cleaver  
 Aderholt Clyburn  
 Adler (NJ) Coble  
 Akin Coffman (CO)  
 Alexander Cohen  
 Altmire Cole  
 Andrews Conaway  
 Arcuri Connolly (VA)  
 Austria Conyers  
 Baca Cooper  
 Bachmann Costa  
 Bachus Costello  
 Baird Courtney  
 Baldwin Crenshaw  
 Barrett (SC) Crowley  
 Barrow Cuellar  
 Bartlett Culbertson  
 Barton (TX) Cummings  
 Bean Dahlkemper  
 Berkeley Davis (AL)  
 Berman Davis (CA)  
 Berry Davis (IL)  
 Biggert Davis (KY)  
 Bilbray Davis (TN)  
 Bilirakis Deal (GA)  
 Bishop (GA) DeFazio  
 Bishop (NY) DeGette  
 Bishop (UT) Delahunt  
 Blackburn Dent  
 Blumenauer Diaz-Balart, L.  
 Blunt Diaz-Balart, M.  
 Boccieri Dicks  
 Boehner Dingell  
 Bonner Doggett  
 Bono Mack Donnelly (IN)  
 Boozman Doyle  
 Bordallo Dreier  
 Boren Driehaus  
 Boswell Duncan  
 Boucher Edwards (MD)  
 Boustany Edwards (TX)  
 Boyd Ehlers  
 Brady (PA) Ellison  
 Brady (TX) Ellsworth  
 Braley (IA) Emerson  
 Bright Engel  
 Broun (GA) Eshoo  
 Brown (SC) Etheridge  
 Brown, Corrine Faleomavaega  
 Brown-Waite, Fallin  
 Ginny Farr  
 Buchanan Fattah  
 Burgess Filner  
 Burton (IN) Flake  
 Butterfield Fleming  
 Buyer Forbes  
 Calvert Fortenberry  
 Camp Foster  
 Campbell Foss  
 Cantor Frank (MA)  
 Cao Franks (AZ)  
 Capito Frelinghuysen  
 Capps Gallegly  
 Capuano Garrett (NJ)  
 Cardoza Gerlach  
 Carnahan Giffords  
 Carney Gingrey (GA)  
 Carson (IN) Gohmert  
 Carter Gonzalez  
 Cassidy Goodlatte  
 Castle Gordon (TN)  
 Castor (FL) Graves  
 Chaffetz Grayson  
 Chandler Green, Al  
 Childers Green, Gene  
 Christensen Griffith  
 Clarke Grijalva

Luetkemeyer  
 Lujan  
 Lummis  
 Lungren, Daniel E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Massa  
 Manzano  
 Marchant  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 McClintock  
 McCollum  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McHugh  
 McIntyre  
 McKean  
 McMahon  
 McMorris  
 Rodgers  
 McNeerney  
 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, Patrick  
 Murphy, Tim  
 Murtha  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Norton  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Olver  
 Ortiz

Kucinich  
 Stark

NOES—2

NOT VOTING—7

Becerra Granger  
 DeLauro Heller  
 Fudge Larson (CT)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1839

So the amendment was agreed to.  
 The result of the vote was announced as above recorded.

Stated for:  
 Mr. HELLER. Mr. Chair, on rollcall No. 521, had I been present, I would have voted "aye."

PART B AMENDMENT NO. 3 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) 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 CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 268, not voting 6, as follows:

[Roll No. 522]

AYES—164

Akin	Garrett (NJ)	Miller, Gary
Alexander	Gerlach	Minnick
Altmire	Giffords	Moran (KS)
Austria	Gingrey (GA)	Myrick
Bachmann	Gohmert	Neugebauer
Barrett (SC)	Goodlatte	Nunes
Bartlett	Graves	Olson
Barton (TX)	Guthrie	Paul
Billray	Hall (TX)	Paulsen
Bilirakis	Halvorson	Pence
Bishop (UT)	Harper	Petri
Blackburn	Hastings (WA)	Pitts
Boehner	Hensarling	Platts
Bonner	Herger	Poe (TX)
Bono Mack	Hodes	Posey
Boozman	Hoekstra	Price (GA)
Boustany	Hunter	Putnam
Brady (TX)	Inglis	Radanovich
Bright	Issa	Rehberg
Broun (GA)	Jenkins	Roe (TN)
Brown (SC)	Johnson (IL)	Rogers (KY)
Brown-Waite,	Johnson, Sam	Rogers (MI)
Ginn	Jones	Rohrabacher
Buchanan	Jordan (OH)	Rooney
Burgess	King (IA)	Ros-Lehtinen
Burton (IN)	Kingston	Roskam
Buyer	Kirk	Royce
Calvert	Kirkpatrick (AZ)	Ryan (WI)
Camp	Kline (MN)	Scalise
Campbell	Kratovil	Schmidt
Cantor	Lamborn	Schock
Capito	Lance	Sensenbrenner
Carter	Latta	Sessions
Cassidy	Lee (NY)	Shadegg
Chaffetz	Lewis (CA)	Shuler
Coble	Linder	Shuster
Coffman (CO)	LoBiondo	Smith (NE)
Cohen	Lucas	Smith (TX)
Cole	Luetkemeyer	Souder
Conaway	Lummis	Stearns
Culberson	Lungren, Daniel	Sullivan
Dahlkemper	E.	Taylor
Davis (KY)	Mack	Terry
Deal (GA)	Manzullo	Thornberry
Dent	Marchant	Tiahrt
Dreier	McCarthy (CA)	Tiberi
Duncan	McCauley	Titus
Ehlers	McClintock	Walden
Fallin	McCotter	Wamp
Flake	McHenry	Westmoreland
Fleming	McKeon	Whitfield
Forbes	McMorris	Wilson (SC)
Foxx	Rodgers	Wittman
Franks (AZ)	Mica	Young (AK)
Frelinghuysen	Miller (FL)	Young (FL)
Gallely	Miller (MI)	

NOES—268

Abercrombie	Bishop (NY)	Carney
Ackerman	Blumenauer	Carson (IN)
Aderholt	Blunt	Castle
Adler (NJ)	Bocchieri	Castor (FL)
Andrews	Bordallo	Chandler
Arcuri	Boren	Childers
Baca	Boswell	Christensen
Bachus	Boucher	Clarke
Baird	Boyd	Clay
Baldwin	Brady (PA)	Cleaver
Barrow	Braley (IA)	Clyburn
Bean	Brown, Corrine	Connolly (VA)
Becerra	Butterfield	Conyers
Berkley	Cao	Cooper
Berman	Capps	Costa
Berry	Capuano	Costello
Biggert	Cardoza	Courtney
Bishop (GA)	Carnahan	Crenshaw

Crowley	Kissell	Reichert
Cuellar	Klein (FL)	Reyes
Cummings	Kosmas	Richardson
Davis (AL)	Kucinich	Rodriguez
Davis (CA)	Langevin	Rogers (AL)
Davis (IL)	Larsen (WA)	Ross
Davis (TN)	Latham	Rothman (NJ)
DeFazio	LaTourette	Roybal-Allard
DeGette	Lee (CA)	Ruppersberger
Delahunt	Lewey	Rush
Diaz-Balart, L.	Lewis (GA)	Ryan (OH)
Diaz-Balart, M.	Lipinski	Sablan
Dicks	Loebsack	Salazar
Dingell	Lofgren, Zoe	Sanchez, Linda
Doggett	Lowe	T.
Donnelly (IN)	Lujan	Sanchez, Loretta
Doyle	Lynch	Sarbanes
Driehaus	Maffei	Schakowsky
Edwards (MD)	Maloney	Schauer
Edwards (TX)	Markey (CO)	Schiff
Ellison	Markey (MA)	Schrader
Ellsworth	Marshall	Schwartz
Emerson	Massa	Scott (GA)
Engel	Matheson	Scott (VA)
Eshoo	Matsui	Serrano
Etheridge	McCarthy (NY)	Sestak
Faleomavaega	McCollum	Shea-Porter
Farr	McDermott	Sherman
Fattah	McGovern	Shimkus
Filner	McHugh	Simpson
Fortenberry	McIntyre	Sires
Foster	McMahon	Skelton
Frank (MA)	McNerney	Slaughter
Gonzalez	Meek (FL)	Smith (NJ)
Gordon (TN)	Meeke (NY)	Smith (WA)
Grayson	Melancon	Snyder
Green, Al	Michaud	Space
Green, Gene	Miller (NC)	Speier
Griffith	Miller, George	Spratt
Grijalva	Mitchell	Stark
Gutierrez	Mollohan	Stupak
Hall (NY)	Moore (KS)	Sutton
Hare	Moore (WI)	Tanner
Harman	Moran (VA)	Teague
Hastings (FL)	Murphy (CT)	Thompson (CA)
Heinrich	Murphy, Patrick	Thompson (MS)
Herseht Sandlin	Murphy, Tim	Thompson (PA)
Higgins	Murtha	Tierney
Hill	Nadler (NY)	Tonko
Himes	Napolitano	Towns
Hinchev	Neal (MA)	Tsongas
Hinojosa	Norton	Turner
Hirono	Nye	Upton
Holden	Oberstar	Van Hollen
Holt	Obey	Velázquez
Honda	Oliver	Visclosky
Hoyer	Ortiz	Walz
Inslee	Pallone	Wasserman
Israel	Pascrell	Schultz
Jackson (IL)	Pastor (AZ)	Waters
Jackson-Lee	Payne	Watson
(TX)	Perlmutter	Watt
Johnson (GA)	Perriello	Waxman
Johnson, E. B.	Peters	Weiner
Kagen	Peterson	Welch
Kanjorski	Pierluisi	Wexler
Kaptur	Pingree (ME)	Wilson (OH)
Kennedy	Polis (CO)	Wolf
Kildee	Pomeroy	Woolsey
Kilpatrick (MI)	Price (NC)	Wu
Kilroy	Quigley	Yarmuth
Kind	Rahall	
King (NY)	Rangel	

NOT VOTING—6

DeLauro	Granger	Larson (CT)
Fudge	Heller	Murphy (NY)

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain on the vote.

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Mr. Chair, on rollcall No. 522, had I been present, I would have voted "aye."

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010".

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mr. CAPUANO, 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. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 617, he 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.

Pursuant to House Resolution 617, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

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. KIRK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KIRK. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kirk moves to recommit the bill back to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment:

At the end of the bill, insert the following new section:

## SEC. . REGULAR ORDER ON APPROPRIATIONS BILLS.

(a) FINDINGS.—

(1) On October 6, 2000, the gentleman from Wisconsin, Mr. Obey, made the following statement regarding the appropriations process: "We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy'. The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world."

(2) On that same day, the gentleman from Wisconsin, Mr. Obey went on to say, "I believe that this incredible centralization of decision-making in the hands of staff in the House leadership offices means that for most Members representing their districts in this body is diminishing every day in terms of their ability to have a say in what goes on around here."

(3) On July 9, 2009, the House adopted a rule governing consideration of this bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010 that deviated from the regular order by making in order no more than eight amendments and by specifically preventing 39 Members from offering amendments that



they had publicly indicated a desire to have debated.

(4) The following Members were specifically denied the right to participate in the deliberations on this bill by having one or more of their amendments denied the right to be debated:

The gentlewoman from Illinois, Ms. Bean;  
The gentleman from California, Mr. Bilbray;  
The gentlewoman from Tennessee, Ms. Blackburn;  
The gentleman from Missouri, Mr. Blunt;  
The gentleman from Georgia, Mr. Broun;  
The gentlewoman from Florida, Ms. Brown-Waite;  
The gentleman from Indiana, Mr. Burton;  
The gentleman from Delaware, Mr. Castle;  
The gentleman from Texas, Mr. Conaway;  
The gentleman from Oregon, Mr. DeFazio;  
The gentleman from Pennsylvania, Mr. Dent;  
The gentleman from Nebraska, Mr. Fortenberry;  
The gentleman from New Jersey, Mr. Garrett;  
The gentleman from Georgia, Mr. Gingrey;  
The gentleman from Virginia, Mr. Goodlatte;  
The gentleman from Arizona, Mr. Grijalva;  
The gentleman from Nevada, Mr. Heller;  
The gentleman from Texas, Mr. Hensarling;  
The gentlewoman from South Dakota, Ms. Herseht Sandlin;  
The gentleman from New Hampshire, Mr. Hodes;  
The gentleman from Ohio, Mr. Jordan;  
The gentleman from Iowa, Mr. King;  
The gentleman from Missouri, Mr. Luetkemeyer;  
The gentleman from Florida, Mr. Mack;  
The gentleman from Georgia, Mr. Marshall;  
The gentleman from Texas, Mr. McCaul;  
The gentleman from Pennsylvania, Mr. Murphy;  
The gentleman from Texas, Mr. Neugebauer;  
The gentleman from New Jersey, Mr. Payne;  
The gentleman from Georgia, Mr. Price;  
The gentlewoman from Florida, Ms. Ros-Lehtinen;  
The gentleman from Illinois, Mr. Roskam;  
The gentleman from Wisconsin, Mr. Sensenbrenner;  
The gentleman from New Jersey, Mr. Smith;  
The gentleman from Florida, Mr. Stearns;  
The gentleman from Michigan, Mr. Stupak;  
The gentlewoman from California, Ms. Waters;  
The gentleman from New York, Mr. Weiner; and  
The gentleman from Virginia, Mr. Wittman.

(5) As each of these Members represents approximately 650,000 Americans, approximately 25,350,000 Americans were denied their right to be represented because the restrictive rule supported by the gentleman from Wisconsin, Mr. Obey, failed to follow the precedents and procedures of the House;

(6) The gentleman from Wisconsin, Mr. Obey, was correct that a true representative democracy is impossible when 25,350,000 Americans have their representative to Congress shut-out of the legislative process;

(7) As a result of the restrictive rule implemented by the Democratic majority, the House was not allowed to vote or even debate pertinent issues such as:

An amendment that would prohibit funding for the Palestinian Authority until the ruling Fatah Party abandons the clauses in its Party Constitution that call for the destruction of Israel;

An amendment that would reduce subsidies for the Export-Import Bank;

An amendment to prohibit funding for a new international organization that proposes to tax American energy companies;

An amendment that would increase aid to Israel;

An amendment that would reduce spending by 15 percent from the 2009 levels, reducing the deficit by \$17,700,000,000;

An amendment to permit Federal agencies to purchase alternative fuels;

An amendment to prevent U.S. funds from being used to pay for the legal expenses of United Nations employees who have been charged with malfeasance;

An amendment to prohibit funds from being used to establish commercial ties with Iran;

An amendment to prohibit diplomatic relations with Cuba unless they agree to extradite to the United States convicted cop killers;

An amendment to prohibit assistance to members of foreign terrorist organizations;

An amendment to prohibit the use of taxpayer funds to pay Federal employees to do union activities while on official time;

An amendment to rescind funding for the International Monetary Fund;

An amendment to prohibit funds from being used to promote abortions;

An amendment to terminate the visa lottery program;

An amendment to prohibit taxpayer funds from being used to employ illegal aliens;

An amendment to help eliminate waste, fraud and abuse of taxpayer funds by providing additional resources to the Inspectors General;

An amendment to prohibit funds from being used to fund projects named after sitting Members of Congress;

An amendment to reallocate funds from the Organization for American States to the National Endowment for Democracy;

An amendment to provide support for those advocating democracy in Iran;

An amendment to prohibit funding for international organizations headed by Iran;

An amendment to prohibit funding for organizations that perform abortions, and

Several amendments to reform the International Monetary Fund.

(8) The gentleman from Wisconsin, Mr. Obey, was correct that the House loses the right to be called the "greatest deliberative body left in the world" if it refuses to even debate, let alone vote, on these issues.

(b) POLICY.—It is the policy of the U.S. House of Representatives that this bill should be reopened for amendment under the regular order procedures advocated by the gentleman from Wisconsin, Mr. Obey, on October 6, 2000.

Mrs. LOWEY (during the reading). Mr. Speaker, I ask unanimous consent that dispense with the reading of the motion.

Mr. KIRK. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read.

The Clerk continued to read.

#### POINT OF ORDER

Mrs. LOWEY (during the reading). Mr. Speaker, I wish to insist on a point of order under clause 2 of rule XXI and believe that the Chair has heard enough of the reading to dispose of such a question.

Mr. KIRK. Mr. Speaker, I object.

The SPEAKER pro tempore. An amendment being offered and the reading having begun, a point of order may

interrupt the reading and the Chair may rule the amendment out if enough has been read to show that it is out of order.

Mr. KIRK. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair will entertain argument over the point of order. Does the gentleman wish to speak on the point of order?

Mr. KIRK. I do.

The SPEAKER pro tempore. The gentleman from Illinois is recognized on the point of order.

Mr. KIRK. Mr. Speaker, the question I would ask is: How would the Chair know that a point of order lies if we haven't even read the underlying motion to recommit?

I would worry that we would enter into a parliamentary procedure something like the election counting in Iran where we quickly find out a result before—

The SPEAKER pro tempore. An amendment being ordered and the reading having begun, a point of order may interrupt the reading and the Chair may rule the amendment out if enough has been read to show that it is out of order.

Mr. KIRK. Mr. Speaker, on that I appeal the ruling of the Chair.

The SPEAKER pro tempore. The Chair has yet to rule on a point of order.

Does the gentleman wish to be heard on the underlying point of order?

Mr. KIRK. I continue to wish to be heard.

On that I would think that due consideration would be to have the House hear the motion to recommit, and once you have understood its full import, we would then be able to hear from the Chair and have the body decide if it wanted to appeal the ruling or not.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair is prepared to rule.

Mrs. LOWEY. I insist on my point of order.

#### PARLIAMENTARY INQUIRY

Mr. KIRK. Parliamentary Inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. KIRK. What is the point of order against reading the actual resolution that we have before us?

The SPEAKER pro tempore. The gentlewoman from New York stated clause 2 of rule XXI as the basis.

Mr. FRANK of Massachusetts. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, the logic of this point of order being in order now is that in the alternative, those Members who suffer from Senate envy could write a 700-page nongermane amendment.

The SPEAKER pro tempore. The Chair is prepared to rule.

Mr. FRANK of Massachusetts. Mr. Speaker, I believe I have the floor.

The SPEAKER pro tempore. Does any other Member wish to be heard?

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to continue my remarks which are that we have a—Mr. Speaker, let me amend what I said.

Let me amend what I said and refer to those thin-skinned Members with Senate envy.

Mr. Speaker, the point is that the point of order is necessary to disallow filibuster by reading a nongermane amendment that could last for hours. That is why I speak in support of the point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard?

The Chair is prepared to rule. For the reasons stated by the gentlewoman from New York, and as held in similar circumstances earlier today, the proposed amendment violates clause 2 of rule XXI. The point of order is sustained. The motion is not in order.

Mr. KIRK. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

## MOTION TO TABLE

Mrs. LOWEY. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

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

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 180, not voting 14, as follows:

[Roll No. 523]

AYES—238

Abercrombie	Clarke	Farr
Ackerman	Clay	Fattah
Adler (NJ)	Cleaver	Filner
Altmire	Clyburn	Foster
Baca	Cohen	Frank (MA)
Baird	Connolly (VA)	Giffords
Baldwin	Conyers	Gonzalez
Barrow	Cooper	Grayson
Bean	Costa	Green, Al
Becerra	Costello	Green, Gene
Berkley	Courtney	Griffith
Berman	Crowley	Grijalva
Berry	Cuellar	Gutierrez
Bishop (GA)	Cummings	Hall (NY)
Bishop (NY)	Dahlkemper	Halvorson
Blumenauer	Davis (AL)	Hare
Bocceieri	Davis (CA)	Harman
Boren	Davis (IL)	Hastings (FL)
Boswell	Davis (TN)	Heinrich
Boucher	DeFazio	Herseth Sandlin
Boyd	DeGette	Higgins
Brady (PA)	Delahunt	Himes
Braley (IA)	Dicks	Hinchoy
Bright	Dingell	Hinojosa
Brown, Corrine	Doggett	Hirono
Butterfield	Donnelly (IN)	Hodes
Capps	Doyle	Holden
Capuano	Driehaus	Holt
Cardoza	Edwards (MD)	Honda
Carnahan	Eduardson (TX)	Hoyer
Carson (IN)	Ellison	Inslee
Castor (FL)	Engel	Israel
Chandler	Eshoo	Jackson (IL)
Childers	Etheridge	

Klein-Lee (TX)	Miller (NC)	Schauer	Royce	Smith (NE)	Turner
Johnson (GA)	Minnick	Schiff	Ryan (WI)	Smith (NJ)	Upton
Johnson, E. B.	Mitchell	Schrader	Scalise	Smith (TX)	Walden
Kagen	Mollohan	Schwartz	Schmidt	Souder	Wamp
Kanjorski	Moore (KS)	Scott (GA)	Schock	Stearns	Westmoreland
Kaptur	Moore (WI)	Scott (VA)	Sensenbrenner	Sullivan	Whitfield
Kennedy	Moran (VA)	Serrano	Sessions	Terry	Wilson (SC)
Kildee	Murphy (CT)	Sestak	Shadegg	Thompson (PA)	Wittman
Kilpatrick (MI)	Murphy (NY)	Shea-Porter	Shimkus	Thornberry	Wolf
Kilroy	Murphy, Patrick	Sherman	Shuster	Tiahrt	Young (AK)
Kind	Murtha	Shuler	Simpson	Tiberi	Young (FL)
Kirkpatrick (AZ)	Nadler (NY)	Sires			
Kissell	Napolitano	Skelton			
Klein (FL)	Neal (MA)	Smith (WA)			
Kosmas	Oberstar	Snyder			
Kratovil	Obey	Space			
Kucinich	Olver	Speier			
Langevin	Ortiz	Spratt			
Larsen (WA)	Pallone	Stupak			
Lee (CA)	Pascrell	Sutton			
Levin	Pastor (AZ)	Tanner			
Lewis (GA)	Payne	Taylor			
Lipinski	Perlmutter	Teague			
Loeb sack	Perriello	Thompson (CA)			
Lofgren, Zoe	Peters	Thompson (MS)			
Lowe y	Peterson	Tierney			
Lujan	Pingree (ME)	Titus			
Lynch	Polis (CO)	Tonko			
Maffei	Pomeroy	Towns			
Maloney	Price (NC)	Tsongas			
Markey (CO)	Quigley	Van Hollen			
Markey (MA)	Rahall	Velázquez			
Marshall	Reyes	Visclosky			
Massa	Richardson	Walz			
Matheson	Rodriguez	Wasserman			
Matsui	Ross	Schultz			
McCarthy (NY)	Rothman (NJ)	Waters			
McCollum	Roybal-Allard	Watson			
McDermott	Ruppersberger	Watt			
McGovern	Rush	Weiner			
McIntyre	Ryan (OH)	Welch			
McMahon	Salazar	Wexler			
McNerney	Sánchez, Linda T.	Wilson (OH)			
Meek (FL)	Sanchez, Loretta	Woolsey			
Meeks (NY)	Sarbanes	Wu			
Michaud	Schakowsky	Yarmuth			

## NOES—180

Aderholt	Diaz-Balart, M.	Lucas
Akin	Dreier	Luetkemeyer
Alexander	Duncan	Lummis
Arcuri	Ehlers	Lungren, Daniel E.
Austria	Ellsworth	Mack
Bachmann	Emerson	Manzullo
Bachus	Fallin	Marchant
Barrett (SC)	Flake	McCarthy (CA)
Bartlett	Fleming	McCaul
Barton (TX)	Forbes	McClintock
Biggett	Fortenberry	McCotter
Bilbray	Fox	McHenry
Bilirakis	Franks (AZ)	McHugh
Bishop (UT)	Frelinghuysen	McKeon
Blackburn	Gallegly	McMorris
Blunt	Garrett (NJ)	Rodgers
Bonner	Gerlach	Melancon
Bono Mack	Gingrey (GA)	Mica
Boozman	Gohmert	Miller (FL)
Boustany	Goodlatte	Miller (MI)
Brady (TX)	Graves	Miller, Gary
Broun (GA)	Guthrie	Moran (KS)
Brown (SC)	Hall (TX)	Murphy, Tim
Brown-Waite,	Harper	Myrick
Ginny	Hastings (WA)	Neugebauer
Buchanan	Hensarling	Nunes
Burgess	Herger	Nye
Burton (IN)	Hoekstra	Olson
Buyer	Hunter	Paul
Calvert	Inglis	Paulsen
Camp	Issa	Pence
Campbell	Jenkins	Petri
Cantor	Johnson (IL)	Pitts
Cao	Johnson, Sam	Platts
Capito	Jones	Poe (TX)
Carter	Jordan (OH)	Posey
Cassidy	King (IA)	Price (GA)
Castle	King (NY)	Putnam
Chaffetz	Kingston	Radanovich
Coble	Kirk	Rehberg
Coffman (CO)	Kline (MN)	Reichert
Cole	Lamborn	Roe (TN)
Conaway	Lance	Rogers (AL)
Crenshaw	Latham	Rogers (KY)
Culberson	LaTourette	Rogers (MI)
Davis (KY)	Latta	Rohrabacher
Deal (GA)	Lee (NY)	Rooney
Dent	Lewis (CA)	Ros-Lehtinen
Diaz-Balart, L.	Linder	Roskam
	LoBiondo	

Andrews	Granger	Rangel
Boehner	Heller	Slaughter
DeLauro	Hill	Stark
Fudge	Larson (CT)	Waxman
Gordon (TN)	Miller, George	

## NOT VOTING—14

Andrews	Granger	Rangel
Boehner	Heller	Slaughter
DeLauro	Hill	Stark
Fudge	Larson (CT)	Waxman
Gordon (TN)	Miller, George	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1913

Ms. KILPATRICK of Michigan changed her vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 523, had I been present, I would have voted “no.”

## MOTION TO RECOMMIT

Mr. KIRK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KIRK. I am, in its current form. The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kirk moves to recommit the bill back to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment:

Page 11, line 7, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 18, line 11, after the dollar amount, insert “(increased by \$15,000,000)”.

Mr. KIRK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

Mrs. LOWEY. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, in my judgment, we should support organizations that advance democracy and reduce the increase in funding for organizations which are ambivalent.

Under this bill, the National Endowment for Democracy was cut \$15 million. Conversely, the Organization of American States and other international institutions got a \$92 million increase. Yet, the OAS invited Fidel Castro back into the organization—by the way, Fidel then said no—and the OAS also leads support for the Honduran leader even after his supreme

court ruled that he could not extend his term.

□ 1915

Now many countries are forced into a dilemma by a would-be dictator who calls a vote but then ends all votes. Cuba has no votes. Venezuela has few remaining. And now Honduras was saved by a Supreme Court. Therefore, in my judgment, we should reduce the increase for the OAS, which doesn't know if it supports democracy, and give that money to the National Endowment for Democracy, which does.

I yield the balance of my time to the ranking member of the Foreign Affairs Committee, Ileana Ros-Lehtinen.

Ms. ROS-LEHTINEN. I thank the gentleman from Illinois for his time.

Mr. Speaker, as he explained, our motion to recommit would reduce the United States' contribution to the Organization of American States by \$15 million and instead direct that funding to NED, the National Endowment for Democracy, for democracy promotion programs.

Recent events call into question the commitment of the OAS to its historic values of democracy and human rights.

The OAS on Cuba? In spite of hundreds of political prisoners languishing in jail, having committed no crime but speaking on behalf of freedom; in spite of there being no elections; in spite of there being only one political party allowed to operate in Cuba, the Communist Party; in spite of no labor unions allowed to operate; no human rights respected, what did the OAS do? It passed a resolution lifting the 1962 suspension of Cuba from the OAS.

Regarding the events in Honduras, the OAS ignored President Zelaya's ongoing constitutional violations and remained silent when the Honduran Supreme Court acted, when the Attorney General decided, when the Human Rights Ombudsman decided, when the National Congress voted, all declaring his referendum illegal.

The United States is footing 60 percent of the entire budget bill for the OAS while that organization pursues an agenda of appeasement toward repressive governments in the hemisphere. The hard-earned dollars of your constituents go to fund this sham.

There are clearly much better uses of U.S. taxpayer funds in order to advance an agenda of freedom and democracy. The National Endowment for Democracy has a long record of fighting for fundamental freedoms, for democracies around the world. The \$15 million will be better spent by NED to support dissidents and those struggling to advance freedom in the countries of the Americas.

A few examples of the OAS actions, I wish I had more time, but in February, following the attack of a prominent synagogue in Venezuela which highlighted the growing anti-Semitic campaign facilitated and tolerated by the Chavez regime, the then U.S. Ambassador to the OAS called for a con-

demnation. What did the OAS do? Nada. They did nothing. And the Secretary General expressed confidence in the system of Chavez and their investigation of the incident.

What about Nicaragua? In November of 2008, during their municipal elections, the OAS again did nada, nothing about reports that thousands of Sandinista supporters wielding homemade rocket launchers continued to arrive in Managua from all over the country gathering outside the Supreme Electoral Council's building to demand a final verdict on the elections. The OAS also did nada, nothing about the destruction of three opposition radio stations in the city of Leon during these municipal elections.

U.S. taxpayer funds are better spent supporting the work of the bipartisan National Endowment for Democracy that helps strengthen democratic institutions around the world. Let's help NED do something. Let's stop the OAS from doing nada.

Mr. KIRK. Mr. Speaker, I would recommend that this House adopt the motion to recommit so that we can say that we don't want to cut the National Endowment for Democracy and that we want to support that organization rather than the Organization of American States, which has done nada.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, OAS is the preeminent multilateral organization in our hemisphere. It helps resolve or minimize many threats, including terrorism, narcotics, and political conflicts. It also plays an important role in promoting sustainable development in Central America, supports the election process in places like Ecuador, Paraguay, Haiti, and El Salvador.

While we may not agree with every issue and every member in the OAS, it is the key conduit for discussions among all of our hemispheric partners. We have made an international commitment as a member of OAS to pay our dues. Cutting our assessment payment will create arrears and undermine the work of the Secretariat, located here in Washington. The OAS is an international organization, and the United States has a legal commitment to provide our assessed contribution.

The OAS is the only regional organization in the Western Hemisphere that has all of the democratically elected members of the region, and all of them strive to enhance and secure democratic principles and values as embodied in the Inter-American Democratic Charter, which was accepted by all of the members.

The OAS is the prime defender of human rights in the region. OAS plays a major role in helping the people of Haiti as they struggle to establish a sustainable democratic regime, with assistance elections and civil society programs and rule of law. The OAS is

one of the world's most recognized election observation experts, sending missions all over Latin America and the Caribbean.

It would be a disastrous sign of our commitment as the main contributor to the OAS for us to unilaterally cut off funding.

Mr. Speaker, I yield to the gentleman from California, the Chair of the Foreign Relations Committee, Mr. BERMAN.

Mr. BERMAN. Mr. Speaker, I just want everybody to understand the party proposing this motion to recommit is the same party that held the White House for 8 years where our policies and relationships towards the entire Latin American region so degraded our reputation and our effectiveness that they should be embarrassed to make suggestions.

Secondly, I am a great fan of the National Endowment for Democracy. I tell you they don't want this amendment to pass.

Thirdly, the real agenda here, this is an organization that has refused to bring back a member that does not meet the democratic criteria of that organization in great part because of the excellent work of our administration here at the most recent OAS meeting.

And, fourthly, the real agenda here is because some people here don't care that people they like better in a country called Honduras—and I understand why they like them better and in some ways they may be better—are willing to resort to a military coup and a totally antidemocratic approach to changing leadership but don't want to bring that into the debate because they're embarrassed to be associated with a military coup in Honduras. That's the goal of these people.

I urge a "no" vote on this amendment.

Mrs. LOWEY. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL), chairman of the Subcommittee on the Western Hemisphere.

Mr. ENGEL. I thank my friend, the gentleman from New York, for yielding to me.

As the chairman of the Western Hemisphere Subcommittee for the past 2 years, I can tell you wherever I go in South America, Central America, the Caribbean, people say that the United States has been neglectful over the past 8 years, that we haven't looked towards our own brothers and sisters in the Western Hemisphere, and I think that what we ought to be doing now is supporting organizations like the OAS. Even if we don't agree with everything they do, now is not the time to turn away or to cut funding for the OAS.

We need to be engaged. We need to work with our brother and sister countries in the hemisphere so that we can show that we are with them. And all cutting aid does is make it more difficult for our country to carry out our own foreign policy objectives.

I think there should be more money for the National Endowment for Democracy. This is not the way to do it.

Cutting aid to the OAS would be a grave mistake, and I oppose the motion.

Mrs. LOWEY. Mr. Speaker, I urge a “no” vote, and 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 question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KIRK. Mr. 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 192, noes 233, not voting 7, as follows:

[Roll No. 524]

AYES—192

Aderholt	Fallin	McMorris
Akin	Fleming	Rodgers
Alexander	Forbes	Meek (FL)
Altmire	Fortenberry	Mica
Arcuri	Fox	Miller (FL)
Austria	Franks (AZ)	Miller (MI)
Bachmann	Frelinghuysen	Miller, Gary
Bachus	Gallely	Moran (KS)
Barrett (SC)	Garrett (NJ)	Murphy (NY)
Bartlett	Gerlach	Murphy, Patrick
Barton (TX)	Gingrey (GA)	Murphy, Tim
Biggert	Gohmert	Myrick
Blibray	Goodlatte	Neugebauer
Bilirakis	Griffith	Nunes
Bishop (UT)	Guthrie	Olson
Blackburn	Paulsen	Paulsen
Blunt	Hall (TX)	Pence
Bonner	Harper	Petri
Bono Mack	Hastings (WA)	Pitts
Boozman	Hensarling	Platts
Boren	Herger	Poe (TX)
Boustany	Hoekstra	Posey
Brady (TX)	Hunter	Price (GA)
Bright	Inglis	Putnam
Brown (GA)	Issa	Radanovich
Brown (SC)	Jenkins	Rehberg
Brown-Waite,	Johnson (IL)	Reichert
Ginny	Johnson, Sam	Roe (TN)
Buchanan	Jones	Rogers (AL)
Burgess	Jordan (OH)	Rogers (KY)
Burton (IN)	King (IA)	Rogers (MI)
Buyer	King (NY)	Rohrabacher
Calvert	Kingston	Rooney
Camp	Kirk	Ros-Lehtinen
Campbell	Klein (FL)	Roskam
Cantor	Kline (MN)	Royce
Cao	Lamborn	Ryan (WI)
Capito	Lance	Scalise
Carney	Latham	Schauer
Carter	LaTourette	Schmidt
Cassidy	Latta	Schock
Castle	Lee (NY)	Sensenbrenner
Chaffetz	Lewis (CA)	Sessions
Childers	Linder	Shadegg
Coble	LoBiondo	Shimkus
Coffman (CO)	Lucas	Shuler
Cole	Luetkemeyer	Shuster
Conaway	Lummis	Simpson
Crenshaw	Lungren, Daniel	Sires
Culberson	E.	Smith (NE)
Dahlkemper	Mack	Smith (NJ)
Davis (KY)	Manzullo	Smith (TX)
Deal (GA)	Marchant	Souder
Dent	McCarthy (CA)	Space
Diaz-Balart, L.	McCaul	Stearns
Diaz-Balart, M.	McClintock	Sullivan
Donnelly (IN)	McCotter	Teague
Dreier	McHenry	Terry
Duncan	McHugh	Thompson (PA)
Ehlers	McKeon	Thornberry
Emerson	McMahon	Tiaht

Tiberi
Turner
Upton
Walden
Wamp

Wasserman
Schultz
Westmoreland
Whitfield
Wilson (SC)

Wittman
Wolf
Young (AK)
Young (FL)

□ 1942

Mr. McMAHON changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 524, had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 318, nays 106, not voting 8, as follows:

[Roll No. 525]

YEAS—318

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

NOT VOTING—7

Boehner	Granger	Larson (CT)
DeLauro	Graves	
Fudge	Heller	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Abercrombie	Davis (CA)	Kagen
Ackerman	Davis (IL)	Kanjorski
Aderholt	Davis (TN)	Kaptur
Adler (NJ)	DeFazio	Kennedy
Alexander	DeGette	Kildee
Altmire	Delahunt	Kilpatrick (MI)
Andrews	Dent	Kilroy
Arcuri	Diaz-Balart, L.	Kind
Austria	Diaz-Balart, M.	King (NY)
Bachmann	Dicks	Kirk
Baird	Dingell	Kirkpatrick (AZ)
Baldwin	Doggett	Kissell
Barrow	Donnelly (IN)	Klein (FL)
Bean	Doyle	Kline (MN)
Becerra	Dreier	Kosmas
Berkley	Driehaus	Kratovil
Berman	Edwards (MD)	Lamborn
Berry	Edwards (TX)	Lance
Biggert	Ellison	Langevin
Bilirakis	Ellsworth	Larsen (WA)
Bishop (GA)	Engel	LaTourette
Bishop (NY)	Eshoo	Lee (CA)
Blumenauer	Etheridge	Lee (NY)
Bocchieri	Farr	Levin
Bonner	Fattah	Lewis (GA)
Bono Mack	Filner	Lipinski
Boren	Fleming	LoBiondo
Boswell	Foster	Loeb sack
Boucher	Frank (MA)	Lofgren, Zoe
Boyd	Frelinghuysen	Lowe
Brady (PA)	Garrett (NJ)	Luján
Braley (IA)	Gerlach	Lynch
Bright	Giffords	Mack
Brown, Corrine	Gonzalez	Maffei
Buchanan	Gordon (TN)	Maloney
Burton (IN)	Grayson	Markey (CO)
Butterfield	Green, Al	Markey (MA)
Cantor	Green, Gene	Marshall
Cao	Griffith	Massa
Capito	Grijalva	Matsui
Capps	Guthrie	McCarthy (CA)
Capuano	Gutierrez	McCarthy (NY)
Cardoza	Hall (NY)	McCollum
Carnahan	Halvorson	McCotter
Carney	Hare	McDermott
Carson (IN)	Harman	McGovern
Cassidy	Harper	McHugh
Castle	Hastings (FL)	McMahon
Castor (FL)	Heinrich	McNerney
Chandler	Higgins	Meek (FL)
Childers	Hill	Meeks (NY)
Clarke	Himes	Melancon
Clay	Hinchev	Michaud
Cleaver	Hinojosa	Miller (MI)
Clyburn	Hirono	Miller (NC)
Coffman (CO)	Hodes	Miller, George
Cohen	Holden	Minnick
Cole	Holt	Mitchell
Connolly (VA)	Honda	Mollohan
Conyers	Hoyer	Moore (KS)
Cooper	Hunter	Moore (WI)
Costa	Inglis	Moran (KS)
Costello	Inslee	Moran (VA)
Courtney	Israel	Murphy (CT)
Crenshaw	Issa	Murphy (NY)
Crowley	Jackson (IL)	Murphy, Patrick
Cuellar	Jackson-Lee	Murphy, Tim
Cummings	(TX)	Murtha
Dahlkemper	Jenkins	Nadler (NY)
Davis (AL)	Johnson (GA)	Napolitano
	Johnson, E. B.	Neal (MA)

Nye	Ruppersberger	Sullivan
Oberstar	Rush	Sutton
Obey	Ryan (OH)	Tanner
Oliver	Salazar	Terry
Ortiz	Sánchez, Linda	Thompson (CA)
Pallone	T.	Thompson (MS)
Pascarella	Sanchez, Loretta	Thompson (PA)
Pastor (AZ)	Sarbanes	Tiahrt
Paulsen	Scalise	Tiberi
Payne	Schakowsky	Tierney
Pence	Schauer	Titus
Perlmutter	Schiff	Tonko
Perriello	Schmidt	Towns
Peters	Schock	Tsongas
Pingree (ME)	Schrader	Turner
Platts	Schwartz	Van Hollen
Polis (CO)	Scott (GA)	Velázquez
Pomeroy	Scott (VA)	Visclosky
Price (GA)	Serrano	Walz
Price (NC)	Sessions	Wasserman
Putnam	Sestak	Schultz
Quigley	Shadegg	Waters
Rahall	Shea-Porter	Watson
Rangel	Sherman	Watt
Reichert	Shuler	Waxman
Reyes	Shuster	Weiner
Richardson	Sires	Welch
Rodriguez	Skelton	Westmoreland
Roe (TN)	Slaughter	Wexler
Rogers (AL)	Smith (WA)	Whitfield
Rooney	Snyder	Wilson (OH)
Ros-Lehtinen	Souder	Wilson (SC)
Roskam	Space	Woolsey
Ross	Speier	Wu
Rothman (NJ)	Spratt	Yarmuth
Roybal-Allard	Stearns	Young (AK)

Mr. AKIN. Mr. Speaker, on rollcall No. 525, had I been present, I would have voted "nay."

American hero. He will be forever an American hero in our hearts and in this Nation.

August, we thank you for your service. God bless you, and God bless the family.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on July 9, 2009 I missed votes because I was attending a funeral. Had I been present, I would have voted "yea" on rollcall votes 513, 514, 515, 516, 519, 521, 523 and 525. I would have voted "no" on rollcall votes 517, 518, 520, 522, 524.

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 IRANIAN MASSACRE HAS BEGUN

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, the people of Iran are embroiled in a noble struggle against tyranny. The Government of Iran is engaged in the massacre of its own people. And what is their crime? They dare to speak out against fraud and corruption in their own government. They question the results of an election steeped in fraud.

Their peaceful dissent has resulted in violent and brutal crackdowns from the hard-line government, a government that has shed the blood of the innocent.

The people of Iran have boldly and bravely exercised the first basic human right, the right of free speech. The crackdown is startling news to the students who believed their government, despite its flaws, had the best interests of its people at heart. That veil has been forever lifted from their eyes.

In America, we faced a similar awakening to the brutality of the Government of England when that ruled us. The city of Boston was occupied by British troops to enforce harsh taxes and punishments intended to exert control over American colonies by force and intimidation. Citizens took to the streets to vocally decry the tyranny. Tense words were exchanged, and the British soldiers opened fire on a group of unarmed patriots. Five people were killed and eight others were injured.

We call it the Boston Massacre. The Boston Massacre has ended, but the Iranian Massacre has begun. And the silent voices of the slain still cry from the graves of the martyred oppressed.

These students have embraced the ideals of liberty and freedom. They value human life and dignity. Now they are faced with the realization that the republic they were taught to believe is not what it claims to be. They suffer the consequences of demanding human rights from a violent and tyrannical government.

The streets of Iran are eerily silent now, but the opposition does continue. A quiet and righteous anger builds in these oppressed and brutalized young people. One young student said, "My friend, a 26-year-old fellow student, was on the streets last week. She is now

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3082, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-195) on the resolution (H. Res. 622) providing for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING AUGUST PROVOST III

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to mourn and to salute August Provost III, a seaman at Camp Pendleton in California and to recognize the tragic way in which he lost his life in the line of duty. August Provost III was a young man, a constituent of the 18th Congressional District and coming from the famous Acres Home community. It was only a few days ago that his mother received the terrible news that he was shot dead on the base of Camp Pendleton, shot in the chest, shot in the back of the head and his body burned.

We cannot seem to find any definite information, Mr. Speaker. The allegation is that this is a hate crime. The reason why I rise today is that he will be funeralized tomorrow as a hero. We, as an American people, must stand against hateful acts on the basis of someone's difference. And to the United States military, for which I hold in the greatest respect, there must be a thorough, in-depth, full and broad investigation, not a cover-up, to find out why this valiant, young African American died on this military base in his uniform by being shot by an alleged fellow sailor.

The uniform of the United States military must be what it is, upstanding and respectful. And we cannot tolerate violence against fellow military personnel because of difference and should not exist in the United States of America military.

I mourn with the family. I pay tribute to him as he is laid to rest as an

NAYS—106

Bachus	Gingrey (GA)	Miller, Gary
Barrett (SC)	Gohmert	Myrick
Bartlett	Goodlatte	Neugebauer
Barton (TX)	Hall (TX)	Nunes
Bilbray	Hastings (WA)	Olson
Bishop (UT)	Hensarling	Paul
Blackburn	Herger	Peterson
Blunt	Herseth Sandlin	Petri
Boozman	Hoekstra	Pitts
Boustany	Johnson (IL)	Poe (TX)
Brady (TX)	Johnson, Sam	Posey
Broun (GA)	Jones	Radanovich
Brown (SC)	Jordan (OH)	Rehberg
Brown-Waite,	King (IA)	Rogers (KY)
Ginny	Kingston	Rogers (MI)
Burgess	Kucinich	Rohrabacher
Buyer	Latham	Royce
Calvert	Latta	Ryan (WI)
Camp	Lewis (CA)	Sensenbrenner
Campbell	Linder	Shimkus
Carter	Lucas	Simpson
Chaffetz	Luetkemeyer	Smith (NE)
Coble	Lummis	Smith (NJ)
Conaway	Lungren, Daniel	Smith (TX)
Culberson	E.	Stark
Davis (KY)	Manzullo	Stupak
Deal (GA)	Marchant	Taylor
Duncan	Matheson	Teague
Ehlers	McCauley	Thornberry
Emerson	McClintock	Upton
Fallin	McHenry	Walden
Flake	McIntyre	Wamp
Forbes	McKeon	Wittman
Fortenberry	McMorris	Wolf
Fox	Rodgers	Young (FL)
Franks (AZ)	Mica	
Gallely	Miller (FL)	

NOT VOTING—8

Akin	Fudge	Heller
Boehner	Granger	Larson (CT)
DeLauro	Graves	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1949

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 525, had I been present, I would have voted "nay."

home with a broken arm and a broken leg. 'I saw hell right before my eyes last week,' she said. 'You can never imagine the sight of a huge man beating you to death.'"

It looks to me, Mr. Speaker, that these young students of Iran, these sons of liberty and daughters of democracy, have joined the few, the noble few who throughout history have stood and faced vicious tyrants.

A noted historian once said, "You see these dictators on their pedestals, surrounded by the bayonets of their soldiers. Yet in their hearts there is unspoken, unspeakable fear. They are afraid of words and thoughts, words spoken and thoughts stirring at home that are all the more powerful because they are forbidden to be spoken."

These young students are not alone, Mr. Speaker. We are kindred spirits. America has earned its freedom through struggle and shed its blood in many countries around the world in defense of freedom and liberty.

You see, Mr. Speaker, each of us throughout the ages of time are born with the unbroken spirit in our soul to be free, to desire liberty and freedom. Tyrants have always tried to enslave people in a brutal dark nightmare for the sake of their personal political power and financial gain. Indeed, the price of liberty is eternal vigilance.

The closing words written by this young Iranian student could have come right from the pages of America's own history books in the fight for our liberty.

He said, "One thing we know for certain. This isn't a fight that will end tomorrow or next month. It is not a fight that any group or party can fight alone. The path is uncertain, the road ahead is quite bleak. But my generation, born on the sidelines only to watch and to obey, has now been given the opportunity to write its own history, to tell its own story. And to the best of our ability, we will do that."

Americans should stand with these young people of Iran who have suffered much in their struggle for human rights and human dignity. Their courage in the face of overwhelming odds is an example to all who honor freedom. They have earned their own place of honor in the pages of history among those who have so valiantly fought and died for the cause of human dignity.

Sam Adams was one of America's sons of liberty, and he said, "It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in the minds of people."

May the students of Iran prevail in their holy cause of freedom.

And that's just the way it is.

□ 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### HONORING THE CAPE COD BASEBALL LEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

Mr. DELAHUNT. Mr. Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing a special piece of Americana, the Cape Cod Baseball League of Cape Cod, Massachusetts, on the occasion of its 125th anniversary.

Widely renowned as the best summer collegiate league in the Nation, the Cape Cod Baseball League today consists of 10 franchises in two, five-team divisions. In its early years, during World War I and World War II, the league was largely populated by young GIs fresh from their service overseas. The modern era of the Cape Cod Baseball League commenced in 1963, when it was officially sanctioned by the NCAA.

Throughout its existence, the league has been responsible for several Cy Young and Most Valuable Player awards in the Bigs and many Hall of Famers and renowned scouts and managers, all of whom received their start in the Cape Cod Baseball League. Entering its 125th season, the league continues to offer the most talented baseball players from across the country the opportunity to demonstrate their skills in front of professional scouts.

As a pioneer among the Nation's summer leagues in many respects, including the use of wooden bats, the Cape Cod Baseball League is truly America's league. The young players learned the importance of sportsmanship and modesty, not only on the diamond and in the dugout, but also through the generosity of generations of Cape Cod families who open their homes to host them during the summer season.

At a time that has not always been conducive to preserving the integrity of the game, the Cape Cod Baseball League continues to embody the golden American tradition of our wholesome national pastime. That pastime has been kept alive in its pure and amateur state owing to the outstanding efforts of this volunteer organization, which enables fans to enjoy games at no expense where visions of Red Sox, Cracker Jack and lemonade evoke feelings of nostalgia for the bygone days of America's favorite sport, baseball.

The Cape Cod Baseball League stands out as a national treasure that can captivate any young man or woman through nine heart-pounding innings. On this historic occasion I am particularly proud to honor the Cape Cod Baseball League for 125 years of success and its well established, beloved reputation among Cape Cod residents and tourists alike.

Congratulations to the Cape Cod Baseball League, and may you forever be, as the saying goes, "Where the Stars of Tomorrow Shine Tonight."

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman 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.)

#### TAXPAYER-FUNDED SPENDING SPREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, when Congress passed the American Recovery and Reinvestment Act early this spring, the administration and congressional Democrats argued that a \$800 billion taxpayer-funded spending spree was necessary to create jobs and grow the struggling economy. It was rushed through with little time to review the policies that would implement this massive spending plan.

I opposed this unwise scheme for many reasons. It will put an unbearable burden of debt upon our children and our grandchildren. It was loaded down with pork-barrel projects to pay back liberal special interest groups.

But I also opposed it because I believe and continue to believe that it will not grow jobs in our economy. The government is not nor should it be an employment service that mandates private-sector hiring decisions. Predictably, we are now seeing that these reckless spending decisions are not growing our economy. The June unemployment numbers saw the unemployment rate rise to a 26-year high of 9.5 percent. This translates into 467,000 jobs lost in the month of June alone.

Before passage of the ARRA, the Obama administration predicted that unemployment would peak at 8 percent before decreasing this fall. But unemployment has already reached 9.5 percent, and the situation is not likely to improve until long after the White House predicted.

However, the administration hardly has cause to be surprised. In fact, after they sold this massive Federal spending spree as a job creation measure, it turns out that jobs don't seem to be a priority at all.

I would like to bring my colleagues' attention to the funding announcement for the Smart Grid Investment Grants, which received \$3.9 billion in the Recovery Act. The Vice President himself announced this grant in April when he said this is about jobs, jobs.

In the information provided to the applicants for this grant funding, one of the frequently asked questions is, Will DOE use a number of jobs estimated to be created and/or retained as



a criterion for rating a proposal for funding? The answer: "No."

Let me repeat that again. Will jobs be used as a criteria to determine whether or not this project will be funded? The answer from the DOE is no.

In fact, the guidance goes on to say that DOE removed the criterion on the extent of jobs creation and now will require applicants to report quarterly on the number of jobs created and retained. Job creation was supposed to be the primary requisite for receiving recovery funds, and yet now has been changed to simply a reporting requirement. This is typical Washington. Instead of creating more jobs, we are creating more paperwork.

The Vice President now says they misread the economy, but the truth is they misread the solution. The stimulus bill was a grab bag of Democrat spending priorities, not a timely, targeted and temporary stimulus package. Government spending does not, does not, create jobs or wealth. It consumes it and destroys it.

We are throwing money at a problem that is not increasing consumer confidence, financial certainty or provide a business environment that will encourage job growth. Democrat policies are clearly, clearly, not creating jobs. I cannot, I cannot in good conscience justify throwing good money after bad. That only leaves a legacy of debt for our children and our grandchildren to pay.

I will continue to oppose policies that I believe hurt the American people and the people I represent, and I will gladly, gladly work with my colleagues across the aisle whenever there is an opportunity to do so because good policies that help Texans and help Americans aren't Republican, and they aren't Democrat; they are the right thing to do.

#### HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I just wanted to take a few minutes today and talk about health care, because that is really the most pressing issue that's facing our country right now. It's inextricably tied to the economic situation of millions of Americans. So even as we struggle to deal with this difficult economy, we can't lose sight of the importance of health care reform.

Now, we have in this country a real paradox with our health care system, because on the one hand America has the best doctors, it has the best nurses, it has highly, highly trained professionals. And I believe, having worked with caregivers for almost 20 years representing providers in Maryland, I think we have the most compassionate caregivers you can find any place.

We have wonderful, fine institutions in my district—the University of Mary-

land medical system, Johns Hopkins health system. These are some of the finest institutions in the world, year after year being identified at the top of their class.

And we have amazing technology. Every year the advances in technology make it easier for us to address some of the most persistent health care problems in our country. So that's on the one side of the equation.

On the other side we have the highest health care costs in the developed world, we have tremendous shortages of our caregivers, shortages of physicians, shortages of nurses and many other categories of those who provide care.

We have millions of people, millions of people who have no health insurance, and we argue over the number. Some say it's 47 million, some say it's less. But we're talking about tens of millions of people who don't have health insurance coverage in this country. Means we have got a problem.

There are millions more who are underinsured. What does that mean? That means that they have health coverage, but they are one serious health crisis away from pitching over the edge in terms of their families and themselves.

And then those who do have coverage, adequate coverage, are paying premiums that go up by 15, 20, 25 percent a year. So we are all in it together. We all understand at some level that the current system is broken. This is our chance, this is our time. This is the moment to fix it. The American people have been clamoring for this for decades.

So we have to take up the charge. We are not going to borrow anybody's model. We are not going to import a model from England or Canada or France. We are going to design our own brand of American health care, and we are going to fix this system. We can do that.

There are two parts of the discussion. There is a coverage discussion. How do we get to where everybody has decent access to care? I think we ought to pursue this public plan option, because it will keep costs down. It will compete with the private health insurance plans who had kind of a stranglehold on the system, and Americans understand this.

They have moved past this in the discussion. They know we need the public option, because it will create a more level playing field. And, in the words of the President, it will keep the insurance companies honest.

But on the other side of the equation, in addition to the coverage issue, is the delivery of care. And we have got to look at investing in our workforce, and I am glad to say I have introduced legislation that attempts to do that, the health care Workforce Investment Act of 2009, which would create a national workforce advisory board to do just this, look at this question of filling in the workforce.

We have got to focus more on primary and preventive care so we can keep people healthy on the front end instead of just looking after them after they get sick on the back end. We need to change our system and move in that direction.

I like the idea of play space health care. What is that? Instead of expecting people to come to the health system let's figure out how we can take the health care system to people where they are already gathered. Let's go to our schools, where 98 percent of the people between the ages of 5 and 16 can be found 5 days a week, and let's intervene there.

Let's go to senior centers and provide care to our seniors where they are already gathering. And let's go to workplaces and incentivize with tax breaks and tax incentives large employers to put clinics in place to serve working adults right there where they are in the workplace.

These are all things we can do to improve the delivery system.

So let me just close with this: As this health care reform leaves the station, there are three things that need to be on that train so that it's a train to somewhere, not a train to nowhere.

Those three things are universal access to coverage, and I think this public plan option is a wonderful way to go. Second, investment in our workforce, and, third, focusing on primary and preventive care. If we do that, we are going to fix this health care system for millions of Americans across this country.

□ 2015

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.)

#### IN MEMORY OF LANCE CORPORAL SETH SHARP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, today, the residents of Adairsville, Georgia, in my district, the 11th, are saying good-bye to a local hero who died while bravely serving his Nation in Afghanistan. Lance Corporal Seth Sharp was killed in action on July 2, 2009, from a gunshot wound to his neck during one of the biggest United States military operations in Afghanistan since the global war on terror began back in 2001.

Later this week, I will join Seth's family, his friends and supporters at his funeral in honor of the life of this brave soldier, a life given as the ultimate sacrifice, a sacrifice of duty and love. For, as it is written in John, "Greater love hath no man than this, that a man lay down his life for his friends."

This was not Seth's first deployment in the global war on terror. He enlisted with the Marines at age 17 and was serving his Nation in Iraq at age 18. Even at such a young age, Seth embraced the challenge of the Marine Corps and took pride in serving his country. His service and his sacrifice will never be forgotten.

Lance Corporal Sharp leaves behind his fiancée and lifelong sweetheart, Katie McMahon; his father and his stepmother, Rick and Tiffany Sharp of Adairsville, Georgia; his mother, Angela Preston of Alligator Point, Florida; as well as many other close relatives and friends spread out all across the country.

Mr. Speaker, my prayers go out to his family, and my most heartfelt gratitude goes out to Lance Corporal Seth Sharp for his selfless sacrifice for this Nation. I ask all Members to please join me in honoring the distinguished memory of Lance Corporal Seth Sharp.

#### CLEAN ENERGY AND THE GREAT LAKES REGION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tomorrow, hundreds and hundreds of Americans will gather in Massena, New York, to celebrate the 50th anniversary of the Saint Lawrence Seaway Development Corporation, the fourth seacoast of our country, stretching all the way from Duluth, Minnesota, all the way out to the Atlantic Ocean, and for communities such as Toledo and Port Clinton and Sandusky in my own congressional district, the Saint Lawrence Seaway waterborne corridor is our gateway to the Atlantic and the world beyond.

The seaway is the linchpin in our efforts to create sophisticated, modern, multimodal distribution hubs that can skirt the congestion in coastal ports in our country. The seaway, our corridor that we share with the Canadians, is the vital link of commerce between our Nation's heartland and world markets. Therefore, investments in the seaway are not only investments in our economic future for the Great Lakes States but for the Nation.

As the United States Congress considers clean energy legislation and a national power generation policy, it is important that that policy remediate a major national energy inequity that must be included in any reform bill.

Power costs are just horrendous in the Great Lakes States, in fact, double and triple the rates of our western and southern brethren and southeastern brethren in our country. And when you think about those regions having had the luxury of Federal power support for nearly 75 years—and they have enjoyed those power supports—they were really a product of a Nation that believed in growing to the west and the south. And we made it happen.

But our Great Lakes region, along with some northeastern States, are the

only parts of our country without equal access to Federal benefit for electric power generation and transmission, thus denying competitive rates to our residential, commercial, and industrial consumers.

The high costs of power just in my district here in northern Ohio—at 14 to 18 cents a kilowatt hour—is a serious factor contributing to job loss. In fact, the Midwest is put at a competitive disadvantage with the entire rest of the country, not because we have fewer resources or less skilled workers, but because Federal subsidies encourage development in western and southern areas, but not in ours.

The House version of the energy bill includes a provision members of the Great Lakes States worked very hard to incorporate. It begins the process of leveling the energy playing field for these Great Lakes States and creating the startup of Federal energy parity.

The Great Lakes region is home to 116 million people that account for well over a third of our Nation's gross domestic product, and we've long endured these serious competitive disadvantages because of the absence of Federal power parity.

This provision aims to level the playing field with all other regions of the country—the South, the West, the Southeast, the Tennessee Valley Authority—that have benefited for over 75 years from Federal power assistance to develop their economies.

These regions borrow at very favorable Federal funds rates and also receive significant energy infrastructure investments annually, with the Western Power Authority alone receiving over \$228 million just in the last year.

In the recovery bill passed earlier this year, there was an additional \$6.5 billion just for Bonneville Power Authority and the Western Area Power Authority, along with \$10 million for added infrastructure and administration.

For infrastructure, for renewable power generation, really, these Federal supports provide a huge strategic advantage. The language we're offering would propose a similar \$3.5 billion borrowing authority to create jobs through the development of clean energy platforms, and if we don't do this in our region, those green energy jobs are going to flow to the other parts of the country.

This provision would allow a Federal instrumentality such as the Saint Lawrence Seaway Development Corporation to undertake these green energy development activities across Great Lakes communities. And as the energy bill moves to the Senate, Members of this body must continue to demand equal treatment from the Federal Government for all regions of our Nation.

Our region's track record is commendable. It speaks for itself. We're among the three top solar centers in the hemisphere. We have massive biofuels industries, the first solar plant at a U.S. National Guard base, estab-

lishment of clean energy incubators at many of our advanced universities, and an expanding roster of startup green companies that are pursuing exciting opportunities in solar, wind, and other green power sectors.

The Great Lakes deserve to be a part of the solution to clean energy in our country, but in order to do this, we need to have that Federal energy power parity with the other regions of the country that have now developed as a result of what the Midwest and Northeast did for them over three-quarters of a century ago.

A true revolution in green energy can only be ushered in in a balanced way when the Great Lakes have the same instrumentalities that ushered in generations of western and southern growth.

#### ARE WE REDISTRIBUTING THE WEALTH?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Today, the Obama administration has floated an idea that really is rather shocking and is quite different than what I thought we were going to do with the TARP money that's coming back to us. In fact, last week I had two town meetings where I talked to folks in South Carolina's Fourth District about how it is that the \$350 billion of TARP I is now coming back to us, the taxpayers of the United States. In fact, \$70 billion has been repaid.

We're earning interest ranging from 5 to 9 percent on that. And the last reports we had, it's totaling \$4.5 billion that's paid back to us in interest. So you have the principal return of about \$70 billion. We have interest coming back to us in the form of the magnitude of somewhere around \$4.5 billion.

Today's story indicates that really it's a larger amount of interest; it's \$6.5 billion.

Now, what the Obama administration is talking about doing—and this truly is shocking, Mr. Speaker—is that that money would not come back to pay down the deficit from whence cometh the \$350 billion that we spent on TARP but, rather, they would divert this money to troubled homeowners.

There are two problems with this, Mr. Speaker. One is a real constitutional question, which is: What gives? The administration gets to decide, not Congress. The administration gets to decide, the Executive gets to decide about how to redistribute this money so that they can basically take it and use it for the Treasury purposes to do something else besides pay back to the deficit or pay back to the Federal Treasury? I don't think so, Mr. Speaker. It's a constitutional problem with that. That's the first objection.

The second is: Is this administration absolutely intent on redistributing

wealth? Isn't that what they're doing here? This money is America's money that we invested in trying to save our banking system from collapse, putting \$350 billion in TARP I into this effort to stop the collapse of our banking system.

When that money is paid back, it should come to all of us, all American taxpayers. We invested it; we should get it back. This is what I was telling in town meetings last week is that we're going to get this money back. And we've got a shot at getting back TARP I, maybe even at a profit.

But now the Obama administration is talking about redistributing that money, not giving it back to all the taxpayers; rather, dotting on constituencies that they find favorable or that they are favorable to. So they pick up on a sympathetic case, which is maybe troubled homeowners, and they decide that we'll just slough the money to them rather than pay it back to the Treasury and have it enjoyed by all the taxpayers who invested the \$350 billion to the banking system.

So I ask you, Mr. Speaker and Members of the House, there's a constitutional objection here that we really should be concerned about as a Congress, and then there's this real question about how far will this administration go in attempting to redistribute wealth.

This money belongs to all of the American people. This money we pledged together to try to rescue the banking system. As it comes back, paid back to us, it should be paid back to all of us, not just to troubled homeowners, not just to sympathetic cases but, rather, to all American taxpayers.

So I urge my colleagues to join with me in watching the constitutional question here and watching the redistribution of wealth, which we must object to, Mr. Speaker.

#### AGREEMENT ON NUCLEAR ARMS CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. I rise today to congratulate President Obama on reaching an agreement on nuclear arms control with Russian President Medvedev. This agreement will cut American and Russian nuclear arsenals by at least one quarter. This represents a critical step towards more substantial arms control, as well as a milestone in confronting our nuclear legacy.

I, like most Americans, was born in the nuclear age. The 1945 bombings of Hiroshima and Nagasaki marked its beginning, establishing an uncertain peace in a war-weary world.

□ 2030

But with the global proliferation of nuclear weapons, the threat of catastrophe grew ever closer. Confrontations in Berlin, in Cuba and the Middle East

were one miscalculation away from disaster. But rather than learning from these close calls and taking dramatic steps to reduce our stockpiles of nuclear arms, we built more, and so did the Soviet Union.

Our arms control efforts were limited at best, and at worst they collapsed under the pressure of pursuing a global containment strategy against the Soviet Union. Today, the United States and Russia each deploy over 2,000 nuclear warheads. Although both countries exercise extreme care in managing these weapons, only one mistake in judgment could be fatal. That risk has grown as seven other countries have joined the so-called nuclear club over the past half century.

Our nuclear warheads are also expensive to maintain and draw badly needed funding away from other priorities. As former President Eisenhower said, "Every gun that is made, every warship launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed."

For this reason I stand here today not only to congratulate President Obama on his progress in Moscow, but also to urge him to take further steps toward reducing the global stockpile of nuclear weapons. Like President Obama, I recognize that we live in a world in which threats to peace are no longer confined to the traditional great powers.

I echo President Obama's sentiment that in this "strange turn of history, the threat of global nuclear war has gone down, but the risk of nuclear attack has gone up."

Rogue states and terrorist organizations are dedicated to acquiring nuclear weapons. We must be vigilant in controlling these weapons and making sure that they do not fall into the wrong hands. A nuclear arms treaty with Russia to replace the expiring START treaty is a good place to start. We should also ratify the Comprehensive Test Ban Treaty which aims to limit the proliferation of nuclear weapons around the world.

We must confront the terrible legacy of the Cold War. We must recognize that although this legacy belongs to another generation, it is now our responsibility to enact change. We must stop wasting money on the excesses of the Cold War and start thinking about improving the present. We must show the world that we are committed to reducing this nuclear threat. We must do everything we can to ensure that nuclear weapons are never used again.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### TROUBLING INCREASES IN STATE-FOREIGN OPERATIONS APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, the vote that I took this afternoon on H.R. 3081 was one of the toughest votes that I have had to take in this House since I have been here in my 4½ years. The problem with the bill and with the decision that had to be made is because the bill contained funding for aid to Israel, our best friend in the world.

I have always been and will continue to be an extremely strong supporter of Israel. Israel has always been a good friend to the United States, and the people of this country and the people of Israel share the same values. However, the bill had so many flaws that it made it very difficult for a pro-life fiscal conservative such as myself to vote for the bill despite my very strong support for Israel.

The bill, when emergency supplemental funds were not taken into account, was still 32 percent more than the regular fiscal year 2009 appropriations. I am taking the liberty of using some of the figures from my colleague, the gentleman from Georgia (Mr. PRICE), which were also presented today on the floor in terms of explaining the bill that we voted on this afternoon.

We are facing a fiscal crisis in this country. This administration and this Congress, led by Speaker PELOSI, are spending this country into a terrible, terrible situation. We are mortgaging our children and grandchildren's future with excess spending; and it has to stop somewhere.

Had this bill merely contained the funding for Israel, it would have been very easy for me to have supported it, although I was quite concerned that the bill reduced the funding for Israel by 7.2 percent below last year's funding level and 23.3 percent below the request. But, as I said earlier, the total bill had an increase of 33.8 percent compared to last year.

One of the most troubling increases in this bill was a 20 percent increase to the United Nations Population Fund and a 19 percent increase to International Family Planning. The United Nations Population Fund aids China's one-child policy, coercive abortion, and sterilization. International Family Planning goes to organizations that promote and provide abortion services through International Planned Parenthood Federation and Marie Stokes International.

In addition, the Democrats had rejected four cost-cutting Republican amendments that had been presented which could have made this bill a lot more palatable to the 97 Republicans who voted against it.

Another problem with the bill is that there was a false assumption that the Obama administration will live up to

its promise of no more war supplementals for Iraq and Afghanistan. The President has gone back on every promise that he made during the campaign. He has already asked for a supplemental this year, says it was a carryover from last year, but that won't happen again. However, before the ink was dry on the amended full committee report of this bill, the chairman of the Defense Appropriations Subcommittee, Congressman MURTHA, publicly stated that another supplemental is necessary to fund the troops because of the low fiscal year 2010 Defense allocation.

So the promise was that all of the money for the war was going to be here and we wouldn't have to do more supplementals. That isn't going to happen.

This bill also avoids making hard fiscal choices about spending abroad while we face a financial crisis here. This is not the way we should be going. We should be funding our friends and our allies. We should be helping Israel which is the only true democracy in the Middle East and who stands by us year after year, day after day. But funding things like abortion and international family planning is not the way to go.

#### WASHINGTON IS OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, America has been the light of liberty and a beacon of hope to the world for centuries, truly centuries. We are the greatest Nation the world has ever known. We have provided more hope and more opportunity and more liberty and more freedom for more individuals than any nation in the history of mankind.

But today, July 9, 2009, folks in my district and folks across this land are not just concerned; they are fearful. They are afraid that the very Nation that they know and love and that has been the greatest Nation in the history of the world is slipping away from them—in so many ways, so many ways.

Mr. Speaker, we all just got back to Washington from a week many of us spent at home over the July 4 break, and I heard people come up to me and tell me that they were concerned and worried and fearful about the amount of spending and the amount of borrowing and the amount of taxing coming out of Washington. They say Washington is out of control. Mr. Speaker, they are right. They are absolutely right. The deficit this year, \$1.8 trillion; four times the largest previous deficit. Four times.

Borrowing. We are borrowing 50 cents of every single dollar we are spending. Mr. Speaker, it is out of control. Taxing, raising taxes on every single American. I don't care what the President tells you, Mr. Speaker, it is not

true. They are raising taxes on every single American.

Now the solution, one of the solutions, is to allow this deliberative body, this greatest deliberative body in the history of the world the opportunity to allow the Representatives in this body to work their will, to say I believe I am going to represent my constituents in this way and offer this amendment on this bill and thereby allow the House to make a decision.

We are in appropriations season, Mr. Speaker. It is a time when we decide how to spend Americans' hard-earned money, the money that they send to Washington. During that season in the past, the House has allowed appropriations bills to come to the floor under what is called an open rule which means that everybody gets the opportunity to amend the appropriations bill. They get the opportunity to offer an amendment in the House, and the House gets to vote on the amendment.

There have been amendments offered on recent bills that have not been allowed. In fact, this is the most repressive majority in the history of the Republic if you use the number of closed rules, not allowing amendments to come to the floor.

This, Mr. Speaker, this is the most repressive majority ever in the history of this Republic.

An amendment that was offered but not allowed to the bill we voted on today would have prohibited funding for any new international organization for the purposes that would tax American energy companies from abroad. The only conclusion I can draw is that the Speaker and the Democrats in charge want American energy companies to be taxed by foreign governments.

An amendment that wasn't allowed would have reduced the spending 15 percent on this bill to 2009 levels, a savings of \$17 billion. That amendment, Mr. Speaker, was not allowed. I can only assume that the Speaker and the Democrats in charge want to increase spending by \$17 billion over 2009 levels.

An amendment that wasn't allowed, an amendment to prevent U.S. funds from being used to pay the legal expenses of United Nations employees who have been charged with malfeasance, not allowed. Mr. Speaker, I can only conclude that the Speaker of the House and the Democrats in charge want the American taxpayers to pay the legal expenses for United Nations employees who are charged with malfeasance.

Mr. Speaker, an amendment that wasn't allowed would have prohibited assistance to members of foreign terrorist organizations. Mr. Speaker, the only thing I am left to conclude and the American people are left to conclude is that this Speaker and the Democrats in charge want the American taxpayer to provide assistance to members of foreign terrorist organizations.

Mr. Speaker, this isn't the way the House is supposed to be run. It is not

the way that the House has been run for the last 233 years. It is not the way that the American people learned about democracy, that their Representatives would be allowed to represent them actively and aggressively so that people had the opportunity to represent their constituents equally with every other Member.

Mr. Speaker, right now in this Chamber we have tyranny from the majority, tyranny that is not allowing the voice of the people to be heard. Mr. Speaker, I demand that this Chamber, that these Members of this House of Representatives make certain that the rules are appropriately followed and end the tyranny of the majority in this Chamber now.

#### DEMOCRATS ABUSE RULES PROCESS

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 want to follow up on what my friend from Georgia was saying, about tyranny in this House. We were promised the most open government in the Nation's history. That's what we were promised.

There is the Speaker's Web site that even talks about how open it is going to be. Well, it isn't. And as a result, the Nation is being punished because some of the things that our friends across the aisle said before they were elected to the majority to control this city and this country were true.

□ 2045

You do better when you have open government and open amendments and can debate these ideas. But that's not what we've gotten. Oh, no. We've had an abuse of the rule process. Why? Because they can.

I was asked, as I was around the district this last week, Why do you let them get away with all these things that are going on? And I said, Well, you're not following what's going on. Every time we make a privileged motion, we try to enforce the rules, it's tabled every time, so it's not going anywhere. So no one is held to account for abuses. Why? Because they can—and they didn't want an open government.

You know, the founding of this country tells so much. Those guys were so brilliant. They were so much better read than most of the people in this body now. They knew what government led to. They knew what the abuse of power led to. And so they weren't content to have one body elected, they said, let's have two. And not only should we have two bodies, let's make them at odds with each other. We need friction so that there is not this abuse.

And not only that, we don't want to do like we've seen some parliaments do where they elect their executive. No, no, no. We want the people to elect an executive, and then he will be at

odds with those two houses and he will be able to veto what they do. That will give us some protection—because you can't have enough protection from government—but that's not enough. We want another branch. We will have a judicial branch, and then they can veto things that are inappropriate and outside the Constitution. They saw all this coming, and they knew it could be abused if they didn't have these safeguards in the way.

But what's happened? Well, we can have an executive that the Congress just says, well, whatever you want. Oh, you wanted an Auto Task Force that will meet behind closed doors, be accountable to nobody? Put together a bill, a plan that is signed by a lazy bankruptcy judge because he doesn't want to have all the hearings the law requires, and it puts people out of business. It's a constitutional taking, but where is the Supreme Court? They start to stop the process and then they say, Go ahead, we'll let you be unconstitutional, we won't stop it.

And what has the Congress done? Well, look, Mr. President, if you'll let us keep abusing and running this country into the dust heap of history then we will let you keep doing what you want. It's abusing the process.

That's why we had a bill this evening that should have been clean, it should have given money to a friend, a good friend like Israel, but, oh, no, we've got to put all this baloney in there that ends up doing more harm to the purposes for which this Nation was founded than good. So I couldn't vote for it in the end.

The stimulus. We couldn't do anything with that—presented at the last minute where no one could amend it. I tried to tell the President and friends in here, look, how about a tax holiday for the people that earn the money? How about that? You let them have it, then you'll see stimulation. And what happened? The President liked the idea. And I heard him on the radio talking about, We're going to leave money in your check—except he said if you jump through all the obstacles, then you could have \$65, maybe, in your check. I was talking about \$6,000, not \$65. Then you would have seen stimulation of the economy. But the process won't let us do that.

With the "crap and trade" bill, we're driving jobs out of America. We're sending manufacturers to countries that pollute four to 10 times more than we do. How does that help the environment? It doesn't.

And a health care bill that's being written behind closed doors so that we will not be able to get the best ideas in there. I'm trying to get a bill put through. Leg counsel said, Well, the Democratic leadership is taking all our time, we can't put yours in a form to bring to the floor. So we're having to try to go around behind other ways to get it done.

There are Nation-ending things that are happening, and the Founders put in

place ways to stop it. We need to start following those ways.

#### AMERICANS ARE ABOUT TO LOSE THE HEALTH CARE THEY HAVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. SHADEGG) is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, I rise tonight to warn the American people that they are about to lose the health care they have, to warn the 83 percent of Americans who like the health care coverage they already have and to caution them that it is about to be taken away. It is about to be taken away, quite frankly, in an undemocratic process that will occur essentially in the dark of night. You see, as you have just heard from the last two speakers, democracy does not exist in this body today as it has in the past.

I sit on the primary committee that should be writing this health care bill. I have not been allowed to participate in any way, shape, or form, not in any way, shape or form. The majority has written their bill all alone, behind closed doors, consulting only the majority. They can roll right over the minority, and they don't care. But that's wrong, that's dead wrong, and only the American people can stop it.

Now, you heard me say, I rise to warn you that you are about to lose the health care you have. And you may have said to yourself, No, wait, Congressman, I've heard the President say again and again and again that if you like the care you have, you may keep it. I, too, have heard the President say those words, but they are not true. They are absolutely not true.

You see, while we do not have a bill to read yet, we have a discussion draft. We will mark up a bill next week in all three committees with jurisdiction, but we don't have a bill yet. But we do have a discussion draft. That discussion draft makes the most sweeping changes to American health care—indeed, it is the most sweeping piece of legislation I have seen in my 15-year career in the Congress, and the most dramatic piece of legislation in decades. And yet, it will completely change health care in America, it will change one-sixth of our Nation's economy, and it will destroy the health care you have now.

If you like what you have now, if you're one of those 83 percent of Americans who like their health care—maybe it's not perfect, its cost is going up too fast, you would like more control over it, but your employer has the control or the plan has the control; you would like to pick your doctor, but you can't; you would like a better system, but you still like what you have now? If you like it, be prepared to lose it because, under this bill, you will lose it.

Every health care plan in America will change. The bill says that in almost those exact words. It says that they are creating a new health care bu-

reaucracy to exist between you and your doctor. This chart shows that bureaucracy. You are the patient up here in the upper left-hand corner, your doctor is in the lower right-hand corner. Every single little box you see is a newly created agency, bureaucracy, program, plan, or bureaucrat standing between you and your doctor.

But here's the one that counts in terms of changing the plan you have. They are creating a new, nicely named board. This nicely named board is called the American Health Care Benefits Advisory Committee. I love the word "advisory"; it sounds like they're going to give you some advice. Wrong. This board will be a Federal board that will decide what is in every health care plan in America. If your employer has a plan today and it doesn't fit every dot and tittle of what the new Health Benefits Advisory Committee requires, it must change. And that means every plan in America will change.

Now, they're being gracious; they will let the current plans stand for those who already have them for 5 years, but at the end of that 5 years every plan will change. If you like what you have, it will change. They are inserting all of these bureaucrats between you and your doctor, 48 new agencies.

Here's the Health Choices Administration, one of the new agencies they're creating, the risk pooling mechanism, the Health Benefits Advisory Committee, the many government health care plans. Here is the Public Health Investment Fund, the QHBP Ombudsman, the Medicare Trust Fund—we already have that one—and on and on and on and on. And they're putting them between you and your doctor. If you like what you have, be prepared to lose it because that's the mandate of this bill.

Now, what are some of the other mandates? Every employer in America must provide health care coverage for every full-time employee and every part-time employee. Every. You heard me say "every" employer in America, not every big employer, but in the House bill, every employer. If you employ yourself, you must insure yourself and create a plan that meets the demands of this new government agency.

Now, they do have a small business exemption, but guess what? In the House bill, there is no definition of small business—it's left blank. I wonder why. I guess they don't want to tell us that they can define a small business as as little as one employee.

It creates a new government health care plan. That government health care plan will compete with your plan. Very interesting. The President was asked on ABC television last week, Mr. President, you've said if Americans like the health care plan they have, they can keep it, and yet it appears you're going to take things away. What do you mean by that, Mr. President? And the President of the United States responded, The government will not, on

its own and directly, abolish any plan. And the interviewer said, Well, but wait a minute, what if you write a new set of rules that makes it impossible for American employers to offer the plan they're currently offering? The President's response was, Well, that's not the government taking away your plan; that's your employer taking away your plan. If you believe that, then I've got some land in Florida to sell you.

The American people need health care reform. We can give them better health care reform. We can give them choice and control over their own health care. We do not have to choose between the flawed current system and a government takeover of American health care.

Americans, now is the time to engage. You don't have another minute to waste. Please get involved in this debate.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. I thank the Speaker. I also want to thank the minority leader and the leadership on the minority side for providing this hour for us to talk in some detail about health care and what is pending before this Congress over the next 3 weeks.

Mr. Speaker, it is ironic that as we sit here on the literal eve of the markup of this bill in the Committees of Energy and Commerce, Ways and Means, and Education and the Workforce, all beginning next week when we return from our districts, as we sit here on the eve of that markup, there is no House bill. And it makes it very, very difficult. We're told, if you have amendments, let's get them all together because we want to have a good look at them before we start the markup. How do you amend a bill that you haven't seen yet? Well, that's the task that's before many of us on the committee and that's where we have been placing our efforts during this past week, but it is a task made much more difficult.

Mr. Speaker, I will just tell you, as someone who was involved in the campaigns last fall, I was a surrogate for Senator MCCAIN. It meant that I went all over the country debating health care with surrogates for President Obama. It seemed a virtual lock that there would be a presidential directive for a health care bill that would come shortly after the election, and certainly by Inauguration Day. In fact, Senator BAUCUS convened a great group over at the Library of Congress at the end of last October and produced a white paper that for all the world looked like a blueprint for a plan for a health care bill.

Election Day came and went, President Obama won, no health care bill.

We had the holidays, Christmas, New Years, no health care bill. The Inauguration, all the festivities that took over Washington, but no health care bill. And here we are, the week after the July 4 recess, still waiting for that bill. What happened to the promises on the campaign trail last fall? Were they really that ephemeral that they could not be condensed into legislative language and produced for the House floor? Well, that's where we find ourselves.

Now, in March of this year, the President did convene a group of us down at the White House. He spoke very eloquently. He said the words you've already heard spoken on the floor of this House tonight, if you like what you have, you can keep it. Let me emphasize that, he repeated it, if you like what you have, you can keep it. And of course he says if you like what you have you can keep it because polls show anywhere between 60 to 80 percent of Americans like what they have and want to keep it; 160 million Americans receive their health care through employer-sponsored insurance, another 10-15 million through individual insurance policies, and they like what they have and they want to keep it. In fact, their greatest fear is that something will happen to their employment or their ability to make those premium payments, and they will lose what they have because they like what they have and they want to keep it.

□ 2100

But the second thing the President said was, The only thing I will not accept out of this Congress is the status quo. But wait a minute. If you like what you have, you can keep it would imply if you like what you have, you can keep it. How do you do that? How do you keep what you have and not accept the status quo? And therein is the quandary that has been presented to the other side, and that is what has taken the incredible length of time.

Now, coupled with that are the beginnings of some bills began to leak out of the Senate side at the end of June. We got into the issue of cost and coverage. And the initial reports that came out of the Senate Committee on Health, Education, Labor, and Pensions was a price tag of \$1 trillion. That wasn't the whole bill because we hadn't quite figured out all the Medicaid parts, but \$1 trillion for the opening salvo, and it would cover about a third of the reported uninsured. Well, that's not a great bargain. That's not great value for your dollar.

The Senate Finance Committee came up with another bill. Another score was given to that bill, and the cost was over \$1.5 trillion. And they immediately went back and started to rework the bill to bring that price down to at least \$1 trillion. That appears to be now the new high-water mark for health care legislation.

The House bill, as scored through the Committee on Ways and Means just

this week, also scored at \$1.5 trillion. No word, no word on the number of people that would be covered. If you like what you have, you can keep it right up until the time we tell you that you can't. And that apparently is the game plan, is the mission statement for the health care bill that will be brought to us from the Democratic majority.

Mr. Speaker, I'm joined by a number of other people who wish to speak on this very important topic, and I do want to give everyone the appropriate amount of time.

Just one housekeeping detail, the Congressional Doctors Caucus had an open forum during this past week down at George Washington University. Different from the White House informal on health care, this was an open forum. It was open to anyone who could come in and question Members of Congress who also happened to be physicians. It turned out all of us who were Republicans who showed up, but they could come and question the Republican House physicians on the issues related to what is going on with changes in the health care system. And we had a very lively hour and 45 minutes, a number of questions that were delivered by the staff and faculty there at George Washington and a number of questions that just came from the audience. But it was a lively hour.

The event was Webcast live at the time that it was carried out, and that Webcast has been archived and is available on the Congressional Health Care Caucus Web site. That's [www.healthcaucus.org](http://www.healthcaucus.org). Go to the appropriate tab for archived events, and the George Washington health care event has been archived on that Web site.

Well, again, we are joined by many Members of Congress. People are eager to speak about this. Goodness knows we're not going to get a chance to have a legislative hearing in our committee. But let us begin this evening, and we are going to hear from one of the doctors who was there at the forum at George Washington, an orthopedist from the great State of Georgia, a member of G-7, Dr. TOM PRICE.

Mr. PRICE of Georgia. Thank you so much, Dr. BURGESS, for your leadership on this issue and so many others. And I want to thank you for your participation we had at the event at George Washington University and really the wonderful perspective that you bring as a physician to the table.

In my previous life, I was an orthopedic surgeon. I spent 20-plus years practicing orthopedic surgery in the Atlanta area.

As we move forward with health care reform, it's clear that something is coming. And I get asked by folks: What kinds of things don't we want? What kinds of things can't we do to us that would be bad? And I would suggest, Dr. BURGESS and colleagues, three things that would be a death knell for quality health care in the United States.



The first is ceding the definition of quality to the Federal Government. If we say as a society that we are going to allow the bureaucrats, nonmedical individuals, to decide what quality health care is, as has been proposed by the President through his Comparative Effectiveness Research Council and others with the list of programs that you've heard Mr. SHADEGG describe just a moment ago, then that would be a death knell for American medicine. Quality truly is only known by compassionate, caring physicians and patients and their families who know what is best for them because there is no way that the government can define what's best for each and every individual.

The second death knell for quality health care I believe to be any mandate, any individual or employer mandate. If individuals are required to purchase health insurance, that's a death knell. If employers are required to provide health insurance, that's a death knell. Why? Well, it's a mandate, which is a bad idea. But more importantly, when we here in Washington mandate something, what we do is define what we are mandating, and in this instance we would demand what qualified as health insurance or health coverage.

Dr. BURGESS, you well know that this Congress would define something that doesn't include all sorts of robust things already out there in the marketplace like health savings accounts, medical savings accounts, high-deductible catastrophic plans, some cafeteria plans. They wouldn't only be unavailable, they'd be illegal. This Congress would make them illegal. So the notion that if you like what you have, you can keep it is just folly. It's power fiction.

And the final death knell to the quality of American health care I believe to be any government-run program, any government takeover of any portion of our health care system beyond where it already is, the public option as it's described, which is a euphemism for a government takeover. And why is that? Well, I would ask my friends on the other side of the aisle, and really folks across this land, to think about your health care principles. What are your health care principles? What do you believe ought to be foremost in any bill that we produce? I've got six of them. They're accessibility, we ought to have accessibility to the health care system for all Americans; affordability, it ought to be affordable. It ought not to have the costs rise more than they should; quality, we need to have the highest quality of health care; responsiveness and innovation, we need a system that's responsive and innovative; and then choices, we need choices.

Those are my six: accessibility, affordability, quality, responsiveness, innovation, and choices. I would suggest to my colleagues that none of those, in fact, I would suggest that none of the principles that any American could come up with, are improved by the

intervention of the Federal Government. None of them are improved by more government control. None of them are improved by an administration that believes that a health czar is what we need as opposed to the highest quality of medicine.

There are wonderful solutions, and I know we will be talking about them this evening.

I want to commend my colleague from Texas, Dr. BURGESS, for his leadership on this issue and can only hope that as we move forward, we are allowed to have an open and a vibrant discussion so that the Congress of the United States can have the benefit of the wonderful experience of people on both sides of the aisle as we move forward to solve this remarkable challenge in the area of health care.

Mr. SHADEGG. I commend the gentleman from Arizona for his comments about mandates, and I couldn't agree more. But I thought maybe it would be useful for the audience to illustrate the kind of poster child for mandates that the other side often recites and talks about, and that's mandatory auto insurance.

The gentleman pointed out that individual mandates tend not to work, and, indeed, the individual mandates in the health care plan in Massachusetts are not working. People are refusing to go along with those. People are choosing to be fined instead of complying with the government mandate to buy health care. But as the gentleman knows, most of the States, as a matter of fact, 48 out of the 50 States, mandate auto insurance.

I wonder if you and I could have a little discussion about how well mandatory auto insurance works, because that's the reason we're told, well, if mandatory auto insurance works, why not mandatory health insurance?

Mr. PRICE of Georgia. I appreciate my friend from Arizona's comparing it to auto insurance because that's what you oftentimes hear. You hear folks say, well, we require folks to have automobile insurance, why shouldn't we require them to have health insurance? And you allude to the fact that mandatory automobile insurance doesn't result in everybody having automobile insurance.

Mr. SHADEGG. It actually doesn't work.

Mr. PRICE of Georgia. It doesn't work. That's why you don't do it for health insurance.

But more importantly, if one mandated health coverage, then we, again, cede the definition of what that coverage would be to the Federal Government. And ceding the definition of what automobile insurance is is one thing; ceding the definition of quality health care, something so personal to each and every one of us and our families, I would suggest is a step in the wrong direction.

Mr. SHADEGG. I agree with the gentleman completely. But we don't mandate a single auto insurance policy for

the entire country in auto insurance. We let the 50 States define what constitutes auto insurance in their State.

But let's talk about how mandatory auto insurance actually works. I don't know if the gentleman knows it, but 48 States have mandatory auto insurance. So if you own and drive a car, you are compelled by law to buy liability insurance. Two States don't: Wisconsin and New Hampshire. Guess what? The percentage of people in those two States who are uninsured is lower than the average percentage in the States where it's mandatory. That's right. In the 48 States where the government says you must have auto insurance, fewer or a lower percentage are actually insured than in the two States where they don't have mandatory auto insurance. I think that proves mandatory auto insurance doesn't work.

But what I really love when the other side cites the beauty of mandatory auto insurance is of the 48 States that mandate that you cannot drive a car in that State without auto insurance, 22 of those States mandate that you must also buy uninsured motorist coverage.

Wait a minute. Let me see if I understand this. We have told all the people you must buy, as a matter of law, auto insurance, but in 22 of the States where they've done that, they are so confident that many people will break that law that they mandate also, the government putting a gun at your head, uninsured motorist coverage. Now, if everybody was going to comply with the first law and buy auto insurance, why in God's name would you need the second law? And the answer is mandates don't work. In at least those 22 States, the legislatures have openly acknowledged that mandatory auto insurance doesn't work, so we're going to require mandatory uninsured motorist coverage.

Mr. PRICE of Georgia. You said that 48 States mandate auto insurance, two States don't, but the two States that don't have a higher level of insured motorists?

Mr. SHADEGG. A higher level of insured and a lower level of uninsured.

Mr. PRICE of Georgia. So the moral of the story is?

Mr. SHADEGG. Mandates don't work.

Mr. PRICE of Georgia. Mandates don't work.

Mr. BURGESS. Reclaiming my time briefly, for a mandate to work, there has to be a broad recognition that the mandate exists and there has to be a broad understanding of the penalty involved, and the penalty administered must be significant.

If we look at the number of the rate of insured in this country, it's about 85 percent of people voluntarily carrying health insurance and 15 percent do not. Well, where is a model for that broad recognition that there is a requirement that you do something and a very swift and severe penalty if you don't?

Certainly the IRS fits that bill. Everyone knows in this country you must pay your income taxes, that you must

file on time or face a swift and sure penalty. And I'm not even entirely sure what the penalties are, but I do know I don't ever want to experience those penalties. And what do we see with compliance rates with the IRS in this country? We see 85 percent comply and 15 percent do not. In other words, it is unchanged from the voluntary compliance that we have under health insurance.

Mandates are an anathema in a free society. Rather than trying to create the mandates and requiring people to do something that they are disinclined to do, what if we tried to build programs that would attract people just as we did with the part D part of Medicare where Dr. McClellan, to his credit, created the protected classes of drugs, created the programs that people actually wanted, and what do we have now? We have 92 percent of seniors with credible drug coverage, satisfaction rates in excess of 90 percent. So that's a success story from a government program that actually worked because the emphasis was put on delivering value to the customer, value to the patient in this case, value to the Medicare recipient in this case, rather than just simply you do what we tell you to do because we can. We are a free society, after all.

Mr. SHADEGG. Will my colleague from Texas yield?

Mr. BURGESS. I would be happy to yield.

Mr. SHADEGG. Briefly, we serve on the Commerce Committee. We're going to get to have a markup next week on this bill, but we will not have ever had a hearing on the bill. And as we pointed out earlier, there is no bill yet. But in the discussion draft that has been released, there is stunning information. It's one thing to talk about the stuff in the bill that's goofy; it's something else to talk about stuff in the bill that's outright absurd.

□ 2115

The gentleman talked about penalties. There is a provision in the bill that is outright absurd, and it goes to the point the gentleman just raised. The bill not only has a mandate that individuals must buy care, it has a mandate that employers must provide care. Okay. Maybe that's a good rule. But guess what—here's the absurdity. If you, as an employer in America, comply with that law, and you buy health insurance for every single one of your employees, and one of your employees says, "You know what, I don't want your insurance. I decline it," you, the employer, must pay a penalty of 8 percent of that employee's salary because the employee chose to turn down the coverage. So you are penalized not for failing to offer the care. You are penalized because the employee said they didn't want it. What if the employee didn't want it because they preferred their spouse's coverage? That's the story in the SHADEGG family. For years my wife worked for the school district in Arizona. She was offered health care

coverage. She declined it because she took it under my coverage. There's no point in buying two policies. Apparently under this bill, were she to decline it in the future, the Federal Government, that pays my health insurance, would have to pay a fine—of course they wouldn't apply the penalties to the government—of 8 percent of her salary because she turned down the care. You've got to be kidding me. You can't come up with stuff that goofy, but they did.

Mr. BURGESS. That is a very valid point brought up by the gentleman.

I want to now go to our other doctor from Georgia, a fellow obstetrician, Dr. GINGREY, who was actually the leader in bringing the Doctors Caucus together for that rather spirited and insightful afternoon down at George Washington earlier this week. I will yield him the floor for whatever time he will consume.

Mr. GINGREY of Georgia. Mr. Speaker, I thank my colleague for organizing the hour tonight and for bringing this important issue before the Members of this body and the American people. Of course, as my colleagues have said, next week in the Energy and Commerce Committee, the Ways and Means Committee, the Education and Labor Committee of this House, markups are going to begin on this bill. So we are at the dividing point where people need to understand what this is all about. And as my colleague from Texas said, yes, we have formed a Doctors Caucus on the Republican side. We asked the Members of the Democratic side who are also health care providers to join that group. They declined. But we have a group of about 14, including a number of doctors who are on the floor tonight participating in this special hour, with over 330 years of clinical health care experience and has any one of that group—and in that group, I think we're talking about 10 or 11 physicians. We're talking about an optometrist, a clinical psychologist and three dentists. And not one of those Members, Mr. Speaker, has been asked to participate in the drafting and crafting of legislation that would improve the health care system that we have in this country.

And when I talk about improvement, I mean exactly that, Mr. Speaker. We do not need to destroy a good system. We need to make it better, and we can do that. That's why the District of Columbia Medical Society at George Washington Hospital this week invited this group of physicians, this group of health care providers to come and be on a panel and to answer questions from their doctors, from employees of the hospital, from nurses, from people from all walks of life, really, to let's talk about this issue and give an opportunity for another town hall meeting. President Obama had one with ABC or NBC, one of the major networks, coming from the White House, but it was totally one-sided. So as my colleagues have said, we can fix this system. We

can do it. We don't need to throw the baby out with the bath water, as the old expression goes. We feel that if there are 10 million people in this country who cannot afford health insurance or are denied it because of a pre-existing condition, that's too many.

There are a number of things that we can do, and I will just briefly mention a couple. Clearly we can agree with our colleagues on the other side of the aisle with regard to the efficacy and money-saving aspects of electronic medical records. I would hope that our colleagues on the other side of the aisle could agree with us that meaningful tort reforms, where doctors weren't constantly having to order just tons of unnecessary tests, and hospitals doing the same thing, knowing that they're unnecessary and maybe downright harmful to the patient. But with this fear, this constant fear of frivolous lawsuits facing them, all this extra money is spent for naught. So these are just a couple of things that we can do. Certainly the insurance industry, the health insurance industry needs to reform. There are a number of things that they could do, and hopefully later in the hour we can get back to that. But I think the most important thing for our colleagues and the American people to understand is that we do have the best health care system in the world, and we have the capability of coming together in a bipartisan way. My colleagues who have already spoken have plans, have bills that they've worked on for years. But do they get to see the light of day? Absolutely not. The President and this majority is so focused on this public plan. One of my colleagues is going to speak in a few minutes; and he is going to talk about, Well, since that public option is so darn good, then maybe President Obama, Mrs. Obama and those two precious children ought to be on that public option plan rather than a Blue Cross/Blue Shield or some other Federal Employees Health Benefits plan. If it's good enough for the general public, it ought to be good enough for Members of Congress. I may be stealing somebody else's thunder. At this point I will yield back to my colleague from Texas, as he continues to control this time.

Mr. BURGESS. I thank the gentleman for his insight. I thank him for the passion that he has brought to this. I wonder if, just very briefly, I could go back to the gentleman from Arizona on the issue that he brought up in an earlier speech he gave on the House floor which wasn't part of this hour. I want to be certain that we have it for the DVD that's prepared, Mr. Speaker, if we were to prepare a DVD of this transaction.

But you have talked about an advisory panel or an advisory board. Health care czar is a term we've heard, commissioner or commissar of health care, putting someone in there to make a decision for us. I wonder if you would

briefly expound upon that again so we could have that as part of the CONGRESSIONAL RECORD of this discussion.

Mr. SHADEGG. I would be happy to. I thank the gentleman for yielding.

I have worked on health care reform since I got here in 1995. It is a passion that I have. I believe we can do better than the current system, and I applaud the President for calling for health care reform. I personally believe the current system is damaged by the fact that it's controlled by third parties. Your employer picks your plan, and your plan picks your doctor. What I heard the President say and what I heard, quite frankly, the current Secretary of State, Mrs. Clinton, say when she was a candidate was, "If you like what you have, you can keep it." You know, I think if most Americans hear that, they're going to be fairly comfortable because many of us are worried really about two things: We're worried about the cost escalating too quickly, and we're worried about the uninsured. But as I said earlier, some 83 percent of Americans are satisfied with their care. Guess what—that promise "If you like what you have, you can keep it," by the current President and by Democrats in this Congress, is simply untrue if you read the discussion draft that's out there. It is blatantly, patently, clearly, unquestionably untrue. Here's why: As the gentleman from Texas points out, the legislation creates the Health Benefits Advisory Committee. As my colleague from Georgia pointed out, what that committee is going to do is it's going to define what constitutes health insurance in America. It's going to set the standard for every single health care policy sold in America. We are going to have literally a one-size-fits-all mandate or dictate from this Health Benefits Advisory Committee. They're going to say, "That's a policy, and it qualifies." "That's not a policy, and it doesn't qualify." There is no chance that the rules they issue will, in fact, allow the policies sold all the way across America today to all of the employers who provide health care to actually fit into their new rules. So as a practical matter, virtually every American—I suggest indeed every American in the span of 5 years—will lose the health care plan they have. So if the statement, "If you like what you have, you can keep it" turns out not to be true because, as my colleague Mr. PRICE from Georgia pointed out, we're going to have a board that constitutes a policy, no policy currently sold by employers will fit what that board dictates. Therefore, in 5 years they will no longer be able to give you that plan. You might lose your health care plan the first year, but you will certainly lose your health care plan and not be able to keep what you have in 5 years because the law says, in 5 years every plan must fit the dictates of that new advisory board. So if you like what you have—as I said today earlier, and I say it again—if you like what you have, be

prepared to lose it because you are going to lose it.

I thank the gentleman.

Mr. BURGESS. I thank the gentleman for his quick summation of that.

We've also been joined this evening, very fortunately, by the ranking Republican on the Committee on Energy and Commerce, one of the true leaders on our side on this issue who as I started this hour, I said, Here we are on the literal eve of the markup of this bill without a bill; and apparently the ranking member has some new information about when we might expect that bill and what we might find contained therein.

So I'll yield such time as he may consume to the ranking member of the committee, Mr. BARTON from Texas.

Mr. BARTON of Texas. I thank the gentleman from Texas. I want to apologize to Dr. FLEMING for coming ahead of him.

I was watching the debate in my office, catching up with some paperwork. I was very impressed that Congressman SHADEGG has apparently read the draft—or his staff has—so we have at least one Member. And I'm sure Dr. PRICE, Dr. GINGREY, Dr. FLEMING, Mr. GOHMERT and Dr. BROUN have also read it. But I am the senior Republican on the committee of primary jurisdiction, the Energy and Commerce Committee; and as such, I communicate with the chairman of that committee, Congressman WAXMAN of California, and my chief of staff with his chief of staff. As you all know, we had scheduled opening statements next Monday. We were going to start the markup on Tuesday. At least until today we were led to believe that it would be a full and fair open markup. Well, we just got word about 30 minutes ago that apparently, as Congressman SHADEGG has said, there is still no bill. As we are here on a Thursday evening, there is no bill to mark up. There is not going to be a bill tomorrow, apparently. There may be a bill over the weekend. There may be a bill on Monday, but there may not be. We had asked that there be a hearing once the CBO, the Congressional Budget Office, scores whatever it is they are going to mark up, that we have a day of hearings, which is normal procedure. Well, apparently we're not going to get a hearing. We're going to get a closed-door briefing, and we're going to start opening statements on Tuesday of next week. Then we're going to start the markup. Assuming that there is a bill to mark up, we'll have a markup that begins on Wednesday, and they will conclude it by next Friday. So I just want the country and Members of Congress and those who are in their offices, like I was, listening to the debate to understand, the health care industry, which is 15 percent or 20 percent of our GDP, in which the preliminary scores on the draft and the bill in the Senate is somewhere between \$1 and \$2 trillion over 10 years, which is somewhere between \$100 billion and \$200 billion per

year, which is 2 percent of GDP. A bill that's going to add 2 percent of GDP, which is not yet written, if we're really, really lucky next week, we may get 2 days of markup in the committee of primary jurisdiction.

Now I want to put that in context. I've been in this body 25 years. I have seen major bills that were not half as important as this bill have weeks of hearings on the legislation once the legislation was out and weeks or months of markup.

□ 2130

Former chairman of the committee, JOHN DINGELL, in the Clean Air Act in the 1990s marked that bill up in committee. He worked on it for several Congresses, but the final work product he marked up over I want to say a 6-month period.

It is arrogance beyond explanation not just to the minority Members of this body, to the moderates and conservatives on the majority side, but to the American people that we can attempt to move a bill that affects 20 to 25 percent of our GDP, which adds 2 percent of our GDP cost per year for the next 10 years, not even have that out so that it can be studied today. When they get around to introducing it sometime next week, they are going to start marking it up on Wednesday and report it out on Friday.

Now the reason I came over to ask time to speak is because right now I am in a debate with the administrator at the EPA, Administrator Jackson, in which back in April, they issued an endangerment finding on CO<sub>2</sub> saying that CO<sub>2</sub> is a harm to public health. It is a dangerous element, and therefore it has to be regulated to protect the public health. We have e-mails that show a reputable senior Ph.D., a doctor, a researcher within the EPA, prepared a report, as required by law, that stated that the science that they had based the endangerment findings on was faulty and out of date, and in all probability there really wasn't a danger. That report was not made a part of the official record. The e-mail says it wasn't because his direct supervisor says that the decision has been made at levels above you. We are going to go forward with this regardless of what the facts are.

So here we have on climate change and cap-and-trade the facts be darned, we are going forward. And now we are coming to the next big issue in the Obama administration, and they are saying, the public be darned, we don't want anybody to know what is in the bill. We are going to make the majority vote for it no matter what. And we are going to do it in 2 days.

Now most of you here are medically trained. You went to medical school for years. You had an intern program for several years. Most of you practiced in private practice for decades. You have got experience. You had your patients that trusted you because you were

open and transparent and you had experience behind you.

The majority that is running this body doesn't have enough trust in the population to tell them what is in their bill a week or two ahead of time so we can study it, prepare amendments, and have an open and fair markup process.

I think that is outrageous. We don't know what is in the bill. Mr. SHADEGG has done a pretty good job of going through the draft. And he knows that the draft is scary enough that we ought to have a long, fair markup on it. Most of that stuff will probably be in the final bill. But we don't know. So the reason I came over, Congressman BURGESS, was to encourage you and all the other Members that are participating in this Special Order and the people that are watching it. They need to get on the phone tomorrow. We want openness. We want transparency. We want time to see what the bill is. We want to post it on official Web sites so that the public can understand it. We want to give Members on both sides of the aisle the opportunity to draft amendments. And we want a markup process in the committees of jurisdiction that those amendments can be made, they can be debated, and they can be voted on in public. And maybe, just maybe, the work product that comes from that will be worthy of being reported to the floor.

But one thing I'm certain of, the bill that we don't have that has been drafted in secret is not worthy of becoming public law. I can say that sight unseen.

In the Revolutionary War, "one if by land, two if by sea, the British are coming," rationed health care is coming. No-doctor-choice is coming. Private insurance is going away if we let this—I'm trying to think of a polite way to describe what is about to happen. But it is a travesty of the process. It is a policy that will do much more harm than good to health care in America.

Mr. BURGESS. We had, of course, a meeting of our committee this afternoon where we talked about amendments. We thought we had 3 or 4 days, which, in fact, seemed pitifully short in that context. I know our office had submitted 50 amendments. I think I saw a list of almost 200 amendments that was being discussed.

There is no way in the 10 to 12 hours that will be available to us to debate that bill to allow Members on our side, let alone if any Members on the majority have ideas about how the bill might be improved. It is a virtual guarantee that only a very limited number of voices are going to be heard, if any, to try to improve that bill in the time that we have allotted to us.

I will yield back to the ranking member.

Mr. BARTON of Texas. I plan on talking to Chairman WAXMAN immediately in the morning and saying at a minimum we need a day to look at the bill once it is out. We need several days to prepare amendments. And then we

need at least 1 week or 2 weeks to do markup. It is not just the minority Members, but there are a number of Members on the majority side that have substantive concerns and substantive amendments.

This Congress can do good work. But it can't do good work in the dark with a handful of Members making deals in the back room and then forcing the majority to almost automatically rubber-stamp that product.

What you're doing here is excellent work. I commend you and the other Members. But I strongly, strongly encourage people that if they believe in an open and fair process, we need to figure out a way to get this bill out there in public and give us enough time to study it before we go forward and try to mark it up.

Mr. GOHMERT. Do you think there is any chance that something as ridiculous as amendments being filed in the middle of the night might happen? Do you think it is possible around here?

Mr. BARTON of Texas. Apparently, if they do what they have been doing in the past, we won't get the product that is going to be marked up until Chairman WAXMAN introduces a manager's amendment in the nature of a substitute sometime Wednesday afternoon.

Mr. GOHMERT. Or 3:09 a.m. perhaps?

Mr. BARTON of Texas. He has to put something in play to actually start the markup. But if the past is a predictor of the future, whatever he puts in play will not be what is going to be marked up. It will just be a placeholder.

Mr. BROUN of Georgia. I congratulate the gentleman for suggesting the American people contact their Members of Congress. I just want to say I just explained to the American people when we as Members of Congress say I associate myself with those comments, that means I agree wholeheartedly. And I do associate myself with those comments.

I want to remind the American people that former U.S. Senator Dirksen one time said that when he feels the heat, he sees the light. The American people need to put heat on the Members of Congress in the House and the Senate because the Senate has a bill too that is disastrous. It will do just the things that Mr. SHADEGG was talking about. In our shop we have looked at those proposals over there on the Senate side, and it is going to be disastrous if that bill as we see it thus far is passed.

The only way we are going to stop it is for the American people to get on the telephone, to call their Members of Congress, call their U.S. House of Representatives as well as their U.S. Senators and say "no." We as Republicans have been accused of being the Party of No, n-o. Frankly, we are the Party of Know, k-n-o-w. We know how to fix this problem. We know how to lower the cost of health care. We know how to give patients choice and give them ownership of their health care plan. We

know how to fix this problem. We know that government intrusion into health care decisions and the health care decision-making process and reimbursement and all the reasons it is so high and unaffordable today.

I just wanted to associate myself with the comments that you made and encourage the American people to get on the telephone, to get on their e-mail, to get on their fax machines, to call their neighbors and their friends all over this country and encourage their neighbors, friends and family to contact their Members of Congress. Let's shut the telephone system down tomorrow, across this Nation, people calling, faxing and e-mailing to say "no" to this travesty, "no" to this piece of garbage. I will be outright and say it. You were looking for a nice word. But it is garbage. And it is going to destroy the quality of health care.

I am a medical doctor. I practiced medicine for 38 years. And this is going to place a government bureaucrat between the doctor and the patient. It is going to be extremely expensive. The quality is going to go down. Innovation is going to be for naught, and it is going to go away. People are not going to like this, and we need to have it in an open process.

Mr. BARTON of Texas. The comment ought to be "show us the bill."

Mr. BURGESS. Let me reclaim the time briefly. I appreciate the ranking member taking the time out of his evening and spending some time with us. There are a number of Web sites where people can go and sign online petitions. Americasonline.com has a petition, galen.org has a petition, another group called Let Freedom Ring actually has a downloadable responsible health care pledge where you ask your Member of Congress or Senator to have at least read the bill in its entirety and have the bill available for 72 hours on a Web site so the public can view this bill prior to a vote being taken in the House of Representatives.

He has been very patient. He is a new Member. And he is probably more patient than I deserve him to be, but Dr. FLEMING is from my neighboring State of Louisiana. He is one of two new Louisiana doctors who have joined the Republican Caucus. I want to thank him for his time tonight. He has a very interesting proposition that he wanted to share with us.

So I yield whatever time he may consume, bearing in mind we have 15 minutes left of the hour.

Mr. FLEMING. Well, I thank the gentleman, and I will be quick here because I do have something very important. I want to draw the camera's attention to this placard and particularly the Web site outlined below, [fleming.house.gov](http://fleming.house.gov) regarding House Resolution 615 that really gets to the meat of the matter. And again this is another effort to appeal to the grass-roots.

Over the past few weeks, Members of Congress and the American people have come to know the details of the proposed health care plan advanced by the

administration and the Democrats. Call it whatever you like, but at the end of the day, the proposal is still a government-run health care system.

Now with its health care plan, the administration and the liberal leadership of this Congress are guaranteeing this democracy is on the solid path towards socialism. As a physician, I am amazed at the number of bureaucrats in this House who are quick to claim a government-run health care plan is the reform this country needs.

So I come before this body to announce a resolution that I just mentioned, House Resolution 615, saying very simply that any Members of Congress who votes for legislation creating a government-run health care plan should lead by example and enroll themselves and their family in the same public plan.

Again, to repeat that, very simply, any Members of Congress who vote for this legislation, that is one that includes a single-payer or government-run health care plan, should be willing to commit to enroll themselves in that. You see, it is very interesting how Congress tends to carve itself out and create sort of a lead state in many things, and this is one good example. The plans that we see thus far, which we don't know the details of, of course, suggest to us that for the next 5 years the Congressmembers will be still on the Federal health plan exchange and not be part of the single-payer system.

In closing, I just want to suggest that to those who are viewing this evening and along the lines of Dr. BROWN and Dr. GINGREY, is yes, please call. Call your Representatives. Call your friends. Let everybody know we need to defeat this single-payer system. And the way to do it is to hold our Congressmen accountable for what they do. If it is good for you, it should be good for them as well.

□ 2145

Mr. BURGESS. I yield to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. I realize we are running short on time, but I just wanted to comment on the gentleman from Louisiana, Dr. FLEMING's resolution. Mr. Speaker, it would be akin to a member of a public school board, let's say in your own community or in my community. In fact, I was on a public school board, and do you think I would have had the audacity to have my children enrolled in a private school while I served on the local public school board? Absolutely not. All four of my children went to that public school. It wasn't a perfect school, but it was my job to make it perfect, as perfect as I could.

And so for this Democratic majority, and this President, I would take it a step further than what Dr. FLEMING said. I would say to the President, and to Mrs. Obama and to the children, you know, Sign up for this public health plan, because you are purporting it to be the best thing since sliced bread,

better than any private, Blue Cross/Blue Shield, WellPoint, whatever is out there in the private market.

This is a wonderful hour, and I thank the gentleman from Louisiana for bringing up this commonsense point.

Mr. BURGESS. I also would thank the gentleman from Louisiana. I would also point out that in the last Congress I introduced a bill that would remove Members of Congress from the Federal employee health benefit plan and give them a \$3,000 voucher to go out into the individual market and purchase insurance, figuring that if we became uninsured it would make us more creative about seeking solutions for people who seek this problem.

I did not get any cosponsors. I did offer it to then-Senator Obama through his surrogates at several points, but I never got any takers.

I also prepared an amendment, when we do get our bill in committee, and I have hesitated on this, because I don't want my more conservative friends getting angry at me for expanding an entitlement, but I have prepared an amendment that would make Medicaid available to every Member of Congress. In fact, to make Congress a mandatory population to be covered under Medicaid, so that again we could experience for ourselves firsthand the frustration that patients find when they go to find a Medicaid provider, because in many States, my home State of Texas, Medicare reimburses poorly, Medicaid reimburses abysmally. And it's very, very difficult to find a provider on Medicaid. But I think the gentleman is on the right track, and I thank them for bringing that to us this evening.

I would like to take a few minutes. We have two doctors from Georgia, two from Louisiana. I was only able to attract one doctor from Texas, which is me, but I do have a Texas judge. I yield to him if he has a few comments to make on the subject of the evening.

Mr. GOHMERT. I wanted to thank my friend, Dr. BURGESS, and to be among such wonderful physicians. And I have been listening, a trained judge, I got to listen a great deal. And I heard so much wisdom from my friend Dr. PRICE, Dr. FLEMING, Dr. GINGREY, Dr. BROWN and Dr. BURGESS over the last 4½ years I have been here, and I have come to know their hearts and know their heart is for the good of America.

When we hear about transparency, and we look at what's been happening, look at the Federal Reserve. My goodness, what's going on? And you look at the auto task force and what they have done with that, and now they are going to do that with health care? It's the doctors that save our lives. It's the health care that will save lives.

Well, that's what it used to be.

And so then we hear, and I don't know if, Mr. Speaker, if the American public knows what former Chairman BARTON was saying, but manager's amendments have been filed after committees have done their work, and what little work was done.

And the manager's amendment just completely replaces all the work that was done, and it's put in at the last minute. And then we have amendments, as we did on crap-and-trade, that were filed at 3:09 and then supersede everything and then right up here at the Speaker's desk. There was not a complete copy, as that was made clear.

And I have been listening to these things, and I appreciate so much the work of all of these people trying to come together with a plan. And I have been trying to get alleged counsel to put together a compilation of these ideas in a bill, but they will not. They have not so far. Former Chairman BARTON has submitted this request, and I hope we have a bill so America can know about what's out there.

But I think Dr. FLEMING has a great point. Congress ought to be part of anything we make anybody else comply with. And that's why how about a system where instead of Medicare, Medicaid and SCHIP, we just put money in a health savings account that the patient controls and get out of what Mr. SHADEGG was pointing out, all this bureaucracy, all these insurance companies coming between the patient and the doctor, and then have catastrophic care to cover everything above the health savings account amount where the patient and the doctor decide on treatment. These are things we could do. These are things that will be good for America. These are things that all of us, we have talked about, we would be willing to do ourselves. That's what we ought to do for America.

And I am broken-hearted for what this body is going to cram down into the lives of people. And if they think they didn't like some of the things that were dictated from Washington, wait till Washington gets to control your life, because I am guaranteeing you, when the government takes over health care, they have every right to tell you what to do, what to eat, how to live. They will have a right to monitor your credit card receipts. Oops, you had too many Twinkies you bought last month.

I mean, that stuff is coming once the government controls your health care. It controls your life.

Mr. BURGESS. I thank the gentleman from Texas for his valuable insight. It brings up a valid point, Mr. Speaker, and the American people are going to be asked to undergo significant change in the way they receive their health care.

Yes, it may be change they voted for in November. Yes, it may be change they can believe in, but I don't know that it's necessarily going to be change they like.

So I do, Mr. Speaker, if I could, I know I must address my comments to the Chair and not to the public at large, but, Mr. Speaker, if I could address the public at large, I would tell

them they need to be very, very skeptical of what this body is doing, typically in the middle of the night, without much scrutiny and without much study of these bills and processes as they go through.

The individual Members of Congress do need to hear from their constituents on this issue. It's too important, too important for the American people to remain silent. There are Web sites out there where there are petitions that may be signed, AmericanSolutions.com, galen.org are two that I know have petitions up. This one that I was recently made aware of, Let Freedom Ring, which has a responsible health care pledge that they have posted online.

These are very worthwhile efforts that the American people can undertake and make certain that their representatives know how they want it to be, how they want to be represented.

And it is, I think, people got the message on cap-and-trade but they got the message a little late. We may, in fact, have been able to turn that vote had we been able to have one additional half day of debate on that topic.

Let me now turn to the doctor from Georgia, who we heard from briefly earlier. He may have some wrap-up comments that he wants to offer the body.

Mr. BROUN of Georgia. American people need to understand what is in this bill, as little as we know about it. There are some things that we do know about it. Our friend, JOHN SHADEGG, just talked about that, the untruth of your being able to keep the health care policy that you currently have, is absolutely in this bill. People are not going to be able to keep their health care policy. We know that.

We also know, without a question, that there is going to be a Washington bureaucrat put between the doctor and the patient. So a Washington bureaucrat is going to be making your health care decisions, is my message to the American people, Mr. Speaker. It's going to make your health care decisions for you, Mr. Speaker.

You doctor is not just going to be able to make those decisions. You are not going to be able to make those decisions. Your family is not going to be able to make those decisions. And the decisions are going to be rationed. In other words, some Federal bureaucrat, some Washington bureaucrat is going to tell the patient what tests that they can have, what medicines they can have, what surgeries they can have, what X-rays they can have and what they can't have.

And there are going to be more can't-haves than can-haves, because this is going to be extremely expensive.

We know this that's in this bill: Right now, today, when people have insurance provided by their employer, that is a tax-free benefit. We already know that this Democratic bill is going to put taxes on your health insurance, and you're going to have to pay those. So what you're getting now, Mr.

Speaker, the American people, at no tax consequences to you, you're going to have to pay taxes on it.

We know this, too—that Mr. Obama said a few weeks ago that he had to push through this, what I call cap-and-tax bill, the cap-and-trade bill, that it wasn't about the environment, because he said himself that he needed those taxes to pay for his health insurance program, this single-party payer program that we're going to; some Washington, bureaucratic-directed health care system. He needs those taxes to pay for it. So people's taxes are going to go up. Business taxes are going to go up. We're going to have these energy taxes, which is going to increase the cost of all goods and services—gasoline, heating oil, natural gas, food, medicine, everything is going to go up because of the energy tax that's over in the Senate. And I hope the American people will call and tell their Senators "no" to that, too.

It's critical at this late hour, which should be a very, very early hour but it's a late hour because the majority is going to force down the throat of the American people this health care plan that's going to be disastrous and take their choices away, increase their taxes. It's going to destroy our economy, and it's going to destroy the quality of health care. I hope they'll call, fax, e-mail their Members of Congress and say no, let's put everything out in the open so that we can know what it is and so that alternative systems can be looked at.

I thank the gentleman for yielding.

Mr. BURGESS. I thank the doctor for coming down and participating. It may be late on the East coast but it's early on the West Coast, and he has a perfect point to make—that your voices must be heard. Again, the Webcast of the Doctors Caucus meeting over at George Washington earlier this week. The open forum that was held on health care, The Web site [www.healthcaucus.org](http://www.healthcaucus.org) has an archive of that.

Additionally, there are many, many interviews with other thought leaders and headline-makers in health care that have been accumulated on this site in the last 6 months. I do encourage, Mr. Speaker, people to consider going. Americansolutions.com has a petition, galen.org has a petition; and there is the Let Freedom Ring group that is available on your search engine that also has a petition. I would encourage people to weigh in with that.

Don't discount calling the Speaker's office. You can find that at [www.speaker.gov](http://www.speaker.gov), hit the "Contact Us" button and find the number to call into the Speaker's office to weigh in on this important issue. And finally your calls and faxes, Mr. Speaker, that constituents will make to their individual Member's office are going to be extremely important in this endeavor. I hear all the time from people back home. What can we do to help you? Now is the time. You need to make your voices heard on this very impor-

tant issue. Whichever side you may reside, wherever your feelings lie on this, you need to make your feelings known to your Member of Congress. The time for that action is now. The markup starts next week. We will vote this out of the House of Representatives by the end of the month. Don't ask me why we have that arbitrary, condensed timeline, but that's what we've been given by the Speaker of the House.

So now is the time to make your voices heard on this very, very important matter. As the ranking member of the committee said, this is the "one-if-by-land, two-if-by-sea" moment. The American people need to make their voices heard on this very critical matter, which will affect not only their future, their children's future and their grandchildren's future.

Thank you, Mr. Speaker, for the time.

□ 2200

#### PATIENTS BEFORE PROFITS

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. Mr. Speaker, I am KEITH ELLISON and I am a Member of the Progressive Caucus. It is late and the hour is moving toward when a lot of people are looking to retire for the evening, but we have to talk health care. Before I do, let me introduce the Progressive Caucus message that we have for people tonight. The Progressive Caucus message is we come to this Chamber every week to talk about a progressive vision for America.

What is a progressive vision for America? It is a vision, Mr. Speaker, in which people can live free of discrimination; people can live in harmony with the Earth; workers can work with dignity. Workers can have respect and safety on the job and earn decent pay. Where all Americans can have health care and enjoy the benefits and the bounty of this great country of ours.

A progressive vision, a vision similar to the one that Martin Luther King had for our country, a vision similar to the one that the great Rachel Carson, author of "Silent Spring," had for our country. A vision similar to one which Walter Reuther, a great labor leader, had for our country, a progressive vision which embraces all, which includes all, where human beings live in harmony, free from fear who do not disrespect or abuse our environment, believe all people have dignity, and we should have health care so people can have a decent standard of living.

This is the progressive vision that we talk about with the progressive message and it is what we do when we come to the House floor to talk on this House floor about what we believe in.

The Congressional Progressive Caucus is the group that I speak for tonight. This is our Web site, Mr. Speaker, which is [cpc/grijalva.house.gov](http://cpc/grijalva.house.gov).



What are we talking about tonight? We are talking about health care reform, patients before profits.

Tonight, Mr. Speaker, I think this presentation could not be possibly more different, it could not possibly be more different from the hour you just heard because the hour you just heard a moment ago talked about what we couldn't do, who couldn't get care, why we have to have the status quo, why things have to be the way they are and why we cannot have reform. That is what you just heard, horror stories and fear-mongering like we have been hearing for many decades.

It was the same thing in 1994. Remember the Harry and Louise ads? Oh, the government is going to take your health care away; the government is going to make medical decisions for you.

It is not true. Don't fear. The American people should not fear health care reform. The American people, 300 million strong, know that 50 million, nearly 50 million of our number, are without any health care at all. The 250 million who do have health care know that the private insurance companies have been reaping enormous profits while you've been paying higher deductibles and higher copay, and you have been paying higher premiums and you have been being denied coverage for pre-existing conditions. The time for change is now.

I think for the first time in a long time, real change is right within our hands. Mr. Speaker, if the American people have a will for a greater level of health care, for a greater level of quality of life in which all Americans don't have to go to bed at night afraid that they are going to be without, this is the time for them to raise their voices.

I think a few things are important to know, and that is, just like as in 1994, the scare tactics that we just heard and will probably hear again tonight are in full force. And if the American people don't step forward, you don't know which vision of America will prevail: a progressive vision where all Americans have health care and access to care that says prevention, that says long-term care, that says we are going to have a public option which we desperately need, or this situation which leaves 50 million Americans out with escalating costs and preexisting costs which doom people to a medical nightmare. We will talk more about that in a moment.

First, I want to say that the fight is on. It is raging. It is happening. And if the people want to be heard, Mr. Speaker, they need to be heard now.

Let me say this: in the first 3 months of 2009, in the first 3 months of 2009, the Chamber of Commerce and the Pharmaceutical Researchers and Manufacturers of America, PhRMA, played lobbyists a combined \$22.5 million to promote their interests. Okay, you didn't hear me: \$22.5 million to lobby people like me, Mr. Speaker, to not give the American people health care, to keep

the status quo, to let it be how it is, to let these preexisting condition exclusions continue on, to leave 50 million Americans out in the cold, to continue the increasing premiums and these ridiculous copays people are having to pay.

You didn't hear me? The first 3 months of 2009, the U.S. Chamber of Commerce and the Pharmaceutical Researchers and Manufacturers of America, PhRMA, laid lobbyists a combined \$22.5 million to promote their interests; \$22.5 million in January, February, and March.

You think that is a lot of money, Mr. Speaker? It's nothing if you compare it to the amount of money they made by denying Americans health care, by denying enrolled Americans health care, as they have been doing and saying we don't cover that. And by reaping all of these excessive profits, oh, \$22 million is a rounding error for them, but it is an enormous amount of money for us.

Monday, July 6, The Washington Post said: Familiar players in health care bill lobbying.

The largest insurers, hospitals and medical groups have hired more than 350 former government staff members and retired Members of Congress in hopes of influencing their old bosses and colleagues.

That is not quite one for every Member of Congress, but it is nearly one for every Member of Congress, and that is just counting the former Members of Congress and former staffers. Just to try to twist an arm to say leave the status quo as it is.

Three out of every four major health care firms have at least one former insider on their payrolls, according to Washington Post analysis. Nearly half of the insiders previously worked for key committees and lawmakers currently debating whether to adopt a public insurance option which is opposed by major industry.

So they are getting people who used to work here to try to stop progress and keep us from a progressive vision because they care more about profits before patients. We, in the Progressive Caucus, care about patients before profits.

The hirings are part of a record-breaking influence campaign by the health care industry. This is according to The Washington Post, record-breaking influence peddling campaign by the health care industry. You know, Mr. Speaker, you may have been dazzled, shocked, and amazed by what you saw in 1994 when they in fact killed health care. Now they are pulling out all of the stops, and they are going to make sure that they set a record in the amount of influence that they are trying to campaign for to defeat health care reform.

They want the status quo. We want a progressive vision. Mr. Speaker, just hold onto something because this number might stagger you: \$1.4 million a day, nearly \$1.5 million a day to stop health care reform by paying lobbyists,

and this is just according to what has been disclosed in their records. So \$1.4 million a day just to lobby against health care reform? Yes.

So, Mr. Speaker, if the American people want health care reform, they better say something because \$1.4 million a day can speak pretty loud.

The Pharmaceutical Researchers and Manufacturers of America doubled its spending, nearly \$7 million in the first quarter of 2009, followed by Pfizer with more than \$6 million. If they are right, if this system is good, why have they spent all of this money? Can't they just let the facts speak for themselves? No, the facts need to be adjusted for them.

The Post examined federally required disclosure reports submitted by health care firms that spent more than \$100,000 lobbying in the first quarter of this year, and it used current and past filings to identify former lawmakers, congressional staff, and executive branch officials.

□ 2230

This is a quote: "The revolving door offers a shortcut to a Member of Congress to the highest bidder," said Sheila Krumholz, who is the executive director for the Center for Responsive Politics, which compiled some of the data used in the Post analysis. Here's her quote—and this is really a shocker, Mr. Speaker: "It's a small cost of doing business relative to the profits that they garner."

So again, \$1.4 million a day seems like a whole lot of money to me, but when you think about the money that is reaped from the status quo in their denial of claims, in their denial of pre-existing conditions, and all of this stuff, it's really not a big deal at all.

Mr. Speaker, let me show folks just what this profit is doing. Projected spending on health care as a percentage of gross domestic product, Mr. Speaker, has been doing nothing but going up and up and up. If you look at just projected costs in 2007, we're talking about an enormous upward slide from about 15 percent upward to nearly 50 percent if these numbers are projected to 2008. Medicare going up and Medicaid going up, but those lines are relatively flat. If you look at all the other health care costs, it's just jumping up. This is spending, and whatever I spend, somebody else makes. This represents the enormous amount of money that will be made under the status quo, and it represents why they're willing to drop \$1.4 million a day just to defeat the real change that we need.

Mr. Speaker, let me just also point out a few other facts that I think are important. We have a growing number of Members of this body, the House of Representatives—many of whom are Progressive Caucus members—who are saying they won't vote for any plan unless it includes a public option. I'm one of those. I know I've been accused of being doctrinaire, of drawing a line in the sand and not being flexible. Well, they're right; I'm flexible, but not on



this. No public option means a red vote, which means no for me.

We've got to have a public option. We have to have it. And I'm proud to say that Speaker PELOSI, CHARLIE RANGEL, and leaders in this body have said that we're going to have our public option. And it's because people out there have raised their voices, Mr. Speaker, and the people in this body haven't let the people in America down and they've stood up for change.

But it's not just in the House, Mr. Speaker. I'm happy to say that Members of the other body, Senator RUSS FEINGOLD, Senator BERNIE SANDERS, and Senator CHUCK SCHUMER are standing up and speaking out for a public option right now. Senator FEINGOLD, Senator SANDERS, and Senator SCHUMER haven't been quiet, Mr. Speaker; they're trying to make sure that we get this public option through the Senate as we work for it in the House.

What we really need, Mr. Speaker, is for Americans to let their voices be heard. Because if they say, Oh, well, the leaders in Congress got it all under control, that's exactly when we lose it. The American people are like the wind that pushes the boat through the sea. I don't care how big your sail is, how pretty it is, or what you put on it, if there's no wind, it doesn't move. And that's how this democracy is going to work.

As I praise Senator RUSS FEINGOLD, let me tell you what he said on June 18 that deserves our respect, Mr. Speaker. Senator FEINGOLD said, "A strong public health insurance option is consistent with a healthy private market and effective private insurance plans. We have several insurers that operate in my home State of Wisconsin that provide great health coverage to their beneficiaries. Responsible insurers should have no trouble competing with a public insurance option on the merits of their plans, but a strong public health insurance option will provide a powerful incentive for less responsible insurers to reevaluate their own cost-sharing and benefit plans to ensure that they are actually an attractive option for consumers." That's what RUSS FEINGOLD said, Mr. Speaker.

And he went on to add, "There is another benefit of a public health insurance option which hits particularly close to home. My hometown of Janesville, Wisconsin—that's RUSS FEINGOLD's hometown—has one of the highest unemployment rates in the State of Wisconsin. Recently, our GM assembly plant ceased production, and other related businesses throughout the community are struggling to stay afloat during these tough economic times." Of course these challenges are shared by many other communities across the State and, I would add, across the Nation.

Back to the Feingold quote. "A public health insurance option would be invaluable to families in Janesville and many other cities across America who have recently been laid off because it is

a guaranteed affordable option that can travel with an individual from job to job. A public health insurance option would also make a tremendous difference for our small business owners who are facing crippling health care costs while trying to keep their businesses open." That is the great Senator RUSS FEINGOLD as he spoke passionately and convincingly about a public option.

I just want the American people to know, Mr. Speaker, that in the House of Representatives and in the Senate there are leaders who have heard the cries of the American people, who have heard the demands for change, and who are going to stand up for a public option. And Mr. Speaker, I just want to take a second to say thank you to all those Members in the House, but also these three Senators—FEINGOLD, SANDERS and SCHUMER—and many others who have gone on record for a public option.

Mr. Speaker, I also want to share a few other points that I think are real important at this time as we've just discussed this critical thing. The fact is that what we need is a real focus on patients, not profits. The way the health care proposal is working now in the draft is that there are basically three prongs.

One is, employer-based health care insurance. If you like the insurance you have, you can keep it. Don't listen to that stuff you heard in the last hour, Mr. Speaker. The truth is, you get to keep your health insurance if that's what you want.

Two, people who are over 65 or who qualify for Medicaid can get health insurance. Those folks who are in those government programs already can share in that benefit.

But the third option is this exchange where private insurance plans and a public option will be available for people and people can bid on these options and purchase their health care. There will be a subsidy up to about 400 percent of the poverty guidelines.

We would ban the exclusion of people with preexisting conditions. And there is a proposal that anyone who wants to put their plan in that exchange would have to have a medical loss ratio of about 85 percent, which would mean that actual health care delivered to people, the money would have to be 85 percent of their overall budget, and that 15 percent would be on administrative costs and other things like that. Medicare already does a whole lot better than that, and so does the VA.

So that's basically an outline, Mr. Speaker. That's basically what it is. But I just wanted to make sure that we really hit this idea of this public option tonight.

Our system wastes roughly about \$700 billion on treatments and procedures that cannot be shown to improve health outcomes right now. A public option would make charging these kind of fees to just generate money something they really can't afford to do be-

cause you've got real competition that's not driven by a profit motive but is driven by quality health care.

The fact is, Mr. Speaker, we need ways to drive waste out of the system and we need ways to make private insurers really compete with this public option, which they do not.

As you know, Mr. Speaker, under the McCarran-Ferguson Act, insurance companies are not required to compete with each other. They have an exemption from antitrust laws, and therefore can legally collude. And so we need this public option so that we can make them actually compete.

You know, Mr. Speaker, I don't have to get up here and tell you or anyone else that health care costs in America are crushing America's businesses and families, but I will offer a few examples. Our manufacturers spend more per hour on health care than do their counterparts in Canada, Japan, and the U.K. combined. What I'm saying is that if you have a company that is international in scope and has places in Canada and subsidiaries in Japan and the U.K.—that's England and the United Kingdom—their American manufacturers spend more per hour on health care than all these other subsidiaries combined.

□ 2220

That's making America noncompetitive and putting us at a competitive disadvantage.

Mr. Speaker, I bet you didn't know, and maybe you did, that health care costs for small businesses have grown 30 percent since the year 2000 alone. We need health care. We need a public option. The average family premium costs \$1,100 more per year because our health care system fails to cover everyone. The average individual premium costs \$400 or more. Mr. Speaker, we need a public option. We need health care reform.

In 2004, half of all people filing for bankruptcy cited medical problems as a cause. That's half. Well, Mr. Speaker, I have got a chart right here where this is definitely an out-of-date figure because it's much higher than half now. Medical bills underlie 60 percent of U.S. bankruptcies, according to a recent study. Washington Reuters, that's the news company: Medical bills are involved in more than 60 percent of U.S. personal bankruptcies, an increase of 50 percent in just 6 years, U.S. researchers reported on Thursday. More than 75 percent of these bankrupt families had health insurance but were still overwhelmed by their medical debts, the team at Harvard Medical Law School, Harvard Medical School, and the Ohio University reported in the American Journal of Medicine.

"Using a conservative definition, 62.1 percent of all bankruptcies in 2007 were medical; 92 percent of these medical debtors had medical debts over \$5,000 or 10 percent of pretax family income," the researchers wrote. "Most medical debtors were well educated, owned

homes, and had middle class occupations.”

Mr. Speaker, this scenario is what the speakers in the previous hour were trying to defend. Is that not crazy? That is not what the American people want. That is not what the American people deserve. The speakers in the previous hour were literally defending this system and standing in the way of reform.

A few more facts, Mr. Speaker. In 2008, just last year, half of all people filing home foreclosures cited medical problems as a cause. Again, medical problems and our broken health care system deeply implicated even in the foreclosure crisis. The fact is high costs lead to people losing coverage, and 14,000 Americans are losing coverage every day in the midst of this economic crisis. The numbers are staggering, and at some point your eyes just gloss over it and you can't really hear them. So sometimes numbers don't even bring as much light to the subject as one would want. But let me just say 14,000 Americans are losing coverage every day in the midst of this economic crisis. Why? Because as unemployment creeps toward 10 percent, when you lose your job, you lose your health care because we have an employer-based health care system.

Mr. Speaker, again, a serious problem. Last month 400,000-plus jobs lost by Americans. Every one of them is either dealing with no health care or has to carry an enormous COBRA payment on their back. Mr. Speaker, that's not good. And 60 percent of Americans say that they or a member of their household have delayed or skipped health care in the last year.

Mr. Speaker, we need to reform our health care system. I hope that's obvious to everybody. Actually, you and I both know it's not obvious to everybody though we wish that it was. But let me just talk a little bit about it for a moment. I will bring back up this poster, Patients Before Profits.

Mr. Speaker, reform will alleviate the burden on families by lowering costs. Ensuring timely access to affordable, quality health care, making sure everyone has access to preventative care will help keep the American people healthy and allowing workers to change jobs without worrying about losing health care. Imagine being stuck in the job you have, and maybe you don't even want to be there, but you can't leave because you've got health care.

Mr. Speaker, I talked to a dear friend of mine whom I have known for many years, many years, Mr. Speaker. And I know you know what I mean when you've known someone for years and years and years, but there is something I didn't know about this friend of mine when I had a health care forum in my district in Minneapolis a few weeks ago. I won't mention this friend of mine's name because I'm going to protect her privacy, but this friend of mine whom I've know for years, I

didn't know this fact about her. Let's call her Ann. That's not her name.

Ann, after a health care forum that I held in my district in Minneapolis in which 220 people showed up because they demand health care reform, waited around after everybody left after the health care forum and said she needed to talk to me. And I said, Ann, sure, I'll take a minute and we can talk. And this is a strong woman. She is not someone who is easily given over to tears, but she was in tears. She's only about 37, 36 years old, and she has a beautiful family, and she's just a great person all around. Anyway, Ann sat me down and she looked me straight in the eye. And when she looked me in the eye, Mr. Speaker, I knew she was serious, serious, serious. And what she said to me, Mr. Speaker, was this: I'm on my job and I have health care insurance at my job, but members of my family, including my sisters and my mom, have had breast cancer. And, Mr. Speaker, she told me that she is afraid to go get a test to determine whether she may develop breast cancer because if she gets this test, Mr. Speaker, then a health care company might decide she has a preexisting condition and then drop her from the policy. But if she doesn't go find out, Mr. Speaker, if she might develop breast cancer, she can't get treatment that she needs that may save her life one day. And she's a young mom. She's only about 37, 36 years old, and she has kids whom she's trying to rear. So, Mr. Speaker, imagine being in the case where you can't go get the test to find out whether you have breast cancer because if you do, that's going to be a preexisting condition, and yet you can't afford not to do it because if you don't do it, like your mother and your sister, you may develop breast cancer.

This is the system that these folks who are standing in the way of reform are trying to preserve. And, Mr. Speaker, it is wrong. It's time for reform to take place, and the time for reform is now.

Reform will alleviate the burden on families by lowering costs. Reform will alleviate the burden on our economy by creating more efficient insurance and a delivery system which will reduce waste and allow a more rational financing system where everyone contributes instead of shifting costs from some people onto others. Reform will alleviate the burden on business that has been hindered in their ability to compete because of these enormous health care costs.

Mr. Speaker, we have got to have a public option. I explained the public option a moment ago. A public option is just one of other health insurance coverage programs that will be offered on the exchange. But, Mr. Speaker, the public option needs to be understood. What the public option is is giving the uninsured an option to enroll in a public health care plan that's like Medicare. The public insurance option would compete directly with health

care insurers. Why are they afraid to compete? What are they scared of? The uninsured individuals would get to choose which plan is best for them, which could be a private one or the public option.

Why is having a public option so important? A broad array of research has confirmed that a public health insurance option is a key component of cost containment because it will introduce more competition, something conservatives say they like whenever it makes them exorbitant money. It will lower administrative expenses. I talked about the medical loss ratio a moment ago of 85 percent. I have a bill personally that will raise it to 90, which I think would be better.

□ 2230

Medicare would still outcompete them because they can do better than that and drive cost-saving innovation. According to research from the Commonwealth Fund, the net administrative costs for Medicare and Medicaid were 5 percent and 8 percent respectively. That's why I think a medical loss ratio of 90 percent would be good. They should be able to do it. Mr. Speaker, if you look up the top five health insurance companies, their administrative costs were 17 percent, and the average administrative cost for private insurance is 14 percent. The fact is, they're inefficient, they like it that way, and they don't want to change. But a public option would make them change.

Members of the Congressional Progressive Caucus signed a letter to Speaker PELOSI and to the Democratic leadership, clearly stating that a robust public option must be in the mix. This year in the Congress we must act on health care reform, and that health care reform must include a public option. We believe that only a health care plan with a robust public option will provide more Americans with greater access to treatment and doctors with less interference and obstruction from big insurance companies and other profit-driven special interests.

Mr. Speaker, if you listened to the hour just before I came on, you heard people spinning scenarios and imaginary ghosts and demons and goblins in the air in which a patient would have a government bureaucrat—their words—in between the doctor. Well, that hasn't happened. That's imaginary. It's not going to happen. But now today a patient has to deal with a bureaucrat in an insurance company before they can get the medical treatment that they need. Their claims have been excluded. Some bureaucrat has said, “Oh, we're not going to approve that.” “Oh, we're going to deny that.” “Oh, we're not going to allow that procedure to happen,” even though a doctor has recommended it. That's reality. What they were talking about an hour ago was fantasy, and it's kind of like on the Freddy Krueger order, nothing but a nightmare and a horror film.

We urgently need to fix health care for American families. Every day Americans worry not simply about getting well but whether they can afford to get well. Millions of Americans wonder if they can afford the routine care to stay well. Premiums have doubled over the last 9 years, three times faster than wages. The average American family already pays an extra \$1,100 in premiums every year for a broken system that supports 46.5 million uninsured Americans. We need the change for American business. Soaring health care costs put American companies at a competitive disadvantage in a global economy. Small businesses are forced to choose between coverage and layoffs. That's a choice they should never have to make. But what about the fiscal future of America? We have the most expensive health care system in the world. We spend almost 50 percent more per person on health care than the next most costly nation, and we're no healthier for it. We're spending all this money, but we're not healthier for it. If you look at national rankings of Americans' health and wellness, we're not at the top, although spending is at the top. We're at the bottom when it comes to diabetes, when it comes to heart disease, when it comes to cancer, when it comes to all these critical things. What are we going to do about it? We'd better step up and do something, and that something cannot wait. If we do nothing, in a decade we'll be spending \$1 out of every \$5 on health care. In 30 years it will be \$1 out of every \$3. Health care reform is necessary, and it's deficit reduction because reform will drive down costs.

What we want to offer is cost reduction, choice, security and quality. President Obama and this Congress want to reduce health care costs and offer people a choice of doctors and plans and guarantee affordable quality health care for all. That's what we're trying to do. This is an American solution. You always hear people talking about what they do in Canada, what they do in the U.K., what they do in France. We're not talking about any of those countries. We're talking about a uniquely American solution. We are not trying to be like anybody else, Mr. Speaker. The fact of the matter is, 36 other countries in the world and every industrialized country has national health insurance. We don't. That's why their outcomes are better and their costs are lower. But we're not comparing ourselves to some other country. We're not talking about what other countries do. We're talking about an American solution that will ensure every child in America is covered, that will invest in prevention and wellness, where we'll ensure that doctors and nurses get the information they need to provide individuals with the best care available and never again will your coverage be denied because of a pre-existing condition or your age or your gender or ending a system where profits come before people and millions

go without vital health care. Never again. Never again should we make life or a job decision based on coverage, and never again should we let our families suffer financial catastrophe or bankruptcy because of these high costs.

Mr. Speaker, I'm coming to the point where we're probably going to wind up in not too long; but I do want to just make a few more points before I take my seat. One of the things I want to do before we take our seats is just to point out the fact that scare tactics and fear tactics have not served the American people well, not back in 1994 when health care was defeated then, and they won't work now. We've learned a lot since 1994, and we're not going for it. The fact is, health care is a social imperative. It's an economic necessity. And the new study by the President's Council of Economic Advisers demonstrates that the current health care system is on an unsustainable path. Without reform, escalating health care insurance premiums will continue to cause American workers and families to experience eroding health care benefits and stagnating wages while rising spending on health care and Medicaid will lead to massive unsustainable Federal budget deficits. The fact is, we need change.

I just have a few more points to make, and then I will hand it over to my colleagues on the other side of the aisle. I don't know what they're talking about; but if they talk about health care, I want you to remember what I said, Mr. Speaker, because these facts are critical, and we cannot allow anyone to scare us away from the reform that is necessary today. The fact is, the American people want change, and they're going to get change, and they're going to be much, much better for it. The fact is that we do need this public option. We do need health care reform. The fact is that we do need the change, and we can't allow it to be denied. It's time for the American people to raise their voices, Mr. Speaker, if they want to be heard. I talked about my friend Ann—whose name isn't really Ann—but I talked about her fear of going to get that test to determine whether she has breast cancer or not because, as I said, if she gets the test, she could be denied for a pre-existing condition or dropped from her insurance. And if she doesn't get the test, she won't be able to get the treatment that she needs to fight off that breast cancer. She's in a terrible position. But she's not the only one.

I want to talk about a few other folks before I yield the microphone. I want to talk about Mary from Minneapolis. Mary says, "My daughter needed her wisdom teeth out. At the time with insurance we were told to pay \$375, which we did. Then I got billed for over \$1,000, resubmitted, and eventually the amount was reduced to \$750. Meantime, my husband had no paycheck. I have calcium deposits in my back which make it difficult to walk. I can't afford

the copays, so I'm waiting until it is so bad that I can't walk." That's what Mary from Minneapolis said which is the status quo, which some people in this body want to preserve.

Denise from Minneapolis says, "I find more and more often that my family and I are skipping doctor visits for preventive care or when we would have made a visit to the doctor in the past, but now can't afford the copayment to be seen. This is especially true for childhood illnesses as well as allergy visits and medication, dental problems that could potentially be very serious, and injuries that, in reality, should be checked out by a doctor.

□ 2240

"My family is insured, yet because of our current employment situation combined with rising health care costs, it has become out of our reach to have the kind of care that we have enjoyed in the past. I feel we are being left behind for an inability to be able to bear the burden of the cost. This may mean that we will pay dearly in the future for things that could have been prevented or less serious had we been able to see a doctor initially." That is Denise from Minneapolis.

Here is Janice from Golden Valley, Minnesota, also in my district: "I have worked every day since the day I turned 15, and I am currently 51, married with two teenage children. I have a college degree. We have always lived a balanced and frugal life. We do not take exotic trips and mostly buy generic groceries and thrift or discount store clothing. I do not and never have smoked or drank. And I have been in my job for over 20 years, yet I bring home less and less each year due primarily to health care premiums and costs. Health care premiums and copays cost about 25 to 30 percent of my income. Health care premiums cost me more than my Federal, State, Social Security, union dues and retirement plan deduction combined from each paycheck. The increase has been so great that we have stopped being able to contribute to savings for about 4 years ago. The one thing I fear more than anything is me or a family member getting sick because of what treatment will cost even beyond the premium costs. When I have a strange new sensation in my eye, or vein hurting in my leg, or dull pain in my chest, I just pray it will go away on its own because I'm afraid of what it will cost me. We pay out so much for health insurance, yet we cannot afford to really even use it. And I feel even worse for those who have no health care insurance at all. This reflects so badly on what America has become, a place where only the wealthiest survive and the profit by the few takes priority over the basic needs of all."

Janice, I want you to know that we are fighting for patients before profits today.

I want you to know, Mr. Speaker, about Anita from Roseville, which is

not in my district, but it is very close by. Anita says, "I work for a public school and my husband stayed home with our daughter. We started paying family health insurance in 2002 at \$10,000 out of pocket. This year, we are paying over \$12,000 out of pocket, and our copays are \$40 and \$50 per visit. Our daughter is school-aged now, but my husband started looking for work when the economy took its downturn last summer and still does not have a job. Health insurance costs severely limit our quality of life by using up our disposable income."

Let me talk about Priscilla from Minnesota. Priscilla says this: "I got on my husband's insurance after the job I had discontinued coverage for me. We paid over \$500 a month for this coverage. I had health issues that came on suddenly with breathing problems. It took several hospitalizations and ICU care before they finally figured out what the problem was. My husband's insurance refused to pay for any of it, calling it a "preexisting condition."

And by the way, these would be banned under the plan offered by Democrats.

"And we were left with a medical bill over \$25,000 to pay ourselves. This was at the same time we were spending \$500 per month on premiums. The provider sent our bill to collections. It has been a nightmare. My husband is now disabled, and we have no coverage, yet his condition requires regular CAT scans and nine different medications to make sure his condition is stable."

I urge my colleagues who stand in the way of reform to listen to these good, decent people. They deserve better. They deserve better. Let's not worry about what the Chamber of Commerce and what PhRMA want. Let's worry about our constituents and the patients of America.

I'm going to just read one more story from Doug, Mr. Speaker. And then after that I will make some closing comments.

"I recently refilled my mail-order prescriptions. I get as many generics as possible. However, I am a diabetic, and both types of my insulin are not generic, neither are blood pressure medication nor a cholesterol medication and glucose test strips. My insurance company in a bid to force generic drugs have made them 'free' for mail-order while nongenerics doubled in price. So I had to choose which ones I didn't need. I chose the glucose test strips because I can buy them over the counter for the same price and 'ration' them by testing less than I should. I'm still spending more money than I can afford, and I am afraid that my bank account will be overdrawn. If that happens, I will not be able to afford food or gas for myself and my son. I could borrow from my elderly mother, but it looks like they will be losing their insurance coverage from a failing car company. I have a good job with good benefits." That is what Doug said.

His last line was: "I have a good job with 'good' benefits."

Mr. Speaker, I have a lot more stories, and I hope none of the constituents will be disappointed because I wasn't able to get to every story. But we got a bunch of stories on our Web site and stories people submitted to us, Mary from Minneapolis, Denise from Minneapolis, Janice from Golden Valley, Anita from Roseville, Minnesota, Verona from Mora, Minnesota, Mary from Minnesota, Priscilla from Minnesota, Maria from Minnesota, Cynthia from Minnesota, Doug from Minnesota all calling in, sharing very courageously their health care nightmare that they need to be relieved of.

They need reform, Mr. Speaker. And the time for change is now. They need reform, Mr. Speaker, and the time for change is now.

Let me wrap up my comments by just saying that it is wrong that in the first 3 months of 2009 that the U.S. Chamber of Commerce and PhRMA paid lobbyists to combine \$22.5 million to promote their interests which is to thwart reform of health care. And it is also very disturbing that The Washington Post had to report recently that the Nation's largest insurers have hired more than 350 former government staffers and retired Members of Congress in hopes of influencing us to thwart reform. And it is actually disgusting that the health care industry is spending more than \$1.4 million a day lobbying to thwart health care reform.

Mr. Speaker, as a member of the Progressive Caucus who has a vision of an America where people who are sick can go to the doctor, Mr. Speaker, as a member of the Progressive Caucus that has a vision that we all can have decent, affordable health care, I urge my colleagues, Mr. Speaker, to think about these decent people, Anita, Janice, Priscilla and others, because surely in their districts they have people just like these good people who need change.

Let's say "yes" to the American people, Mr. Speaker.

It has been an hour appearing here on the House floor with the progressive message and with the Progressive Caucus message. Mr. Speaker, people can communicate by going to this Web site, [cpc.grijalva.house.gov](http://cpc.grijalva.house.gov) to let us know how they really feel.

□ 2250

#### SOCIALIZED MEDICINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for half of the remaining time until midnight.

Mr. KING of Iowa. Mr. Speaker I appreciate the honor and privilege of addressing you here on the floor of the House of Representatives. As I gather here in my preparation for this discussion, I understood the remarks made by the gentleman from Minnesota that he would be glad if I would, perhaps,

address the health insurance and the health care issue here in the country, and I would be glad to do that. And I believe also my friend from Texas would be glad to do that.

What stands out in my mind is this: That the President of the United States campaigned on a promise that he wanted to deliver. It looks to me like a national health care act. It's what I would call socialized medicine. That's what we called it when it was Hillary Care, and I think that's what we will call it if it becomes Obama Care.

But the American people are for the most part very satisfied with their health insurance program, and they are almost completely satisfied with the health care that they get when they do, when they do require that kind of care. The kind of care they get in clinics, the kind of care they get in hospitals, the kind of care that's provided by our doctors and our nurses and our various practitioners is number one in the world.

And, for example, the Canadian people that have an Obama Care plan come to the United States when they really need medical care. And I happen to notice that the people that have a socialized medicine program in the European Union, where sometimes their queue is longer in France than it is in Italy, longer in Germany than it is in Spain. And people that need care might have to move all around the European Union and get in the shorter queue to try to get in to get their hip replacement or their surgery or whatever it might be.

It's not the kind of care that I want to see in the United States of America. We don't have people waiting in line. We don't have people sitting outside the emergency room in a long queue, and we don't have people that are coming to the emergency room for care because it's more convenient to them—unless, of course, somebody else is paying the bill.

Because we have at least the incentive and a component of the free market system. Even though the Federal Government pays for a large share of health care, the reason our health care system in the United States is so good, and the biggest reason that our pharmaceuticals have raced so far ahead in their research and development of the rest of the world, and the reason that we have so much technology, and such high-quality health care, one of those reasons is because of the altruism of the practitioners that are there, they are in the business for the right reason. They want to help people. They want to provide good health care services.

But on top of that, there is at least an incentive for profit. And if you dial that out, if you take it away, it discourages people from going off to med school and discourages them from developing their skills and education, and it discourages the entrepreneurs and the innovators from producing more and more innovation when it comes to health care.

And so the rest of the world's opportunity to benefit from the innovativeness of the United States would be diminished if we adopted socialized medicine here in the United States.

And what are we trying to go fix. I would suggest this: The argument is that there are 44 to 47 million people in America that don't have health insurance. Now, no one should be very alarmed at that when they understand that everyone in America has access to health care. And, yes, it might be in the emergency room and it might not, and it's more often than not covered by somebody else's contribution, or there would be, through their workplace sometimes, or through some kind of government program or Medicare or Medicaid. But they all have access to health care. And a large percentage of us have health insurance.

And the number of 44 to 47 million that are uninsured, according to those who, on this side of the aisle who never come down here to ask me to yield and rebut my arguments, they just simply, apparently, are bewildered by the truth—so I would be happy to yield if any of you have an argument that you would like to make that would add some substance to this argument, but you don't—44 to 47 million uninsured by your numbers. But when you start carving out of that those who are illegally in the United States, if ICE, the Immigration and Customs Enforcement, were to deliver a voucher that were to provide for about half of these uninsured, pay for their insurance premium, they will be compelled by law to deport them rather than hand them the voucher check.

So you can cut that number down substantially, you know that to be true. Then if you take out of these 44 million, the numbers of people who are in transition from one health insurance policy to another, and if you take out of that also the young people that just haven't gotten into a program yet because partly because they don't want to pay the premiums for people who have higher health care costs, that 20-to-30, early 30s area, you are down to this number. They are chronically uninsured; according to a recent study, totals about 4 percent of the population.

Now, if we establish socialized medicine, we are going to maybe get covered 99 percent of the population, and we are at this point now where the chronically uninsured are only 4 percent of the population. So why would we upset and completely transform the best health care system in the world to try to narrow down the 4 percent chronically uninsured and maybe, if they would just sign up or participate, we could get them down to 1 percent.

For that 3 percent, we would upset the entire system. It does not make sense to me, and you cannot, you cannot save money in this health care program by turning it all into government unless you ration.

And what's happening now is Medicare is driving down the costs and

pushing the costs over on the private carriers. That's the real circumstance.

And I want to also say, Mr. Speaker, to you, I want to make sure the American people hear this.

When President Obama says, don't worry if you like your health insurance program that you have, you get to keep it, he is only the President of the United States. He doesn't get to promise Americans they get to keep their policy. He is setting up and wants to set up a national health care act, a socialized medicine program, an insurance program that competes directly with the private sector.

And when you use taxpayer dollars to subsidize funding directly against the private sector, you necessarily will shrink and outcompete the private sector because it's going to be subsidized from—without the public—the government insurance program, will be subsidized by taxpayers.

And if it is, it can outcompete that of the private sector. It's just a matter of the formula.

And so if you are an insurance company that has to have your costs all added in, your administrative costs added, a margin for the profit, always competing for the best kind of bargain that is out there, which adds to the efficiencies, I will add. And the government comes in, and they say we are going to take you head to head, but we are going to pump in 25 percent of our costs out of the taxpayers here to funnel this in. That means they will be able to lower the premiums down and take these private health insurers out.

I can tell you what happened in Germany. Otto von Bismarck established a national health care plan there more than 100 years ago, sometime in the late 1800s. And today 90 percent of Germans are covered by the public plan, the government plan, the taxpayer subsidized plan. Everybody is required to have a plan, about 99 percent do have a plan. But about 10 percent of them are covered by private insurance. That's all that's left.

They pushed out all of the private carriers except for about 10 percent. That 10 percent are for people who are self-employed who can opt into that, who want a little bit better health care program. That's what's kept that little 10 percent margin there. I don't think 10 percent is a legitimate competition.

And when the government owns and runs everything in the United States, what do you think happens to your prices and your efficiencies and your service? Price goes up, service goes down. Health care gets rationed. President Obama cannot promise the American people that you get to keep your health insurance plan because they are going to drive the health insurance companies out of business.

And even if they don't, the employers who control those policies and the employee providers of health insurance will be making that decision on whether they want to opt into the government plan or whether they want to

maintain the same or a different private plan for their employees. Yes, you can weigh in with your employer, you can make a request with your employer, but your employer will have to make a decision on the bottom line. The bottom line will be, is it cheaper to use taxpayer-subsidized health insurance for the employees, or cheaper to provide for the unsubsidized health insurance premiums from the private insurance companies?

That decision will be made on a dollar-per-dollar basis in what looks like it's the best thing for the mid term, short term and long term. And it won't be a decision made by President Obama; it will be a decision made by the employer.

So if the government offers a government plan, and the government plan saves the employer money, and you are an employee that is covered by your employer-provided plan, you can kiss it goodbye. It will be a government plan. It will be a national health care plan. It will be socialized medicine, and you will have one-size-fits-all medicine in the United States of America eventually under President Obama's proposal.

That's a fact. It really is logically irrefutable. No matter how many times they repeat the same mantra over and over again, it comes back to the same conclusion, which is: The American people won't get to decide that they keep their own plan. Employers, if they provide that insurance, will decide. And the government will subsidize the competition to the point where it drives out the private sector providers, and then it's all one-size-fits-all, all one government plan, all socialized medicine, all Canadian model, all United Kingdom model, all European Union model.

And what a cruel thing to do to the Canadians, Mr. Speaker, what a cruel thing.

□ 2300

A good Canadian company today will hire people and promise them this: you have to accept the Canadian one-size-fits-all plan with its rationing and its long lines and its inefficiencies and people waiting in line, dying in line. You have to accept that because it is against the law in Canada to treat somebody without an order of processing. You have to get in the queue. They enforce it differently province to province, but the law exists.

So let's say you need a hip replacement. You get in line with the people who need hip replacements and there is written criteria on what the priorities are. So you are standing in line. No matter how badly you need the hip replacement, you can't cut in front of the line; you are just stuck in that line. So employers, they want to offer a good package to their employees, will package up with this a health insurance plan that flies them out of Canada into the United States so they can get American health care. Now that is a nice plum. Let's say you have two people of such tremendous skill that you

want to hire them because that is what it takes to keep your company. That is what the President thought about Tim Geithner, by the way, who will be before our committee tomorrow, that he was such a valuable person, the fact that he had not paid his taxes was not a large enough factor to weigh against him. If you have those kind of people that you can hire in Canada, you offer them this nice package, which when it is convenient for you, use the Canadian plan. But when you need the health care, we will fly you to Houston and give you heart surgery. Your heart gives you trouble today, we will operate on you tomorrow. Maybe even today if it is early enough in the morning.

That is what happens in Canada: people are flown to the United States of America for their health care because it is rationed in Canada.

Now that is not enough, Mr. Speaker. Would anybody go out and go through the Web sites and the Yellow Pages in Canada and look at the travel companies that package up health care trips to the United States?

Hip replacement is easy to figure out. Let's say you live in British Columbia. No, how about Calgary in Alberta. You have a bad hip, and you finally get into the government doctor and he looks at you and says your socket is burned out, you have to have a hip replacement.

Yes, I stood in hours or days to have you tell me that. I want it fixed.

Well, we have a line over here. Let's say it is 400 long; we do a couple a week. So 52 weeks in a year, about 4 years or so. And I don't know that these are real numbers or hypothetical. But you understand you are in a long queue in Canada. So you understand you can go on the Internet, do a little search and come up with a nice little travel health care company, and there are a number of them in Canada who are in the business of packaging up the health care services.

They will say, you don't want to drive because we will do this surgery in Seattle. We will set this up. We will set up your transportation, fly you down to Seattle, and then here is your transportation.

You can get to the airport?

Yes, I will drive my car.

Park your car here; get on this plane. We will fly you from Calgary down to Seattle, and you can pick up the shuttle to the hotel, the hotel is next to the hospital, check into the hotel, go over to the clinic, the doctor will look you over and schedule you for surgery, which will be the following morning at 8 a.m. You go under the knife. You get your new hip socket. They give you a day and a half of therapy. We will bring you back to the hotel, and from the hotel they will shuttle you back to the airport and you can fly back to Calgary and you can go back home.

All of that for what, turn key. They will cut you a deal turn key so you know what it will cost you to pack it all up from transportation, hotel room,

doctors' visits, surgery costs, all of things that you get, including the therapy, the physical therapy on the tail end, and get you back home again, write one check or put it on your credit card. There is a company for you. They are the entrepreneurs that have survived in Canada in the face of socialized medicine because it created a demand for people to come to the United States.

Do we shut that all off? Would we destroy the opportunities for the entrepreneurs in Canada that have so adeptly found and met a market demand? I say, no, we should not do that in this Congress. And I don't know if there is anybody in this Congress who knows that better than Judge, the gentleman from Texas (Mr. GOHMERT). I would be very happy to yield to my friend from Texas.

Mr. GOHMERT. I thank my friend from Iowa, and I appreciate the chance to participate here.

The prior Republican hour, we discussed health care and this socialized medicine that is coming and supposedly is going to be jammed down America's throat next week, at least as far as the House is concerned.

And then I got back to my office and listened to my friend from across the aisle talk about his socialized—well, he called it progressive, but you look at the history of the progressive movement. It is a nationalization of things; it is a socialization of things. That is where it is all headed.

I was intrigued as I listened to my friend from Iowa talk about these horror stories from Canada and we keep hearing horror stories from England and other places that have socialized medicine, and I was struck by our friend on the other side of the aisle saying this isn't Canada, this isn't England, this is America, we are going to do it right. We are going to do it better.

I was struck, and if it weren't so tragic and if it didn't mean that going to socialized medicine as they want, we are going to have people I love dying unnecessarily, it would be a joke. But it is no joke; it is tragic. Because for years, for years we have listened to people say we need to have nationalized health care like Canada. We need to have nationalized health care like England where everybody has all the care they need. That's what we have heard for years.

So some of us, like my friend from Iowa, have gone to the trouble to find out more about this socialized medicine, this nationalized care, this public care in Canada, in England, in Europe and in other places.

What we find is this isn't something we want. So now we are no longer hearing we need to be like Canada and England and just have public health care, whatever the term is they want to use that particular day, because now we know more of the truth.

I talked to a man from Canada last week who was visiting with me. He was

telling me about his father who died a year or so ago from a heart attack. And his father knew he needed a bypass surgery and he had to go on the list to get a doctor's appointment. When he finally got the appointment and finally got the diagnostic care, he found out he needed a bypass. So then he went on the list to get bypass surgery. And he was on it for nearly 2 years.

I said I knew the lines were long, and my friend from Iowa pointed out there are people in Canada that will just fly you down to Houston if you are with a company that makes enough money that they can do that, but rank-and-file Canadians can't do that. Rank-and-file Americans have no place to go. They can't do that. They would stay in the line and they would die, like his father did.

I asked, How was it he stayed in the line so long?

Well, he said, bureaucrats moved people in front of him. For over a year, they kept moving people.

I said, Wait a minute, I know enough about Canadian care, and I know this bureaucratic, socialized piece of crap they have up there, it gives them a generalized standard of care. And I know they are very caring doctors. In fact, back 30-some years ago, my mother after a brain tumor was found had checked with one who was revolutionizing some areas of brain surgery. Not any more. You come here for that.

But anyway, my mother got the best care that medicine could provide because there are very caring doctors in this country and because there were no lines.

But with his father, I said as I understand, anywhere you have socialized medicine, you have to have people waiting in line because if you don't, the system goes broke.

□ 2310

You can't give people all the care they need when they need it or you go broke because the government can't collect enough tax to pay everything like that. The government can't do that because the government has no money of its own, it has to rely on taxes until it goes socialist completely—as the Soviet Union did, and then they were able to last 70 years because they would kill people and put them in prison if they didn't do exactly what they said. So they set a record, 70 years of socialism. We won't last that long once we get there, if we don't get it turned around.

But anyway, you have to put people in line, let them die waiting for treatment and care. But I also know you have to make it a crime for people to move themselves up the list or pay somebody to move them up the list. And so how was it that people kept moving in front of your father, they kept bumping him down the list to get the bypass? And he said, Well, you're right, it is a crime to do something to get yourself moved up. But bureaucrats are allowed to sit in their little cubicle



or office somewhere and at their whim decide whoever they may guess ought to be moved up; this guy may need bypass surgery worse than he does, and they kept moving people in front of him. Well, the bureaucrat guessed wrong. The man that needed the bypass surgery the worst died because some bureaucrat wouldn't let him move up the list in a timely manner. That stuff is coming to America.

And so when we were promised about this great, nationalized or public—you know, people have figured out socialized care is not something they want, and so now we're hearing it's public, it's a public care thing. Well, I heard my friend across the aisle say, well, an hour before me they talked about a bureaucrat being between you and your doctor. And he said what they talked about an hour ago was fantasy. Well, if we go to the program they're proposing, it may end up seeming like it's fantasy, but it will be a nightmare, and there will be no waking up and walking away from it. You get stuck in that system until it breaks your country because none that I know of have ever been able to successfully come out of it.

I was an exchange student to the Soviet Union back in 1973. I visited their medical schools. I visited with doctors. I met with doctors. I met families of doctors. People were embarrassed to tell me one of their parents was a doctor because they didn't pay them much. Now, if you were an assistant to the factory manager, you got a couple of weeks on the Niobrara River and you got some benefits, and that was a good thing, but people were embarrassed because doctors didn't get paid much. Folks, that's where this goes.

And I know we've even got some doctors that have said we ought to go to this thing—you know, insurance companies, we hate them, they delay payments, and things need to be done; maybe we need a public health care insurance. The problem is, they may reimburse for a little bit, but eventually you'll get to the salary, eventually the salary does not cover the education it takes to have the level of care we get now and so you have to dumb down the education. Your best and brightest don't apply. I like the top people in my class being the ones that go to medical school. I was encouraged to do that. I had one doctor saying, Lou, you would be such a good doctor, please don't throw your life away and go to law school, but I did.

But nonetheless, we're talking about a nightmare for the American people. And when I hear the sob stories about, you know, if we just had public health care, if we had socialized medicine, then these people would be able to get the mammograms, and they would get the care and they would find out about their breast cancer, and they would get treatment. Well, I've got some hard news for you. The fact is that in this country, for localized tumors we have a 98 percent survival rate at 5 years.

That is incredible the progress that's been made. Things like the Komen efforts for the cure, I mean, just done great work.

Ninety-eight percent survival at 5 years for a localized tumor. Well, if you go to the socialized medicine countries, you find about 20 percent worse results. You get it? One in five people have to die because they went to socialized medicine. Now, I've got three daughters and a wife, I would hate to think that among five women, one of them is going to die because we go to socialized care and we have to have these long lists to get a mammogram, once you find it, to get treatment. It is insane.

Now, I agree with my friends, we need change. And I have been to the emergency room, and I've been with my kids, and I've been with my in-laws, and it is not a fun place to be sitting there in long lines. But what you realize is the lines are long because we are having to provide free health care to people that don't pay. And many are undocumented, illegal aliens—whatever you want to call it, and that's why the plan that I proposed is one in which you have to deal with that because that is causing unnecessary pain and suffering in the health care being provided to people that need it, who pay their way, who have health insurance, who have Medicare and Medicaid and SCHIP, they shouldn't have to wait and pay for people who are here to get free care.

Now, the plan I have starts with the fact that if, because we know that we are moving to, as one of my friends, Jim Frogue, just pointed out in some research he has done, we're moving toward a \$22 trillion a year Medicare/Medicaid system, \$22 trillion—we got about \$2.5 trillion in income tax last year, you cannot sustain a Nation at a \$22 trillion socialized medicine or Medicare/Medicaid system. We have got to do something. We can make it better and cheaper, but we can't have the government bureaucracy handling it.

So the proposal says, first of all, this is a matter of national security. Our health care is a matter of national security. We saw what happened in the Soviet Union; when you can't pay your bills, you go broke and you cease to exist.

So if we're going to continue to attract people from around the world, then we need to have a country that is not going broke. So under my proposed plan that we're trying to get into a bill—there have been other more pressing things, you know; we had to get a resolution for Michael Jackson, other more pressing things—but under this plan it makes clear that we have to deal with this issue.

So if you're going to ask for a visa into our country so that we will continue to have a country that you will want to come to, then you have to show proof that you will have a health savings account which you will be part of when you get here, and you will have

catastrophic coverage to cover everything over that. And if you don't have proof of that, then you don't get a visa and get to come into this country.

Now, we've been told by the Supreme Court that the law of the land is that if you're here in this country, even if you're here illegally, then we have to provide you health care. So that is what we'll do, we'll follow the law. If you're here illegally, you have no health savings account, you have no insurance, then, yes, we will treat you, we will get you well enough to transport, and then you will be deported. And then because this is a matter of national security and our country is entirely at risk here of going broke and ceasing to exist, if you come back into the country after we've given you free health care and you present for further health care or you're caught here, then you're a risk to our national security to break the country and you will be put in jail. It will be a felony offense if you have taken free health care, been deported, and come back. It's too serious not to make it a Federal felony.

Mr. KING of Iowa. Will the gentleman briefly yield?

Mr. GOHMERT. Yes, I will certainly yield.

Mr. KING of Iowa. I thank the gentleman from Texas. And I would point out that, yes, Federal law is that a health care provider can't deny health care to illegals in their locale, and because of that there are no trauma centers in southern Arizona south of Tucson. They have all gone broke providing free health care for illegals that are flowing across our border. But it goes beyond that. We are even providing free health care for people who get injured in Mexico and are brought into the United States for free health care services.

And I point this out, it's not something that you see in any of the data that we have here in Congress, you find these things out by doing things like dropping in on a surprise visit down at Sasabe, Arizona, at the point of entry where I stopped a couple of years ago. I went in and I thought I would introduce myself, it was a surprise visit, but I said, I'm Congressman STEVE KING from Iowa. And the first officer said, I can't talk to you. So I went to the next officer and said, I'm Congressman STEVE KING from Iowa, just dropped in to see how things are going. Can't talk to you. Talk to Mike over there; he's the shift supervisor, and he's ready to retire and he has terminal cancer. He'll talk to you.

□ 2320

Okay. That much fear in place about simply divulging what's going on.

So I was standing there talking to Mike, whom I pray is still alive and doing well, but I'm not very confident that he is, and as he began to tell me what was going on at Sasabe at the port of entry, some of that discussion about how many illegal ports there are



east and west of their crossing the border, he got a phone call and he said, Excuse me a moment. He went away for a minute or so and he came back and he said, Well, I got a call. There's been an emergency that has been created on the Mexican side of the border in this town where they stage illegals, and it looks like there was a fight there. He didn't know if it was a drug fight or a booze fight or both, but there was an individual that was knifed. So he said they'd be bringing him across the border pretty soon in a Mexican ambulance, and I have called the helicopter to come down from Tucson and U.S. ambulances to come in with oxygen because we can't really stabilize the patient with what's on a Mexican ambulance.

I happened to have a paramedic with me, so I asked him, Mike, will you take a look at this man when he comes? I want you to get in there and help save his life if you can, and I also want to know what's going on.

He went in and went to work. And actually the Mexican ambulance came over the border, and the paramedic with me jumped right to work to try to save the fellow who had been stabbed right underneath the ribcage, into his liver it turned out. There was no oxygen. There was nothing in the Mexican ambulance except a little bit of gauze and some surgical gloves. That was it. Nothing else. No other medical supplies. So it was an ambulance that looked like an ambulance, but on the inside it was just simply an empty chamber.

So he did what he could to stabilize him until the two U.S. ambulances showed up. Then they put him on oxygen. Then they stabilized him. Then we loaded him into the helicopter, and he flew off to Tucson University Hospital. Stabbed in the liver in Mexico, brought into Mexico in a Mexican ambulance, transferred out of that onto the care of two U.S. ambulances, and then put on a Life Flight to go up to Tucson where the next morning I stopped to visit to see how our guy was doing. And, by the way, he was covered with tattoos and all kinds of signs of being a bad hombre, and he'd been in a nasty fight and stabbed with something that looked like it was a knife about 3½ inches wide, apparently, was the blade and deep enough to go into his liver.

I went to the hospital and asked to visit him. And as I went up there, I found out, and here's a short version of it, the net cost to the American taxpayers was \$30,000, roughly, for the helicopter, for the medical care that he got. He was on parole into the United States to get health care, and he would be escorted back to the border when he was stabilized. All of that paid for by American people, American taxpayers, or American health care, health insurance premium payers, out of those pockets.

So I sat down while I was there with the chief financial officer of Tucson University Hospital. And there they

rolled out some numbers where their annual cost was, and this is my recollection, around \$14.5 million of health care that they provided to illegals. They told of a circumstance where there had been a bus full of illegals that had been in a wreck and about 25 in there that were injured, and 15 of them were so badly injured that they were brought into the intensive care unit. ICU was packed full of 15 illegals. No room for any people in Tucson who had been paying their health insurance premium to provide for that kind of emergency care. So they were Life Flighting the residents of Tucson up to Phoenix to go into the ICU in Phoenix, and then their families had to drive there to visit because the ICU in Tucson was full. And that is the only and the most southerly trauma center in Arizona.

Another situation where there was a mother that was pregnant with multiple babies, five of them. So in order to avoid the high cost of multiple births in Tucson, and she was from Mexico, lived in Mexico, but they found out about this. They had been sending people down there to train the health care providers in Mexico. They trained them on how to deal with a multiple birth, set it all up so they didn't have this high cost of these anchor babies coming into the United States. Five new American citizens created to go on the rolls of the burden to the taxpayers.

The SPEAKER pro tempore (Mr. HIMES). The time of the gentleman has expired.

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to extend the time for the duration.

The SPEAKER pro tempore. The gentleman is recognized for an additional 25 minutes.

Mr. KING of Iowa. Mr. Speaker, the multiple births that were to take place in the home country of Mexico where they had sent American health care workers down to train Mexican health care workers, in spite of all of that investment to prevent the extra costs and five new anchor babies, as soon as she got ready to go into labor, she sneaked into the United States and they had her there anyway. That was \$125,000 for that little turn.

This is a thing that's going on because of this law, and I wanted to inject that in. We aren't just providing health care for everybody in the United States, legal or illegal. We are also providing it occasionally for people who are injured in other countries and brought into the United States because we have such a good health care system here. And our taxpayers pay for it, our rate payers pay for it, and the people in the communities pay for it.

I yield back to the gentleman from Texas and ask him to carry on with the thought process that I interrupted.

Mr. GOHMERT. I appreciate so much my friend from Iowa and those wonderful illustrations of exactly what we are talking about.

I know that there are some people in America have concern and I have heard people say, well, I'm afraid, you know, there are so many immigrants coming in, especially from south of the border, that we are going to lose our American culture. And my own personal feeling is that really I think America was blessed with three really central things. One is a faith in God throughout our history, another was a love and devotion to family, and the other was a very good, hard work ethic. So when I see most of the people I know that have come from south of the border up here that have faith in God, that have got a love and devotion to family, and they've got a strong work ethic, I'm actually hopeful that that will strengthen our American social scene here where people have lost faith in God, where they have lost devotion to family, where they don't want to work.

But the problem is we have to be unified. Out of many, one means we speak one language. And that means you don't teach kids in some foreign language. You teach them in a language so they have got a chance to be president of a company, not the manual laborer for the company. So I'm still hopeful that when people come legally and assimilate, it is going to make this country stronger and better. But it has to be legal. We cannot ignore the rule of law. That is what has allowed us to be maybe the greatest economy in the world or maybe in history.

And the country just south of us should be one of the top 10 economies in the world, but it's not because they pay no mind at all to the rule of law. There is graft and corruption. I appreciate the efforts of the President across the border trying to clean things up, and I hope and pray he has some success.

But I wanted to also respond to my friend from across the aisle who said it's time for change now. It seems like I heard a Presidential candidate saying that last fall. And then what we have gotten is about 10 to 20 times more deficit spending than we had when he took office and is about to break the country. So I agree it's time for a change, and let's quit having so much deficit spending. I agree it's time for a change in health care. We cannot allow our government, our country to be brought down because of runaway health care costs. And there's a way to fix this, and it's an American system.

I mean, for somebody to come in here and say before God and America and everybody, we are not talking Canada or England here. We are talking about a uniquely American, basically, socialism.

My friend from Iowa knows I was a history major. I'm a student of history. And sometimes I am just amazed by the thinking in this body that somehow we are so smart and so much better than all of those who have gone on before us that we can do the same thing that's been done throughout history and get a different result. But if

you're smart enough to learn from history, you know, and everybody in this body is smart enough to learn from history, if they just will. And you learn that if you do the same things that historically over and over and over have been tried and gotten the same result, you're going to get the same result too, and you should try something different.

□ 2330

So that's why we've got to fix Medicare, we've got to fix Medicaid, and we can't keep on this course of SCHIP getting bigger and bigger and bigger. So what I came up with, after consulting with experts in all these different areas, is, you know what, for 2007 the latest numbers we've got—we've spent \$9,215, with the best Census Bureau estimate of how many households are in America—\$9,200 roughly for every one of the 112 million households in America between Medicare and Medicaid. So you look at it, and you put your pencil to it, and you realize that, at most, there were 93 million Americans who either got Medicare, Medicaid or some form of SCHIP or some form of combination. We're better off saying, Folks, we want you to have the best care possible. I want my mother-in-law, who's still grieving over the loss of her husband last August, I want her to have the best care. If you're in America and you are an American legally here, then we want you to have \$3,500 in your health savings account that you will control with a debit card, and we'll put that \$3,500 cash from the government in your health savings account. You control it with your own debit card, and then we'll pay for catastrophic insurance to cover everything above that. Now that's health care that people can believe in and deserve and look at the cost. Less than a third of Americans would need that or be entitled to that. Those who are on Medicare, Medicaid, that are below the poverty level that we really need to help because they can't help themselves, we're better off doing that. Then not only will it cost less than \$9,200, as it is now, but you're doing it for less than a third of the American people. So we should be able to save hundreds of billions of dollars, not this \$100 million like the President. We will eventually get to that. Man, we're saving hundreds of billions of dollars. We'll get the country on track. We'll get people the health care they deserve. But of course one of the problems is, you can't keep allowing people to immigrate into this country legally or illegally and give free health care because it's not free. It costs everybody.

So that's something I came up with. Hopefully there are not too many other resolutions being drafted by Leg Counsel so that they can get around to putting ours in the form of a bill, where we can get a CBO score on it because you can't get a CBO score unless you have it done by Leg Counsel and get a real bill. So we're trying to get that done, and I hope we can get that done.

Then one other thing, if I might. You've got to have complete transparency on health care costs because we don't have them now. You get a notice from the hospital, the doctor, you know, \$10,000, \$20,000, whatever the cost was. "Wow, thank goodness I had insurance or Medicare. I would have been bankrupt." That's not what it costs. It costs a fraction of that. So under this proposal, every health care provider will have to give the exact cost that they charge different entities. They don't have to give the names but the descriptions and how much they charge so that you know what it's going to cost you when you go up there before you give them your debit card to swipe. The card would be coded for health care only. If you try to pay something that's not health care, it wouldn't accept it, and people will get back to controlling their futures. We'll save this runaway health care cost, as it is, and I think save the country as a result.

My friend from Iowa has been so very patient and lenient, but this is something that is so passionate to me. I've known too many people who need good health care, and I am sick of insurance companies or government being between me and my doctor. I want patients to be able to get with their doctor, and I don't want socialized medicine. I've seen that. I've seen the results. You can look at the numbers. My friend from Iowa has all these wonderful examples that just break your heart. I don't want my American friends and our kids and their kids to suffer on our watch in this body because we didn't have the nerve to stand up and call it like it was. So I appreciate my friend for yielding, and I yield back to him.

Mr. KING of Iowa. Reclaiming my time, and looking at the list of housekeeping that I have to do, I'd like to conclude this discussion on health care. I would just point out that Judge GOHMERT from Texas anticipated the item that was on my mind and flowed into the transparency of the costs of health care. As far as I know, we're the only two people in this Congress that are talking about transparency on health care costs. How this works is this: If Medicare doesn't pay the costs of providing the services, if other providers don't pay or if other insurance companies, like the largest ones, they will drive that down, they'll track Medicare reimbursement rates down. That means that somebody else has to pay the difference. It's like pushing on a balloon one way or the other, and that's the transparency that's necessary.

I keep going back to the hip replacement because that's a simple one to understand. If a hip replacement costs somebody on Medicare—let's put a number on it just to pull it out of the air. Let's say it costs somebody on Medicare \$7,500, and it costs somebody that's going to write a check out of their billfold \$10,000, and somebody who is covered by a good private health in-

surance company maybe is going to cost them \$9,000. Why is that? It's because the government has pushed down the reimbursement rates under Medicare; and because of that, the losses have to be made up somewhere else.

I will go another step beyond the complete transparency that Mr. GOHMERT calls for, and I will say this: If Bill Gates pulls into a gas station and the sign says \$2.49 a gallon, Bill Gates, Warren Buffett and the other rich people in the world buy their gas at \$2.49 a gallon. The poorest person in the world has a rattle-trap old car, and they went out and scraped together enough money to go buy 10 gallons of gas to put in their rattle-trap car. They are going to pay \$2.49 a gallon, sitting at the pump right there with Bill Gates in his Lexus or Mercedes or whatever it might be and Warren Buffett, who probably doesn't drive that nice of a car, actually. Well, why would a gallon of gas be the same price for the poor and the rich but have a hip replacement be different prices for people, depending on whether it's paid for by the taxpayers under Medicare or a private payer who is, let's say, self-insured who has a nice big checkbook and decides not to pay that premium or somebody who has a private health insurance premium? Why three or more different prices? The reason is because the government has pushed down those costs, and they get averaged out through balanced billing and cost shifting from the health care providers. That is one of the root causes of the problems we have with our health providers today. It's kind of like the elephant in the room. Nobody wants to talk about it because it's too hard to fix.

I yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate that. And just on a follow-up on what he's pointing out about transparency, a personal situation, a person I know—I had permission to know about—got hit by another driver. It was totally the other driver's fault. She had 2 days of hospitalization, had all the diagnostic tests, the ambulance, the doctors that she saw. And when all the bills were gathered from all those sources to deal with the car insurance company, it was right about \$10,000 in health care. You say, Well, that's kind of consistent with the kind of bills I've seen, people that have been in a hospital 2 days, all the tests and doctors they see. That's about normal. Yet when it came down to the conclusion and the determination had to be made as to how much was actually paid and by whom, all of those health care provider bills that added up to \$10,000 said they had been paid in full, consistent with their contract with the health insurance company. So then in checking with the health insurance company as to how much they were actually out of pocket in paying those \$10,000 in claims in full,

it was \$800. Now, if we get to the transparency that my friend from Iowa is talking about, then everybody in America gets the same deal that health insurance company did at \$800. So you could have 2 days of hospitalization, and it doesn't even take but a fraction of your health savings account up.

The other thing I wanted to point out that kind of segues into a topic that I think my friend wanted to get into before he concluded, that is this business of the same costs. And what we saw in the last 2 weeks over the crap-and-trade bill that got shoved down America's throat through the House, at least—and I am hoping and praying that it won't get through the Senate—we're talking about skyrocketing electric bills, as the President promised a year ago back when he was a Senator running for President.

□ 2340

We are talking about skyrocketing gasoline prices. What is so very tragic about what my friend from Iowa pointed out is that with gasoline, it is the same price whether you're rich or poor. Those high electric rates, those high gasoline rates and the high propane rates are going to be inconvenient for Bill Gates. But they are going to devastate the people I know in east Texas and the people I have met in Iowa. They are going to devastate rank-and-file Americans.

We really need America to respond and say we can't handle that. Inconvenience for the rich is one thing, but devastation to rank-and-file Americans is something we should not have Congress do.

I yield back to my friend.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Texas. I say, but, Mr. Speaker, we have a stimulus plan. We have a \$787 billion stimulus plan that is going to jumpstart this economy and get us out of the doldrums and solve this problem with unemployment and put Americans back to work and get the Dow Jones back up above 8,200 or somewhere and make America feel good again and give confidence in the venture capitalists that are out there and in the markets and in the Dow and in the entrepreneurs.

Well, all of that was part of a stimulus plan. I came down on this floor while that was being debated, and I put up a poster that looks a lot like this. Only it didn't have \$16.1 million on it. It had \$32 million on it. And it had the quote from President Obama here rather than the quote from Speaker PELOSI. And the quote from President Obama was: "We are not going to do earmarks. We are not going to do Member-sponsored initiatives. And I'm not going to sign any bill that has earmarks in it." Well, it depended on how you counted it. It seems to me that the number of earmarks in that bill came to around 9,000, maybe a little less, 8,500, depending on how you defined the earmarks.

This is a picture of this cute little guy. I don't know if it is a girl or a

guy. Do you see how cute he is? He is a pet project. This is Speaker PELOSI's pet project, her pet mouse project. This is the not quite yet infamous—and here is what he is. He is the salt water marsh harvest mouse. Now that is SWMHM for short. This little mouse lives out there in the marsh near San Francisco. And he has been a special project of the Speaker. For years, she has tried to get earmarks for this mouse.

Now, take a close look there. You don't see it, but there is an earmark there. Even though I said that this stimulus plan had an earmark in it for the salt water marsh harvest mouse, everybody that spoke for the Speaker and the people on this side of the aisle said, oh, no, that is radical reactionism. There aren't any earmarks in this bill. And, furthermore, the salt water marsh harvest mouse is not going to be one of those earmarks, because that would be a pet project—a pet project—for the Speaker, and that would be inappropriate given that the President has ordered that there will not be pet projects.

Well, this is what the Speaker said on January 25, 2009. After the beginning of this 111th Congress, she said, I don't want to have legislation that is used as an engine for people to put on things that are not going to do what we are setting out to do, which is to turn this economy around. I have the most to prove with this package. The most to prove. The choices we are making are those that will work, that must work. Our economy requires it. America's families need it. This is urgent.

Well, the mouse family may need it. Maybe it is a good thing, \$16.1 million for this little old mouse that couldn't quite rise high enough in the priority scale in any previous process of the United States Congress. But here in the desperate straits of 14½ million unemployed and another 5.8 or 9 million looking for a job, 20 million people out there who would like to have an opportunity to fend for themselves, we are going to drop not \$32 million any longer, it has been carved down, we are going to put \$16.1 million into the salt water marsh harvest mouse earmarked in this little pet project. This little pet project is earmarked now for \$16.1 million.

All the people over there that said, oh, STEVE KING is a reactionary and a radical. He is making up things that aren't in the bill. It isn't going to happen. We wouldn't do a thing like that, including the Speaker who has defined that she won't do a thing like that now has \$16.1 million going into the marsh for the salt water marsh harvest mouse. His viability—I presume he is doing okay without this earmark. If we need jobs and an economy that works, we don't need to be dumping money into the salt water marsh harvest mouse.

By the way, that is an earmark. It is a pet project. His ears are notched. That is what we do. And that is where the name came from.

I wanted to point that out, Mr. Speaker, while this microphone is still alive here on this day, that this is the day that there was confirmation that the people who pointed this out back then in about this period in time in January or early February were right, and those who defended the Speaker and said it will never happen were wrong; \$16.1 million was dropped in to the salt water marsh harvest mouse.

And that should give a person a little bit of pause.

Now I want to put something else into the RECORD here this evening, and that is you have had a couple of votes this week, one today and one the night before last, that I think are important. On the night before last, we had a vote on a resolution that would place a stone in the Capitol Visitor Center that honors the slaves that contributed to the construction of this Capitol Building. They did do that. They contributed to the construction. We ought to acknowledge that. But, you know, we had the huge room over in the Capitol Visitor Center that was designated as the Great Hall. Now the Great Hall brings to mind the Great Hall in Ellis Island. It would honor all of the immigrants that came to America, those that came voluntarily and those that came involuntarily. And it is an image that is very, very moving when you walk through the Great Hall in Ellis Island. I was very happy to name the room over in the visitor center the Great Hall.

But it had to be changed because of the objections of the Congressional Black Caucus that wanted a higher acknowledgment for slavery in this country. So the Great Hall's name was changed to Emancipation Hall.

Okay. No objection here. Emancipation was a big thing for the world when we put an end to slavery here in the United States. At great cost, however. A resolution to do so was traded off in a quid pro quo, and for those people who didn't go to law school like myself, I have to tell you, there was a deal made. The deal that was made was this: the Architect of the Capitol who has been trying to scrub every reference to faith from anything that's developed from this point forward around this Capitol complex and even refusing to allow when a flag is flown over this Capitol, the certificate that certifies that it was flown, if you want to say, July 10 in the year of our Lord, 2009, he wants to scrub "the year of our Lord" out of there because that's a reference to religion. Never mind above the Speaker's seat: it says, In God We Trust. It's been there for a long time, that is our national motto, and the Architect of the Capitol sought to block our national motto from being displayed in the Congressional Visitor Center along with the Pledge of Allegiance.

So in order to require the Architect to recognize our national motto In God We Trust and "one nation under God" in our Pledge of Allegiance, there had

to be a quid pro quo, a deal made, that in addition to Emancipation Hall, there would be an extra monument put up to recognize slavery.

All right. I'm fine with recognizing slavery. I would have been an abolitionist if I had been born back in those years prior to the Civil War. It's an article of faith, it's an article of Christian fundamentalism that slavery is a sin against God. And a good thing that happened when this country put an end to it, at great cost in blood. But if it's going to be the kind of devil's bargain that if you're going to have a reference to God in the Congressional Visitor Center you first have to pass another way to recognize slavery, in order to pacify the Congressional Black Caucus, a separatist organization in this Congress, in order to get a reference to God, the quid pro quo was, pass this resolution first and then we'll bring up the resolution that lets you vote on whether there's going to be In God We Trust in our visitor center. That took place today. The vote 2 days ago was 399-1. I voted "no" on the slavery marker because it was making a deal with requiring that to pass before the word God could go up in the Congressional Visitor Center, even though it's a direct replica of what's right behind me above the Speaker's chair right now. That resolution passed tonight with eight Members of Congress voting against putting our national motto up in the visitor center and against putting up the Pledge of Allegiance in the visitor center because there's a reference to God in each one. Eight voted no. Two voted present. Ten couldn't bring themselves to acknowledge that God's a great big part of what formed this country and those words will stand no matter who stands against it.

Mr. Speaker, I thank you for being recognized, and I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MURPHY of New York (at the request of Mr. HOYER) for today on account of official business in district.

Mr. HELLER (at the request of Mr. BOEHNER) for today after 5 p.m. and the balance of the week on account of his eldest daughter's wedding.

#### 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. SARBANES) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 16.

Mr. JONES, for 5 minutes, July 16.

Mr. PRICE of Georgia, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, today.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Friday, July 10, 2009, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2546. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Significant Price Discovery Contracts on Exempt Commercial Markets (RIN: 3038-AC76) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2547. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Butenedioic acid (2Z)—, monobutyl ester, Polymer with methoxyethylene, sodium salt; Tolerance Exemption [EPA-HQ-OPP-2008-0851; FRL-8418-7] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2548. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, butyl ester, polymer with ethyl 2-propenoate and N-(hydroxymethyl)-2-propenamides; Tolerance Exemption [EPA-HQ-OPP-2009-0047; FRL-8418-4] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2549. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetochlor; Pesticide Tolerances [EPA-HQ-OPP-2008-0384; FRL-8417-8] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2550. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Data Requirements for Antimicrobial Pesticides; Technical Amendment [EPA-HQ-OPP-2004-0387; FRL-8418-5] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2551. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerances [EPA-HQ-OPP-2009-0007; FRL-8417-5] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2552. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Oxirane, 2-methyl-, Polymer with Oxirane; Tolerance Exemption [EPA-HQ-OPP-2008-0861; FRL-8420-9] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2553. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Starch, oxidized, polymers with Bu acrylate, tert-Bu acrylate and styrene; Tolerance Exemption [EPA-HQ-OPP-2008-0856; FRL-8418-8] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Detroit-Ann Arbor Area to Attainment for Ozone [EPA-R05-OAR-2009-0219; FRL-8921-2] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2555. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection By-products Rule and Changes in References to Analytical Methods [EPA-HQ-OW-2008-0644; FRL-8920-8] (RIN: 2040-AF00) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2556. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Volatile Organic Compound Emission Standards for Aerosol Coatings [EPA-HQ-OAR-2006-0971; FRL-8920-7] (RIN: 2060-AP33) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2557. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries [EPA-HQ-OAR-2008-0236; FRL-8920-9] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2558. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2008-0252; FRL-8417-6] (RIN: 2070-AB27) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2559. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2009 Revenue Estimate In Support of the Issuance of \$300,000,000 in Public Utility Senior Lien Revenue Bonds (Series 2009A)", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2560. A letter from the Chairman, Federal Accounting Standards Advisory Board, transmitting the Board's Statement of Federal Financial Accounting Standard 35 entitled, "Estimating the Historical Cost of General Property, Plant, and Equipment: Amending Statements of Federal Financial Accounting Standards 6 and 23", pursuant to Section 307 of the Chief Financial Officers

Act of 1990; to the Committee on Oversight and Government Reform.

2561. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Fresno and Stockton, CA, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL79) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2562. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2009 through June 30, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—56); to the Committee on House Administration and ordered to be printed.

2563. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Upper Mississippi River Valley Viticultural Area (2007R-055P) [Docket No.: TTB-2008-0007; T.D. TTB-77; Re: Notice No. 88] (RIN: 1513-AB40) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2564. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Implementation of Statutory Amendments Requiring the Qualification of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition of Roll-Your-Own Tobacco [Docket No.: TTB-2009-0002; T.D. TTB-78; Re: Notice No. 95] (RIN: 1513-AB72) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2565. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Business Election Filing; Finalization of Controlled Group Qualification Rules [TD 9451] (RIN: 1545-BF25) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2566. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds [Notice 2009-51] received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2567. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Recovery Zone Bond Volume Cap Allocations [Notice 2009-50] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2568. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42-Low-Income Housing Credit [Notice 2009-44] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2569. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue — Section 965 Foreign Earnings Repatriations Directives #3 [LMSB Control No: LMSB-4-0409-017] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2570. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature After Age 100 [Notice 2009-47] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2571. A letter from the Office Manager, Department of Health and Human Service, transmitting the Department's final rule — Medicaid Program; Health Care-Related Taxes [CMS-2275-F2] (RIN: 0938-AP74) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2572. A letter from the Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program: Rescission of School-Based Administration/Transportation Final Rule, Out-patient Hospital Services Final Rule, and Partial Rescission of Case Management Interim Final Rule [CMS-2287-F2; CMS-2213-F2; CMS 2237-F] (RIN: 0938-AP75) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2573. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 24th Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2007, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

#### 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:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 622. Resolution providing for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-195). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 3137. A bill to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques; to the Committee on Oversight and Government Reform.

By Mr. HILL:

H.R. 3138. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP; 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 Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mrs. CAPITO, Ms. MATSUI, Ms. SPEIER, Mr. JONES, Mr. BLUMENAUER, Mr. KANJORSKI, Mr. GERLACH, and Mr. HINOJOSA):

H.R. 3139. A bill to extend the authorization of the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. PRICE of Georgia (for himself, Mr. JORDAN of Ohio, and Mr. GARRETT of New Jersey):

H.R. 3140. A bill to rescind unobligated appropriations and repeal certain provisions in the American Recovery and Reinvestment Act of 2009, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, Appropriations, Ways and Means, Transportation and Infrastructure, and 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. SULLIVAN (for himself, Mr. BOREN, Mr. LUCAS, and Mr. COLE):

H.R. 3141. A bill to amend title XIX of the Social Security Act to provide for a DSH redistribution pool from unexpended Medicaid DSH allotments in order to increase Medicaid DSH allotments for low DSH States and to provide grants for health access networks serving the uninsured; to the Committee on Energy and Commerce.

By Mr. FATTAH:

H.R. 3142. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on home mortgages; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 3143. A bill to amend the Fort Peck Reservation Rural Water System Act of 2000, to extend the authorization of appropriations for that Act; to the Committee on Natural Resources.

By Mrs. DAHLKEMPER:

H.R. 3144. A bill to amend the Public Health Service Act to promote obesity prevention, including proper nutrition and exercise; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3145. A bill to amend the securities laws to prohibit credit default swaps and to provide the Securities and Exchange Commission with the authority to regulate swap agreements; to the Committee on Financial Services.

By Mr. ADLER of New Jersey (for himself, Mr. LEE of New Jersey, Mr. HIMES, and Mr. LANCE):

H.R. 3146. A bill to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. CARSON of Indiana (for himself, Mrs. MCCARTHY of New York, Mr. SESTAK, Ms. KILPATRICK of Michigan, Ms. WATERS, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. REYES, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, and Mr. ELLISON):

H.R. 3147. A bill to establish a grant program in the Department of the Treasury to fund the establishment of centers of excellence to support research, development and planning, implementation, and evaluation of effective programs in financial literacy education for young adults and families ages 15-24 years old, and for other purposes; to the Committee on Financial Services, 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 Mrs. CHRISTENSEN (for herself, Mr. LEE of California, Mrs. CAPPS, Mr. ELLISON, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. CLYBURN, Mr. WATT, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. CARSON of Indiana, Mr.

CLAY, Mr. CLEAVER, Mr. DAVIS of Alabama, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. WATERS, Mr. LEWIS of Georgia, Mr. TOWNS, Ms. BORDALLO, Mr. CONYERS, Mr. CUMMINGS, Mr. FATTAH, Mr. SCOTT of Virginia, Mr. RUSH, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. WEINER, Mr. AL GREEN of Texas, Ms. RICHARDSON, Ms. EDWARDS of Maryland, Mr. PALLONE, Ms. FUDGE, Ms. MATSUI, Ms. CORRINE BROWN of Florida, and Ms. ROYBAL-ALLARD):

H.R. 3148. A bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings; to the Committee on the Budget.

By Mr. COHEN (for himself, Mr. GUTIERREZ, Mr. MEEK of Florida, Ms. EDWARDS of Maryland, Mr. CONYERS, Mr. AL GREEN of Texas, Ms. WATERS, Ms. CLARKE, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Ms. WATSON, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. MCGOVERN, Mr. GRIJALVA, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Ms. SUTTON, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. RUSH, and Mr. MEEKS of New York):

H.R. 3149. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions; to the Committee on Financial Services.

By Mr. ETHERIDGE (for himself, Mr. ROSS, Mr. KISSELL, Mr. MCINTYRE, Mr. HOLDEN, and Mr. BISHOP of Georgia):

H.R. 3150. A bill to require the Secretary of Agriculture to use section 32 of the Act of August 24, 1935, to provide compensation to certain poultry producers whose poultry production contracts were terminated or not renewed because of the closure of poultry processing plants and other cost cutting measures undertaken by a poultry processing company in bankruptcy protection; to the Committee on Agriculture.

By Mr. HARE (for himself and Mr. JOHNSON of Illinois):

H.R. 3151. A bill to permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in "Lugar counties", and for on-call and standby costs for such services; to the Committee on Ways and Means.

By Mr. HOLT (for himself and Mr. DOGGETT):

H.R. 3152. A bill to amend titles XVIII of the Social Security Act to ensure that low-income beneficiaries have improved access to prescription drugs under the Medicare and Medicaid programs; 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. LARSON of Connecticut:

H.R. 3153. A bill to amend the Internal Revenue Code of 1986 to impose a tax on over-the-counter derivatives transactions, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Ms. KILPATRICK of Michigan, Mr. JOHNSON of Georgia, and Ms. FUDGE):

H.R. 3154. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to

provide for grants to increase the number of law enforcement officers on the streets by 5 to 10 percent in areas with high incidences of violent crime; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself, Mr. RODRIGUEZ, Mrs. HALVORSON, Mr. TEAGUE, and Mr. DONNELLY of Indiana):

H.R. 3155. A bill to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAYNE (for himself, Mr. LEWIS of Georgia, Mr. BRADY of Texas, and Mr. MEEK of Florida):

H.R. 3156. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for expenses paid or incurred in non-clinical research for neglected diseases; to the Committee on Ways and Means.

By Mr. PETERSON:

H.R. 3157. A bill to name the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. SARBANES:

H.R. 3158. A bill to reform health care delivery by providing incentives for place-based health care, which seeks to bring health services to the patient by locating community health centers, federally qualified health centers, and community integrated health centers in or near settings that already serve a particular target population, such as schools, workplaces, and senior services facilities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and 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. SMITH of Nebraska (for himself, Mr. KISSELL, and Mr. SHUSTER):

H.R. 3159. A bill to provide for the apportionment of funds to airports for fiscal years 2011 and 2012 based on passenger boardings during calendar year 2008 to prevent additional harm to airports already harmed by the financial crisis, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey:

H.R. 3160. A bill making appropriations for foreign assistance to Israel for fiscal year 2010; to the Committee on Appropriations.

By Mr. STUPAK:

H.R. 3161. A bill to amend title 28, United States Code, to provide for an additional judgeship for the western district of Michigan; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 3162. A bill to amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal employees health benefits program, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. STUPAK:

H.R. 3163. A bill to establish certain requirements relating to area mail processing studies; to the Committee on Oversight and Government Reform.

By Ms. TITUS (for herself, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Ms. HIRONO, Mr. ROSS, Mr. SABLAN, and Ms. SHEA-PORTER):

H.R. 3164. A bill to amend the Internal Revenue Code of 1986 to increase, make permanent, and index for inflation the deduction for certain expenses of elementary and secondary school teachers and to modify the

definition of eligible educator for purposes of such deduction to include preschool educators; to the Committee on Ways and Means.

By Mr. TONKO:

H.R. 3165. A bill to provide for a program of wind energy research, development, and demonstration, and for other purposes; to the Committee on Science and Technology.

By Mr. WELCH (for himself, Mr. CARNEY, Mr. HIGGINS, Mr. COURTNEY, Mr. ARCURI, Mr. LEE of New York, Ms. SHEA-PORTER, Mr. THOMPSON of Pennsylvania, and Mr. HODES):

H.R. 3166. A bill to amend the Food, Conservation, and Energy Act of 2008 to index for inflation the payment rate for payments under the milk income loss contract program; to the Committee on Agriculture.

By Mr. STUPAK:

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mrs. MCMORRIS RODGERS:

H. Res. 621. A resolution ensuring access to affordable and quality health care without increasing the Federal budget or contributing to market inflation while providing greater choices for patient-focused care for individuals and families; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, 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. STUPAK:

H. Res. 623. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of Rule XXII,

102. The SPEAKER presented a memorial of the General Assembly of the State of Indiana, relative to SENATE RESOLUTION NO. 42 Urging the honorable Barack Obama, President of the United States, the President of the Senate, the Majority Leader of the Senate, and the Speaker of the House of Representatives of the United States in Congress assembled, and the President of the Senate and Speaker of the House of Representatives of each State's legislature of the United States of America to cease and desist, effective immediately, any and all mandates that are beyond the scope of their constitutionally delegated power; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. TAYLOR.

H.R. 22: Mr. SCHOCK.

H.R. 39: Ms. HIRONO and Mr. KENNEDY.

H.R. 49: Mr. SHADEGG.

H.R. 147: Mr. CONYERS, Mr. AL GREEN of Texas, and Mr. KANJORSKI.

H.R. 197: Mr. LARSEN of Washington and Mr. THOMPSON of Pennsylvania.

H.R. 204: Mrs. MALONEY and Ms. CORRINE BROWN of Florida.



- H.R. 211: Mr. CAPUANO, Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. MURPHY of Connecticut.
- H.R. 393: Mr. CAMP.
- H.R. 413: Mr. RAHALL, Mr. MARIO DIAZ-BALART of Florida, Mr. REHBERG, Mr. RODRIGUEZ, and Mr. DELAHUNT.
- H.R. 470: Mr. ALEXANDER.
- H.R. 555: Ms. CORRINE BROWN of Florida, Mr. ELLISON, Mr. HOLT, Ms. NORTON, and Mr. STARK.
- H.R. 571: Mr. TIERNEY.
- H.R. 635: Mr. KILDEE.
- H.R. 649: Mr. FORBES.
- H.R. 676: Mr. MURTHA and Mr. WEINER.
- H.R. 690: Mr. YOUNG of Alaska.
- H.R. 750: Ms. ROS-LEHTINEN.
- H.R. 775: Mr. SARBANES and Mr. MACK.
- H.R. 836: Ms. KILROY.
- H.R. 847: Mr. HODES and Ms. SCHWARTZ.
- H.R. 873: Mr. PRICE of North Carolina.
- H.R. 874: Mr. HALL of New York.
- H.R. 876: Ms. BERKLEY.
- H.R. 916: Mr. LUJÁN.
- H.R. 930: Mr. GONZALEZ.
- H.R. 1064: Mr. SCHRADER, Ms. MARKEY of Colorado, and Mr. PETERS.
- H.R. 1067: Mr. BOOZMAN.
- H.R. 1074: Mr. BURGESS and Mr. AKIN.
- H.R. 1132: Mr. BOYD, Mr. CHILDERS, Mr. McDERMOTT, Mrs. LUMMIS, Mr. SULLIVAN, and Mr. HOLDEN.
- H.R. 1147: Mr. BACA and Mr. CONYERS.
- H.R. 1177: Mr. CASSIDY and Mrs. BONO MACK.
- H.R. 1179: Mr. MOLLOHAN and Mr. BARTLETT.
- H.R. 1188: Mr. PAYNE, Mr. ROE of Tennessee, and Mr. PAULSEN.
- H.R. 1203: Mr. ROSS, Mr. PAULSEN, Mr. MILLER of North Carolina, Ms. MARKEY of Colorado, and Ms. RICHARDSON.
- H.R. 1207: Mr. MURPHY of New York and Ms. FUDGE.
- H.R. 1250: Mr. BURTON of Indiana, Mr. MICHAUD, Mr. FILNER, Mr. JONES, Mr. WOLF, and Mr. ROE of Tennessee.
- H.R. 1255: Mr. PAULSEN, Mr. MELANCON, and Mr. MARCHANT.
- H.R. 1283: Mrs. DAHLKEMPER and Ms. CORRINE BROWN of Florida.
- H.R. 1293: Mr. BROWN of South Carolina.
- H.R. 1294: Mr. HENSARLING.
- H.R. 1349: Mr. MELANCON.
- H.R. 1352: Mr. SOUDER.
- H.R. 1354: Mr. COFFMAN of Colorado.
- H.R. 1392: Mr. BUTTERFIELD, Mr. COBLE, and Mr. UPTON.
- H.R. 1398: Mr. ROTHMAN of New Jersey.
- H.R. 1402: Mr. MICHAUD.
- H.R. 1415: Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. LATOURETTE, Mr. PRICE of Georgia, Mr. SPACE, and Ms. BERKLEY.
- H.R. 1454: Mr. FRANKS of Arizona and Mr. CAMP.
- H.R. 1458: Mr. JACKSON of Illinois.
- H.R. 1468: Mr. SESSIONS and Ms. GRANGER.
- H.R. 1474: Mr. BLUMENAUER.
- H.R. 1503: Mr. MARCHANT.
- H.R. 1521: Mr. GARRETT of New Jersey, Mr. SHADEGG, and Mr. POSEY.
- H.R. 1525: Mrs. CAPPS.
- H.R. 1547: Mr. SESSIONS.
- H.R. 1548: Mr. MILLER of North Carolina, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. AUSTRIA, Mr. CONYERS, Mr. WU, Mr. KENNEDY, Mr. CONNOLLY of Virginia, Ms. WATERS, Mr. REICHERT, Mr. MCHENRY, and Mr. BOUSTANY.
- H.R. 1570: Mr. CRENSHAW.
- H.R. 1588: Mr. CARNEY.
- H.R. 1625: Mr. MATHESON and Ms. KILPATRICK of Michigan.
- H.R. 1645: Mr. CARSON of Indiana.
- H.R. 1670: Mr. RAHALL.
- H.R. 1693: Mr. BLUMENAUER and Mr. ROTHMAN of New Jersey.
- H.R. 1702: Mr. PAYNE and Mr. HONDA.
- H.R. 1708: Mr. MOORE of Kansas.
- H.R. 1751: Mr. TIERNEY, Mr. RANGEL, and Mr. PRICE of North Carolina.
- H.R. 1766: Mr. BLUMENAUER and Ms. FUDGE.
- H.R. 1776: Mr. ISRAEL, Mr. LOEBSACK, and Mr. MATHESON.
- H.R. 1799: Mr. ARCURI and Mr. BOOZMAN.
- H.R. 1829: Mr. ROTHMAN of New Jersey.
- H.R. 1831: Mr. SMITH of Texas, Mr. MILLER of Florida, Mr. RYAN of Wisconsin, Mr. FILNER, Mr. INGLIS, Mr. HILL, Mrs. MILLER of Michigan, Mr. EDWARDS of Texas, and Mr. TERRY.
- H.R. 1833: Mr. SAM JOHNSON of Texas.
- H.R. 1846: Mr. JOHNSON of Georgia.
- H.R. 1881: Mr. STUPAK.
- H.R. 1884: Mr. LATHAM, Mr. TONKO, and Mr. LARSON of Connecticut.
- H.R. 1894: Mr. WELCH.
- H.R. 1970: Mr. NEUGEBAUER.
- H.R. 1977: Mr. POSEY.
- H.R. 2006: Mrs. MALONEY and Ms. LINDA T. SÁNCHEZ of California.
- H.R. 2017: Mr. BRIGHT, Mr. MILLER of Florida, Mr. LEE of New York, and Mr. KISSELL.
- H.R. 2055: Mr. LARSEN of Washington and Mr. NADLER of New York.
- H.R. 2060: Mr. PRICE of North Carolina.
- H.R. 2062: Ms. ESHOO.
- H.R. 2068: Mr. PAULSEN.
- H.R. 2095: Mr. FILNER.
- H.R. 2097: Mr. BOSWELL, Mr. NEAL of Massachusetts, Ms. ROS-LEHTINEN, Mr. ROONEY, Mrs. CHRISTENSEN, Ms. FALLIN, Mr. ORTIZ, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. HALL of Texas, Mr. RYAN of Ohio, Ms. HIRONO, Mr. SESSIONS, Ms. JACKSON-LEE of Texas, Ms. HARMAN, Mr. BARRETT of South Carolina, Mr. GONZALEZ, Mr. BACA, Mr. REYES, Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Mr. SIRES, Mr. LUJÁN, Ms. MARKEY of Colorado, Mr. WILSON of Ohio, Mr. KLEIN of Florida, Mr. HILL, Mr. ETHERIDGE, Ms. BEAN, Mr. McMAHON, Mr. GRIJALVA, Mr. SPRATT, Mr. MCINTYRE, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Mr. ELLISON, Mr. SHERMAN, Mr. BAIRD, Ms. SHEA-PORTER, Mr. POSTER, Ms. BALDWIN, Mr. KINGSTON, Mr. ELLSWORTH, Mr. BOREN, Mr. BOYD, Mr. DEFAZIO, Mr. MARSHALL, Mr. WOLF, Mr. LIPINSKI, Mr. ABERCROMBIE, Mr. COSTELLO, Ms. LORETTA SANCHEZ of California, Mr. TIERNEY, Mr. DUNCAN, Ms. PELOSI, Mr. MURPHY of New York, Ms. HERSETH SANDLIN, Mr. COSTA, Ms. WATSON, Mr. CROWLEY, Mr. DRIEHAUS, Mr. INSLEE, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mrs. LOWEY, Mr. LARSON of Connecticut, Mr. SCHRADER, Mr. OBERSTAR, Mr. PASCARELL, Mrs. DAHLKEMPER, Mr. McDERMOTT, Mr. COOPER, Mr. COHEN, Mr. GRIFFITH, Mr. LOEBSACK, Mr. PETERSON, Mr. NYE, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MARKEY of Massachusetts.
- H.R. 2124: Mr. WITTMAN, Mr. CAPUANO, and Mr. FLEMING.
- H.R. 2137: Mr. PAYNE.
- H.R. 2139: Mr. COURTNEY, Mr. SCHRADER, and Mr. COSTA.
- H.R. 2141: Mr. WEXLER.
- H.R. 2142: Ms. KOSMAS.
- H.R. 2189: Mr. POSEY.
- H.R. 2203: Mr. LUETKEMEYER, Mr. MILLER of Florida, and Mr. BARRETT of South Carolina.
- H.R. 2205: Mr. WU.
- H.R. 2277: Mr. FILNER.
- H.R. 2296: Mr. LATHAM, Mrs. LUMMIS, Mr. HILL, Mr. SHUSTER, Mr. THOMPSON of Pennsylvania, Mr. GARRETT of New Jersey, Mr. MURPHY of New York, Mr. DINGELL, Mr. LINDER, Mr. KANJORSKI, Mr. ROGERS of Kentucky, Mr. ELLSWORTH, Mr. DONNELLY of Indiana, Mr. REHBERG, Mr. HELLER, Mr. PRICE of Georgia, and Mr. STEARNS.
- H.R. 2302: Mr. BRADY of Pennsylvania.
- H.R. 2304: Mr. BOOZMAN.
- H.R. 2329: Mr. CONYERS, Mrs. MALONEY, and Mr. VAN HOLLEN.
- H.R. 2345: Mr. MCHENRY, Mrs. LUMMIS, Mr. LUETKEMEYER, Mr. MANZULLO, and Mr. POSEY.
- H.R. 2350: Mr. KILDEE.
- H.R. 2373: Mr. RAHALL and Mr. TERRY.
- H.R. 2400: Mr. GENE GREEN of Texas and Ms. BALDWIN.
- H.R. 2413: Ms. CASTOR of Florida, Mr. YARMUTH, Mr. BOOZMAN, and Mr. McCOTTER.
- H.R. 2414: Mr. ROTHMAN of New Jersey and Mr. McNERNEY.
- H.R. 2425: Mr. SARBANES and Mr. WELCH.
- H.R. 2443: Mr. KILDEE and Mr. GERLACH.
- H.R. 2452: Mr. LATHAM and Ms. ZOE LOFGREN of California.
- H.R. 2456: Mr. OBERSTAR and Mr. LANGEVIN.
- H.R. 2478: Mr. MURPHY of Connecticut, Mr. KIRK, Mr. GINGREY of Georgia, and Mr. ISSA.
- H.R. 2480: Mr. PETERS, Mr. WELCH, and Mr. GRIJALVA.
- H.R. 2492: Mr. McCOTTER.
- H.R. 2523: Mr. BACA and Mrs. LUMMIS.
- H.R. 2570: Mrs. MCCARTHY of New York.
- H.R. 2575: Ms. CLARKE and Mr. KING of New York.
- H.R. 2594: Mr. REHBERG.
- H.R. 2597: Mr. HOLDEN.
- H.R. 2662: Mr. BARTLETT, Mr. ELLSWORTH, and Mr. MARKEY of Massachusetts.
- H.R. 2672: Mr. BOCCIERI.
- H.R. 2688: Mr. PAYNE.
- H.R. 2698: Mr. AKIN.
- H.R. 2699: Mr. AKIN.
- H.R. 2702: Mr. MASSA.
- H.R. 2740: Mrs. MALONEY, Mrs. McMORRIS RODGERS, Mr. MCGOVERN, Mr. SABLAN, and Mr. MEEK of Florida.
- H.R. 2743: Mr. GARRETT of New Jersey, Mr. BILIRAKIS, Mr. RADANOVICH, Mr. PAYNE, Mr. PETRI, Mr. HARPER, Mr. KLEIN of Florida, Mr. FORBES, and Mr. YOUNG of Alaska.
- H.R. 2796: Mr. JORDAN of Ohio.
- H.R. 2804: Mr. EDWARDS of Texas and Mr. DOGGETT.
- H.R. 2805: Mr. DOGGETT.
- H.R. 2811: Mr. ROONEY.
- H.R. 2828: Mr. CAMPBELL.
- H.R. 2845: Mr. DANIEL E. LUNGREN of California.
- H.R. 2852: Mr. JACKSON of Illinois and Mr. SCHAUER.
- H.R. 2855: Mr. DEFAZIO and Ms. LEE of California.
- H.R. 2866: Mr. KILDEE and Mr. BACHUS.
- H.R. 2906: Mr. HARE, Mr. McDERMOTT, and Mr. PLATTS.
- H.R. 2932: Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. FILNER, and Mr. HONDA.
- H.R. 2935: Mr. BILBRAY.
- H.R. 2936: Mr. RYAN of Ohio.
- H.R. 2941: Mr. HOLDEN and Mr. SNYDER.
- H.R. 2943: Mr. CAPUANO.
- H.R. 2963: Mr. DELAHUNT and Mr. MICHAUD.
- H.R. 3003: Mr. COURTNEY and Mr. COHEN.
- H.R. 3006: Mr. BERMAN and Mr. PRICE of North Carolina.
- H.R. 3012: Ms. LORETTA SANCHEZ of California.
- H.R. 3017: Mr. HALL of New York and Mr. MICHAUD.
- H.R. 3040: Mr. POE of Texas.
- H.R. 3044: Mr. PAUL, Mr. MANZULLO, Mrs. BACHMANN, Mr. GALLEGLY, Mrs. LUMMIS, Mr. MINNICK, Mr. JONES, Ms. JACKSON-LEE of Texas, Mr. MICHAUD, Mr. GUTHRIE, Mr. SHULER, Mr. CASSIDY, and Mr. POSEY.
- H.R. 3045: Ms. LEE of California.
- H.R. 3085: Mr. COURTNEY.
- H.R. 3088: Mr. McMAHON.
- H.R. 3092: Mr. RYAN of Ohio and Mr. PETERSON.
- H.R. 3119: Ms. HIRONO, Mr. FALCOMA VAEGA, Mr. GALLEGLY, Mr. CAO, Mr. GARY G. MILLER of California, and Mr. CAMPBELL.
- H.J. Res. 10: Mrs. McMORRIS RODGERS.
- H.J. Res. 47: Mrs. CAPITO.
- H. Con. Res. 59: Mr. WELCH.
- H. Con. Res. 74: Mr. MORAN of Virginia, Mr. MCGOVERN, and Mr. JACKSON of Illinois.
- H. Con. Res. 158: Mr. KIND, Ms. ROS-LEHTINEN, and Mr. WOLF.



- H. Con. Res. 161: Mr. WITTMAN.
- H. Res. 89: Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. ELLISON, Mr. RODRIGUEZ, Ms. GIFFORDS, Mr. CAO, Mr. TAYLOR, Mr. DONNELLY of Indiana, and Mr. SKELTON.
- H. Res. 111: Mr. SIMPSON, Mr. LARSEN of Washington, and Mr. CAMP.
- H. Res. 175: Mr. MARCHANT and Ms. WOOLSEY.
- H. Res. 191: Mr. MOORE of Kansas.
- H. Res. 241: Mr. HOLT.
- H. Res. 333: Mr. GRIJALVA.
- H. Res. 363: Mr. GRIJALVA, Mr. FATTAH, and Mr. HINCHEY.
- H. Res. 397: Mr. LATHAM.
- H. Res. 414: Mr. ISSA.
- H. Res. 440: Mrs. MCMORRIS RODGERS and Mr. CHAFFETZ.
- H. Res. 441: Mr. LUJÁN, Mrs. MALONEY, Mr. MOORE of Kansas, Mr. LANGEVIN, Ms. FUDGE, Mr. PASCRELL, Mrs. KIRKPATRICK of Arizona, Mr. TAYLOR, Mr. CARNEY, Mr. HINOJOSA, Mr. SHERMAN, and Mr. BOCCIERI.
- H. Res. 445: Mr. BRIGHT.
- H. Res. 483: Mr. PETERSON.
- H. Res. 494: Mr. GORDON of Tennessee.
- H. Res. 533: Mr. MCGOVERN.
- H. Res. 536: Mr. PITTS and Mr. BRALEY of Iowa.
- H. Res. 550: Mr. BRADY of Pennsylvania.
- H. Res. 592: Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. MEEKS of New York, Mr. RANGEL, Mr. PAYNE, Ms. ROS-LEHTINEN, Ms. RICHARDSON, and Mr. SIREs.
- H. Res. 600: Mr. FALCOMA VEGA, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. POLIS, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. ELLISON, Ms. CLARKE, Mr. KUCINICH, and Mr. CUMMINGS.
- H. Res. 605: Mr. PLATTS, Mr. GARRETT of New Jersey, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. WOLF, Mr. McCOTTER, Mr. MOORE of Kansas, Mr. LAMBORN, Mr. HOLT, Mr. NEAL of Massachusetts, Mr. CLAY, Mr. SMITH of New Jersey, Mr. INGLIS, Mr. PAYNE, Mr. ROGERS of Alabama, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DANIEL E. LUNGREN of California, Mr. BISHOP of Utah, and Mr. ROYCE.
- H. Res. 615: Mr. WESTMORELAND, Mr. HELLER, and Mr. MORAN of Kansas.
- H. Res. 616: Mr. SMITH of Nebraska, Mr. BONNER, Mr. FORTENBERRY, Mr. GRIFFITH, Mr. REHBERG, Mr. KRATOVIL, Mr. MINNICK, Mr. CHILDERS, Mr. TAYLOR, Mr. HENSARLING, Mr. GOHMERT, Mr. COLE, Mr. LUCAS, Mr. SULLIVAN, Mr. LEE of New York, Mr. ROE of Tennessee, Mrs. BIGGERT, and Mr. COFFMAN of Colorado.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, THURSDAY, JULY 9, 2009

No. 102

## 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:

Most merciful and gracious God, who has led this Nation through turbulent times in the past, keep us this day confident in the movements of Your loving providence. Ignite in our hearts the hope that out of the world's challenges and tragedies, Your spirit can guide us to a desired destination.

Today, give our lawmakers a clear sense of duty and honor in every decision. May they live and work not alone or by their own efforts but in Your strength and by Your wisdom. May Your justice, purity, and peace guide them to develop plans and make policies that will enable Your will to be done on Earth as it is done in Heaven.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 9, 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, following leader remarks, there will be a period for morning business for 95 minutes. Senator DURBIN will control the first 5 minutes, the Republicans will control the next 60 minutes, and the majority will control the next 30 minutes. Following morning business, the Senate will resume consideration of H.R. 2892, the Homeland Security Appropriations bill. There will then be 10 minutes for debate prior to a vote in relation to a Kyl amendment, No. 1432. Additional rollcall votes are expected to occur throughout the day as we work toward completion of the appropriations bill.

I filed cloture last night on the substitute amendment and the underlying bill. As a result, germane first-degree amendments must be filed by 1 p.m. today.

There is a strong possibility—and I hope, on my behalf—that cloture will not be necessary and we will be able to complete action on the bill today. If we are unable to finish that bill, we will have cloture tomorrow morning, maybe into the weekend.

I acknowledge the cooperation and support of the Republicans in allowing us to move to the Defense bill, a very important bill. We are doing our best to accomplish what we set out to do

this week and not have to be in this weekend. That would be better for everyone. We all have a lot of things to do. This weekend, if we have to be here, will be a series of cloture votes and we hope that is unnecessary.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### SOTOMAYOR NOMINATION

Mr. McCONNELL. Madam President, over the past several weeks, my colleagues and I have raised a number of serious questions about the judicial record and public statements of Judge Sonia Sotomayor in connection with her nomination and upcoming confirmation hearings to the U.S. Supreme Court. These questions are driven by a growing sense, based strictly on the record, that Judge Sotomayor has allowed her personal and political views to cloud her judgment in the courtroom, leading her to favor some groups over others.

All of us are impressed by Judge Sotomayor's remarkable life story. It reaffirms not only to Americans but to people around the world that ours is a country in which one's willingness to dream and to work hard remain the only requirements for success.

And yet it is precisely this truth about America that makes it so important that our judges apply the law the same way to one individual or group as to every other.

This is why we have raised the questions we have. And this is why we will continue to raise them as the confirmation hearings for Judge Sotomayor proceed. This morning I would like to discuss an area of Judge Sotomayor's record that hasn't been touched upon yet, and that is her record on the fundamental right of free speech.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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This right to free speech was considered so important by our Founders that they included it as the first amendment in the Bill of Rights, along with the freedom of the press and religion, and the right to assemble and petition the government. It is one of the bedrocks of our government and our culture. And it is one of the primary defenses the Founders established against the perennial threat of government intrusion.

So it is essential that we know what someone who has been nominated for a life-tenure on the Nation's highest court thinks about this issue. And when it comes to Judge Sotomayor, her record raises serious questions about her views on free speech.

Let's start with a law review article that Judge Sotomayor co-wrote in 1996 on one particular kind of speech, political speech. In the article, Judge Sotomayor makes a number of startling assertions which offer us a glimpse of her thoughts on the issue.

First, and perhaps most concerning, she equates campaign contributions to bribery, going so far as to assume that a "quid pro quo" relationship is at play every time anyone makes a contribution to a political campaign. She goes on to say that:

We would never condone private gifts to judges about to decide a case implicating the gift-givers' interests. Yet our system of election financing permits extensive private, including corporate, financing of candidates' campaigns, raising again and again the question of what the difference is between contributions and bribes and how legislators or other officials can operate objectively on behalf of the electorate.

In the same law review article, Judge Sotomayor calls into question the integrity of every elected official, Democrat and Republican alike, based solely on the fact that they collect contributions to run their political campaigns. She writes:

Can elected officials say with credibility that they are carrying out the mandate of a "democratic" society, representing only the general public good, when private money plays such a large role in their campaigns?

In my view, the suggestion that such contributions are tantamount to bribery should offend anyone who has ever contributed to a political campaign—including the millions of Americans who donated money in small and large amounts to the Presidential campaign of the man who nominated Judge Sotomayor to the Supreme Court.

Judge Sotomayor's views on free speech would be important in any case. They are particularly important at the moment, however, since several related cases are now working their way through the judicial system—cases that could ultimately end up in front of the Supreme Court. One particularly important case on the issue, *Citizens United v. FEC*, will be reargued before the Supreme Court at the end of September.

Coincidentally, the most recent Supreme Court decision on the topic actually passed through the court on which

Judge Sotomayor currently sits, presenting us with yet another avenue for evaluating her approach to questions of free speech—with one important difference: in the Law Review article I have already discussed, we got Judge Sotomayor's opinion about campaign contributions. In the court case in question, *Randall v. Sorrell*, we get a glimpse of her actual application of the law.

Here is the background on the case. In 1997, the State of Vermont enacted a law which brought about stringent restrictions on the amount of money candidates could raise and spend. The law also limited party expenditures. Viewing these limits as violating their first amendment rights, a group of candidates, voters, and political action committees brought suit. The district court agreed with the plaintiffs in the case on two of the three points, finding only the contribution limits constitutional.

The case was then appealed to the Second Circuit, where a three-judge panel reversed the lower court and reinstated all limits in direct contradiction of nearly 20 years of precedents dating all the way back to the case of *Buckley v. Valeo*. It was in *Buckley* that the Supreme Court held that Congress overstepped its bounds in trying to restrict the amount of money that could be spent—so-called expenditure limits—but upheld the amount that could be raised—so-called contribution limits.

At that point, the petitioners in the Vermont case sought a rehearing by the entire Second Circuit, arguing that the blatant disregard of a precedent as well-settled as *Buckley* was grounds for review. Oddly enough, the judges on the Second Circuit, including Judge Sotomayor, took a pass. They decided to let the Supreme Court clean up the confusion created when the three-judge panel decided to ignore *Buckley*.

Traditionally, errors like these are precisely the reason that motions for a rehearing of an entire circuit are designed. In fact, according to the Federal Rules of Appellate Procedure, a review by the full court, what is commonly referred to as an en banc rehearing, is specifically called for in cases where "the proceeding involves a question of exceptional importance." And what could be more important for a lower court judge than following Supreme Court precedent and protecting and preserving the first amendment? But the Second Circuit declined.

In the end, the Supreme Court corrected the errors of the Second Circuit in a 6-3 opinion drafted by none other than Justice Breyer. Here is what Breyer wrote:

We hold that both sets of limitations [on contributions and expenditures] are inconsistent with the First Amendment. Well-established precedent—and here Justice Breyer was citing *Buckley*—makes clear that the expenditure limits violate the First Amendment.

One of the principal requirements for a nominee to the courts is a respect for

the rule of law. In this instance, according to Justice Breyer, that respect for the law was sorely lacking.

More than two centuries ago, the States ratified the first amendment to the U.S. Constitution to protect the right of every American from that moment and for all time to express themselves freely. "Congress shall make no law," it said, "respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances."

You could say, as I have said many times, that with the first amendment, our forefathers adopted the ultimate campaign finance regulation. And yet this issue continues to come before the courts, and will continue to come up before the courts. It is an issue of fundamental importance, touching on one of our most basic rights. And based on the writings and decisions of Judge Sotomayor, I have strong reservations about whether this nominee will choose to follow the first amendment or attempt to steer the Court to a result grounded in the kind of personal ideology that she so clearly and troublingly expressed in the law review article I have described.

It is not just this issue about which those concerns arise. Over the past several weeks, we have heard about a number of instances in which Judge Sotomayor's personal views seem to call into question her evenhanded application of the law.

Just last week, the Supreme Court reversed her decision to throw out a discrimination suit filed by a group of mostly White firefighters who had clearly earned a promotion. Notably, this was the ninth time out of ten that the high court has rejected her handling of a case.

We have heard her call into question, repeatedly over the years, whether judges could even be impartial in most cases. And she has even said that her experience "will affect the facts that [she] chooses to see as a judge".

Americans have a right to expect that judges will apply the law evenhandedly—that everyone in this country will get a fair shake, whether they are in small claims court or the Supreme Court, and whether the matter at hand is the right to be treated equally or the right to speak freely. Americans have a right to expect that the men and women who sit on our courts will respect the rule of law above their own personal or political views—and nowhere more so than on the Nation's highest court.

#### COMMENDING NORM COLEMAN

Mr. MCCONNELL. Madam President, it was a politician from Kentucky who introduced the expression "self-made man" into the lexicon. But even Henry Clay didn't follow as unlikely a path as Norm Coleman did to the U.S. Senate.

As Norm puts it, he never even knew a Republican or a Lutheran before he left home for college.

Yet this middle-class son of Brooklyn became one of the best senators the people of Minnesota have ever known. And he has always made sure to give them all the credit, even when the voters would have excused him for taking a little credit of his own.

Another great American politician said the U.S. Constitution was "the work of many heads and many hands." Norm's always had the same attitude about his own career. He is grateful for the opportunities he has had. He gives it everything he has. Then he is grateful when his efforts on behalf of others succeed, which is more often than not.

The day he got here he was asked how it felt. He had a simple response. He said he was humbled by the opportunity. "I believe that what I can do well, my gift," he said, "is to serve people, and now I have this incredible opportunity to serve as a United States Senator." Six years later, on the day he conceded defeat, his first impulse was again to thank others. He thanked his staff for the long hours and hard work they had put in on his behalf. And he said he would always be grateful to and humbled by the people had of Minnesota who had given him the honor to serve, and even more grateful for the patience and understanding they showed over these last several months.

It wasn't the outcome he wanted. It wasn't the outcome that his Republican friends and colleagues in the Senate wanted. But we couldn't have expected anything less from Norm Coleman than the class and graciousness he showed in the closing act of this phase in his career as a public servant.

As I said, Norm came to be a Republican Senator from Minnesota by a rather unusual route. He was a campus activist in the 1960s, and a rather prominent one at that. After college, Norm earned a scholarship to the University of Iowa Law School and came to love the people and the place.

From there, he went on to Minnesota to serve in the Minnesota Attorney General's Office. Later, he would use his talents as chief prosecutor for the state of Minnesota, and then as mayor of St. Paul, first as a Democrat and then as a Republican. In what has to go down as one of the more remarkable feats of bipartisanship in American politics, Norm has the distinction of serving as the 1996 cochairman of the committee to reelect Bill Clinton and 2000 State chairman for George W. Bush's campaign.

As a big-city mayor, Norm didn't disappoint. He showed a real knack for bringing business and government together. He led a downtown revitalization effort, created thousands of jobs, brought the National Hockey League to St. Paul and fought to keep taxes low. He left office with a 74 percent approval rating, after two terms that a local magazine called "by almost any measure . . . an unqualified success."

In 2002, Norm was still thinking about how he could serve on the State level when he got a call from the President asking him if he would run for the Senate. He accepted the challenge and then he fought a tough and principled campaign against our late beloved colleague Paul Wellstone before Paul's tragic death shortly before the end of that tumultuous campaign. Norm grieved with the rest of Minnesota at Paul's passing, defeated his replacement in the race, and was sworn in 2 months later as Laurie, their children, Jake and Sarah, and Norm's parents, Beverly and Norman, looked on. Laurie summed up the day like this: "It's incredible to think that he has this opportunity."

Norm didn't waste a day. An instant hit at Republican events across the country, he kept up the same torrid pace in the Senate he had set in his come-from-behind win the previous November. He pushed legislation that benefited Minnesotans and all Americans, and he never let up.

Norm spoke the other day about some of his accomplishments here. He mentioned a few areas in particular, including U.N. oversight, working with Minnesota farmers, and his work on energy independence. But he said his best ideas came from the people of Minnesota.

He was being humble. In a single term, Norm put together a remarkable record of results. On energy and conservation, he played a key role in establishing the renewable fuels standard. He helped pass an extension of the tax credits for wind, biomass, and other renewable fuels. He secured loan guarantees and tax incentives for clean coal power; protected fish populations; and supported conservation programs to protect Minnesota's lakes, rivers, and woodlands.

He led major anticorruption efforts, including a groundbreaking exposure of fraud at the U.N. He exposed more than a billion dollars in wasteful Medicare spending and uncovered serial tax evasion by defense contractors. Norm was also instrumental in passing the Conquer Childhood Cancer Act which increased funding for childhood cancer research.

The proud son of a World War II veteran, Norm has been a true friend to all veterans. The first piece of legislation he introduced was a bill requiring the Pentagon to cover the travel expenses of troops heading home from service abroad. Norm worked on a bipartisan basis to establish the first-ever national reintegration program for returning troops. And he worked hard, in the early years after 9/11, to strengthen homeland security.

Norm Coleman's service in the Senate has been marked by the same high level of distinction that has marked everything else he has done in three decades of public service. Today we honor our colleague and friend for that long career that we hope is far from over. And we punctuate an incredibly hard

fought campaign that some people thought might never end.

In the end, it didn't turn out the way many of us had hoped it would. But none of us were surprised by the graciousness with which Norm Coleman accepted the verdict, and all of us can celebrate the 6 years of dedicated service he gave to the people of Minnesota.

After another setback some years back, Norm Coleman said that real defeat isn't getting knocked down. It is not getting back up. And I have no doubt that this is not the last we will hear from Norm Coleman. He already has a legacy to be proud of. But it is a legacy that is still very much in the works. More chapters will be written. And they will bear the same strong hand and commitment to people and principle that he has shown in every other endeavor of a long and distinguished career.

In private conversation Senator Coleman often talks about resting on the truths of his faith. It is an untold Washington story—the glue of faith that holds this city together. So as I say goodbye to Senator Coleman, I would like to do so with words from the Torah that he knows well:

The Lord bless you, and keep you; The Lord make His face shine on you, And be gracious to you; The Lord lift up His countenance upon you, And give you peace.

And on behalf of the entire Senate family, I want to thank Norm for his service. We will miss him.

I yield the floor.

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#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 95 minutes, with the Senator from Illinois, Mr. DURBIN, controlling the first 5 minutes, the Republicans controlling the next 60 minutes, and the majority controlling the final 30 minutes, with Senators permitted to speak for up to 10 minutes each.

The Senator from Illinois.

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#### NORM COLEMAN

Mr. DURBIN. Madam President, first let me associate myself with the remarks of the Republican leader, Senator McCONNELL, relative to our colleague Norm Coleman. I enjoyed serving with Norm. We worked together on a number of issues during our service in the Senate. I was actively supporting his opponent AL FRANKEN in the Minnesota race. I thought, as Senator McCONNELL noted, that Senator Coleman showed extraordinary grace in conceding after the latest Minnesota Supreme Court decision. It was a relief to all involved and to the people of

Minnesota to have two Senators representing them here in this Chamber. I wish Senator Coleman the very best in his future endeavors and again thank Senator McCONNELL for his remarks which I know speak on behalf of all Senators from both sides of the aisle.

#### SOTOMAYOR NOMINATION

Mr. DURBIN. Madam President, Senator McCONNELL spoke previously about the nomination of Judge Sotomayor to the Supreme Court. This is a rare, historic opportunity for the Senate to consider a nomination sent to us by the President. It doesn't happen very often. In my career, my 13th year in the Senate, this will be my third opportunity in the Judiciary Committee to actually ask questions of someone who aspires to serve on the highest Court of the land, a lifetime appointment and a very important appointment in terms of our Nation's history.

The question raised by Senator McCONNELL is entirely appropriate. I commend him because his statement really goes to the heart of what this process should be about. It wasn't about the personality of the judge or any personal trait, it was about her beliefs and whether they are the kinds of beliefs we would like to see enshrined in her service as a Supreme Court Justice.

Particularly, Senator McCONNELL raised an issue which is very important to him. It is the issue of free speech in relation to political campaigns. I know this is important because Senator McCONNELL took an exceptional position in being in opposition to McCain-Feingold campaign finance reform. This was a reform which these two Senators—one Republican and the other Democrat—brought to the Senate in an effort to reduce the impact of corporate contributions and large contributions in our political campaigns. It was their belief that the so-called soft money which avoided some of the restrictions that are applied to other contributions had gone too far in the extreme. Senator McCONNELL was not alone, but he really was in the minority in opposing the McCain-Feingold position. He even went so far as to file documents before the courts arguing that this was a violation of free speech. The courts did not find in his favor and ruled that McCain-Feingold was, in fact, permissible and constitutional.

Now Senator McCONNELL comes to the floor and argues that Judge Sotomayor apparently doesn't agree with his point of view either. That is certainly Senator McCONNELL's right to do. But to question whether she should be allowed to serve on the Supreme Court because she disagrees with Senator McCONNELL's minority views on McCain-Feingold and the use of money in political campaigns is an unfair characterization of her position. Keep in mind that Judge Sotomayor comes to this nomination with an ex-

traordinary background. She brings more Federal judicial experience to the Supreme Court, if approved, than any Justice nominated in over 100 years and more overall judicial experience than anyone confirmed to the Court in the past 70 years.

She was first nominated by a Republican President to serve on the Federal court, President George Herbert Walker Bush. Then she was promoted to the next level court, the circuit court, by President Clinton, a Democratic President—bipartisan support, approval of the Senate both times, and no one suggested her views were radical or not in the mainstream of judicial thinking in America.

So when Senator McCONNELL raises this point, it reflects the fact that his view of campaign finance, his view of restrictions on contributions is, in fact, a minority position, one that the court has not approved of and most Americans may not agree with. Most Americans believe we should keep a close eye on political contributions to make sure they don't corrupt our political process. We want to honor free speech. Some of us believe the Court decision in Buckley v. Valeo went to an extreme and basically argued that the expenditure of money in a political campaign was an exercise of free speech. That argument leads to the conclusion that a millionaire is entitled to more free speech than the common person who couldn't spend that kind of money on a political campaign.

I might also add, we have been trying to move forward a piece of legislation that will give even more disclosure on political campaign financing. It would require the electronic filing of campaign finance reports. We have been trying to move this forward. There has been resistance on the other side of the aisle.

I think it is bipartisan and consistent with the goals of this Congress for us to have this kind of disclosure, for us to recognize that freedom of speech brings with it certain obligations, and that Judge Sotomayor's rulings in cases relating to free speech have been entirely consistent with the values of our country and in the mainstream of this Nation.

Next Monday, her nomination comes before the Senate Judiciary Committee.

The ACTING PRESIDENT pro tempore. The Senator has used his 5 minutes.

Mr. DURBIN. Madam President, it will go on for several days, and I will have a chance to speak then. I will yield the floor now. Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Madam President.

#### COMMENDING COLEMAN

Mr. ALEXANDER. Madam President, in 1998, Norm Coleman ran for Governor of Minnesota against the son of

one of the most revered Members of this body, Hubert Humphrey, who was also a former Vice President of the United States, and a noted wrestler, Jesse Ventura, who was elected Governor.

In 2002, Norm Coleman ran a campaign against Paul Wellstone, a beloved Member of this body who was tragically killed in an airplane crash a week or so before the election, bringing into the race a former Vice President of the United States, a former U.S. Senator and Ambassador, Walter Mondale. The whole country watched and was riveted by that race during that last week. Norm Coleman won that race.

This past year, Norm Coleman was a participant in a race that also riveted the Nation. He was opposed by a well-known television personality, AL FRANKEN, now a Member of this body. The race went on for 2 years, with much publicity. Then it went on for another 8 months after election day.

If Norm Coleman could have found some way to make the 2000 Presidential election Bush v. Gore v. Coleman, Norm would have been a participant in every single one of the most spectacular political races of the last decade.

Norm and I arrived in the Senate on the same day in 2003. We not only were Members of the Senate family, which we often talk about here and which extends to both sides of the aisle, we were Members of the same class, and are good friends.

My wife, Honey, and I got to know Norm and his wife, Laurie, the mother of their two children. We know of his love for his family and of his deep religious faith. Each of us in the Senate has enjoyed the good humor and cheer and civil relationship that Norm has had with his colleagues, both Democrats and Republicans.

But most memorable—and the Republican leader spoke of some of this—is Norm Coleman's record of service to our country: Chief prosecutor for the State of Minnesota, mayor of St. Paul, Senator.

He has been a strong, eloquent, effective voice for the center of this country—an independent voice of the kind our country and the Republican Party needs to attract and represent and continue to bring into our party and into our political process the center.

The political campaigns of Norm Coleman have been more spectacular than those of any of us in the Senate. But the public service chapters of his life have been equally impressive. As this door closes, I am confident new ones will open.

When I was Governor of Tennessee, my chief of staff, a former Marine, came in and said to me during my last years: Governor, I would like to say to you that people remember the last thing you do. And I had no idea why he said that to me, but I never could get it out of my mind, and I think it is pretty good advice.

People will remember the last thing Norm Coleman did in this campaign. He proved to be determined and courageous and, in the Minnesota tradition, a happy warrior in attempting to make sure that every Minnesota vote counted in the race, which was decided by just a few votes.

But then, when the Minnesota Supreme Court made its decision, he immediately was gracious about accepting the rule of law and the court's decision and stepping aside and congratulating AL FRANKEN.

That is the picture of Norm Coleman that most Minnesotans and most Americans will remember. That may have been the last thing that Norm did in this race, but I am sure it is far from the last thing he is likely to do in public life.

Norm Coleman, after those three spectacular races, deserves an easy, humdrum, conventional political race someday. And Minnesota and the Nation can hope we will deserve and have many more years of Norm Coleman's public service.

Madam President, I thank the Chair and yield the floor.

I see my colleague from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Thank you, Madam President.

Madam President, I am here this morning to speak about my good friend and former colleague, Norm Coleman.

Norm and I first met when I was Secretary of Housing and Urban Development and Norm had been the mayor of St. Paul—I had been the mayor of Orange County, FL—and immediately we established a bond. We kind of spoke the same language, if you will. We understood each other. We had both been involved in the milieu of urban politics as well as the challenges and responsibilities of being a big city urban center mayor.

I remember our discussions about the problems of the cities and about the opportunities. Norm had been very successful in creating a new arena for the hockey team in St. Paul, and this was, I know, a tremendously proud thing for him, an accomplishment he had.

Little did I know our paths would again cross here in the Senate. I remember being in Miami at a radio station and there was a TV monitor on the screen during the election of 2002, and I remember it was a debate between Norm Coleman and former Vice President and Senator Walter Mondale. I remember being detained there watching him and thinking what a tough spot he landed in, what a complicated race it had been through the tragic death of Senator Wellstone, and how proud I was of him, of this fellow whom I did not know that well but whom I had met on a couple of occasions, and he was handling himself quite well. It turned out he was successful in that race.

Then, only a couple years later, we were reunited here in the Senate as

colleagues. We both immediately found one another on the Foreign Relations Committee of the Senate. Norm, at that time, was the chair of the Western Hemisphere Subcommittee. I found in Norm someone who was uncommonly knowledgeable about the Western Hemisphere and carried out those responsibilities with a great sense of urgency.

Norm and I traveled in Latin America together. We traveled to Chile and to Colombia and perhaps a couple of other places where we conducted meetings trying to advance the United States agenda, promoting the rule of law, fighting against narcotrafficking that is such a blight upon our cities and our communities, and trying to improve the conditions of democratic rule in the region.

I have no doubt that if Norm Coleman were in the Senate this week, he would have been side by side with us as we have watched closely the events in Honduras and have tried to promote a reasonable, fair, and democratic outcome to that country's troubled current moments of their living.

He was the original sponsor of efforts to build stronger relations with our neighbors to the south. I had the opportunity, as I said, to travel with him. Part of our traveling took us to Colombia where a tremendous challenge lies ahead for the people of Colombia as they fight for the rule of law and against the narcoterrorists in that country. I remember our meeting with President Uribe that he and I had.

Norm was also very committed and concerned about a stable Middle East, about advancing the peace process in the Middle East, but also about the security of Israel. He was a very strong voice for a strong United States-Israel relationship. He was a clear voice on the need for us to stop and not allow Iran to develop a capability that is nuclear and that would invite the opportunity for Iran to carry out the stated wishes of destroying the state of Israel. He was a friend of Israel.

He was also a friend of Cuban freedom. I remember when Norm was first in the Senate. He came to the Senate 2 years before I did. During that time, I was still Secretary of Housing and Urban Development. I heard that Norm Coleman was traveling to Cuba. I said to Norm: As you travel to Cuba, as a now sitting Senator, I hope you will remember there is a large and growing dissident movement on that island and they deserve the same recognition you would have given to Lech Walesa or Vaclav Havel had you been traveling to Eastern Europe in the 1980s.

Norm heard my voice and sought the opportunity to meet with the Cuban dissidents while he was on the island. This came as a great surprise to his host because the Cuban Government frowns upon visiting dignitaries meeting with anyone who would present the potential for a democratic opposition to a country that has not known democracy now for half a century.

But, in any event, Norm Coleman met with them, and not only met with them but while in Cuba made some very strong statements about the need for a democratic solution to the Cuban situation, about the need for the people of Cuba to have an opportunity to live in freedom, and he spoke highly about the dissidents. Needless to say, that is the last time Norm Coleman has been invited to visit Cuba by the Cuban Government. But I knew then I had found a friend who clearly understood the difference between freedom and oppression and who would clearly stand on the side of freedom.

Norm, as has been expressed here this morning, with great grace and courage, fought through a very difficult election, and that is in addition to the ups and downs of all that went on in the recount and the legal challenges that followed.

Norm, with great grace, moved aside. When the time was right, and when the legal challenges had been exhausted, he did so with the grace and dignity that is the hallmark of Norm Coleman.

Norm and Laurie are my friends. I wish them the very best as they go forward in their lives. I know they will find other opportunities to be of service to the people of Minnesota and to the people of the United States, and I might daresay also to the people of Florida because Norm has a great affection for my State, where he has spent a lot of his time—I would daresay particularly in the cold and bitter months when maybe it is a little more pleasant around my neck of the woods than it would be in Minnesota.

But we always welcome Norm to Florida. We hope he will continue to visit us frequently, where he has a multitude of friends and a multitude of people who love him, who appreciate him, and who thank him for his great service to our Nation and our State, and who thank him for the great concern he has demonstrated about people who are oppressed, as well as those who seek to live in freedom and peace without threat from their neighbors.

Madam President, I thank you and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, I am pleased to join with my colleagues in making some comments about our former colleague, Norm Coleman. I welcome Senator FRANKEN to the Senate. I welcome him to his service here and congratulate him on his victory. But it would come as no surprise that Senator Coleman will be sadly missed.

I had the experience of serving with him on the Homeland Security and Governmental Affairs Committee where he served as the chairman of the Permanent Subcommittee on Investigation. This is a subcommittee that has an interesting history. It has the history of some demagoguery if you go back into the past. It also has a history of some accomplishment of the various Senators who have served there. I



think it unusual that a freshman Senator would serve in that capacity and serve as if he were not a freshman but a seasoned veteran. He took over that assignment and went after a number of areas of controversy, and with a persistence that served him and the Senate very well, pursued a number of difficulties.

So with all of the things we have heard about Norm Coleman—his intelligence, his grace, his willingness to work hard and at the same time do so with a sense of class about him—I add my tribute to his ability to take on a difficult assignment and follow it through.

I wish him and his wife and his family well in their activities now. I will not go through the resume the Republican leader has established for us. I simply add my voice of gratitude for the opportunity of serving with Norm Coleman and my best wishes for him in his future activities. He is a young and vigorous enough man that I think we will hear far more from him in the years ahead.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore the clerk will call the roll.

The bill clerk called the roll.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. 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.

Mr. CHAMBLISS. Madam President, I rise to speak this morning for a few minutes about my dear friend, now former Senator, Norm Coleman, from the great State of Minnesota. Norm was a very unique individual in the Senate. He grew up in New York, was educated in Iowa, and wound up living in Minnesota. He was a student leader in undergraduate school as well as in law school, so his leadership qualities were certainly recognized early on.

Norm grew up in an era right behind me, which was the era of big rock bands, and Norm was right in with the majority of the crowd of young folks back then and, in fact, was a roadie with a rock band for a while. He spent his 20th birthday at Woodstock. We used to joke about that a lot in some of our conversations.

After law school, Norm obviously settled down in the State of Minnesota where he joined the Office of the Attorney General and eventually became the State solicitor general. He prosecuted any number of cases in both of those offices. He became the mayor of St. Paul, MN, in 1993, and, boy, did he ever take over a town that was headed south and bring it back to be a totally revitalized community in a way in which, frankly, I have never seen.

When you talk to the people of St. Paul today and you ask them about what Norm Coleman did for the down-

town area of St. Paul, a smile immediately comes to the faces of those residents of St. Paul. He created thousands of new jobs and brought in more than \$3 billion of new development to the city. The one thing St. Paul residents, as well as Minneapolis residents, will tell you today about Norm Coleman from the standpoint of his legacy as mayor is that he brought the hockey team back to Minneapolis-St. Paul, and that has had a tremendous economic influence on that community.

I think it is a real tribute to Norm and his leadership that after being elected as a Democrat in 1993, he became a Republican in 1996, and then ran for reelection as mayor in 1997 as a Republican, and was again elected mayor of St. Paul. Norm ran for Governor of Minnesota in 1998, and as a testament to the character, the integrity, and the dedication as a public servant of Norm Coleman, when he lost that race for Governor, he was still mayor of St. Paul, and the day after that election, he was back in his mayoral office at 8 o'clock in the morning taking care of the business of the people of St. Paul.

I was very privileged to know Norm in a way other than just being a colleague. We were very close personal friends. Having been elected together, individuals within classes tend to hang together from time to time, and Norm and I enjoyed many social moments outside of this Chamber, as well as many strong professional moments inside this Chamber. I will have to say that as chairman of the Committee on Agriculture, of which Norm was a member, there was no harder working member of that committee for his constituents, no more dedicated individual to agricultural interests in his State than was Norm Coleman. In fact, during the farm bill debate last year, Norm pounded on me every single day during the course of that farm bill debate about some issue that was of particular interest to his State. It may have been talking about some issue relative to ethanol, some issue relative to the issues surrounding corn, wheat, or sugar beets, but whatever it was, Norm was just a hard-working, dedicated man when it came to making sure his constituents' interests were protected in that piece of legislation which was so vitally important to the State he represented.

I had the opportunity to travel with Norm many times in the State of Minnesota, and he likewise traveled in my State. I remember very well going to the Minnesota State fair with Norm. While we were there, we visited with some of his corn growers whom I have gotten to know on a personal basis as a result of my relationship with Norm.

I will never forget that because coming from a cotton-growing State where we produce a fiber that is used in the manufacture of clothing, the folks in Minnesota have developed a way to produce a piece of cloth from by-products of corn and ethanol production.

They gave me a shirt that day. It was a red shirt. They hadn't quite perfected this procedure at that point in time. I had a T-shirt on underneath the shirt I had on, and I immediately took my shirt off and put that red shirt on. It was hot as it could be that day. When we got back to the hotel that night, I took that shirt off, and I had this pink undershirt on as a result of having that shirt on. The corn growers have reminded me of that. We have had a good laugh about that ever since.

Norm is just one of those guys who not only was a dedicated professional Member of this body, but he is a good guy. He is one of those individuals who folks on both sides of the aisle had, first of all, respect for as a Member of this body, but also from a personal standpoint Norm was easy to get along with, easy to work with, and he wanted to do what was in the best interests of Americans.

I think his work on the Foreign Relations Committee, particularly with respect to his investigation of the fraudulent activities ongoing at the United Nations, is unparalleled with respect to any investigation I have seen take place during my years in the Senate. He uncovered an awful lot of fraud and abuse.

As a result of Norm's dedicated work and his dogged determination, some changes have been made. Were Norm to have come back to the Senate, there is no question he would have continued to pursue that issue, and we will continue to receive benefits from Norm's investigative measures that were undertaken at the United Nations.

I think Norm's reputation as a fighter and as a strong advocate for Minnesotans is reflective in the way he handled his election. He fought hard in his election. It was very much an uphill battle. A lot of us had tough elections last year, but nobody had a tougher one than Norm on a day-to-day basis. But he wanted to make sure the people who voted for him, the people who supported him and worked hard in his election all across the State of Minnesota had their just due, and he wanted to make sure he could look every Minnesotan in the eye and say: I did everything I could do to make sure this election was fairly conducted and to make sure that every single vote I could possibly get was counted.

At the end of the day, when the election was finally decided, once again, in his very professional way, he conceded and decided, as some of us have to do in politics from time to time, that it is time to move on.

We are going to miss Norm Coleman in this body. We are going to miss his family. Laurie and my wife are very dear friends. They communicated from time to time both while the two of them were in Washington as well as being in communication back and forth while they were in their respective States. We will miss that personal relationship. His daughter Sarah and his son Jacob are two very fine young people and certainly are reflective of the

fact that they have been raised by two very good parents.

So to Norm Coleman I simply say we will miss you in the Senate. We are not going to let him go away, though. I still talk to him on a regular basis and will continue to do so and will seek his advice, his counsel on any number of issues because this is a man who has served the public just about all of his adult life. He has done so in a professional way and in a way that all of us wish to emulate.

Congratulations to Norm, and good luck on whatever road life now takes him.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I enjoyed hearing my colleague's comments about our friend Senator Norm Coleman because I share the same sentiments. I rise today to speak about the extraordinary service of this extraordinary individual.

When I became the chairman of the Governmental Affairs Committee in 2003, a freshman Senator took over the position that I had held as the chairman of the Permanent Subcommittee on Investigations. During the next 6 years, I came to know Senator Norm Coleman as an energetic, farsighted, and committed public servant, but most of all I came to know Norm as a dear friend.

As chairman, and later ranking member, of PSI, Norm demonstrated unfailing leadership and extraordinary dedication. Working with his colleague from across the aisle, Senator CARL LEVIN, Norm enhanced PSI's reputation as the Senate's premier investigative subcommittee. He undertook many complex and important investigations.

Under this team's leadership, the subcommittee was successful in ferreting out waste, fraud, and abuse to the tune of \$14 billion. I remember particularly well an investigation that exposed tax cheats in Medicare and in defense contracting.

Another success resulting from Norm's leadership was his highly successful and courageous "oil for food" investigation. Norm's investigation uncovered billions of dollars of fraud in this program operated by the United Nations. Norm was focused, determined, and undeterred in his pursuit of the facts, in his pursuit of the truth.

Norm's abiding concern for upholding the public trust is rooted in his background. As a former prosecutor, he is a champion of the rule of law. As a former mayor, he understands the concerns of State and local government. As a Senator, he always worked hard for the people he represented and for the people of this entire country.

These traits were evident in his service as a member of the Homeland Security and Governmental Affairs Committee. Norm's hard work ensured that the Special Inspector General for Iraq

Reconstruction had the resources and the authority necessary to do his work effectively. Norm's keen insight into local government was invaluable during our extensive investigation into the failed response to Hurricane Katrina. His insight—critical insight—helped to shape reform in so many areas, ranging from our intelligence agencies, the postal service, and government contracting.

Norm was also a passionate advocate for educational opportunity. His support for strengthening the Pell Grant Program demonstrated his belief that the benefits of higher education should be available to everyone with the determination and the desire to pursue more education.

In fact, the only quibble I have with Norm's public service dates back to his tenure as mayor of St. Paul. His success in bringing professional hockey back to Minnesota was certainly commendable, but it was based, as I understand it, on the flawed premise that Minnesota is the hockey capital of the United States. The people of Maine know better, of course, but this was typical of Norm's pride in his State.

The past election brought great disappointment, but it also revealed character. Norm ran a vigorous, honorable campaign, under very difficult circumstances. He never betrayed his constituents, nor compromised his principles. When the final court decision went against him, he graciously conceded defeat. In fact, I had the opportunity to talk with Norm right after the supreme court in Minnesota ruled against him. I was struck, once again, by his determination to do what he felt was best for his State, even though it was not best for him. I was also touched by his commitment, once again, to his constituents and to moving on and ensuring that they had two Senators representing them. He was not bitter. He was not hurt. He was at peace. He was at peace because he knew he had served the people of his State to the best of his ability and with all his heart and tremendous intellect.

It has been a true honor to serve with Norm Coleman in the Senate, and the American people—not just the people of Minnesota—are better off for his service. It has been a joy to develop our friendship—a friendship I will always cherish and always continue. I will miss serving with Norm day to day, but I know I will see him many times.

I wish Norm and his wonderful family all the best in the years to come.

Mr. KYL. Madam President, I join my Republican colleagues in thanking Senator Norm Coleman for his service in the Senate.

As a valued member of my whip team, Senator Coleman was devoted to solving problems in a practical and nonpartisan way. I could always expect from him a serious and interesting view of an issue and could count on him for good advice. His thoughtful and unique perspective, as well as his talent and high energy, will be missed.

Senator Coleman ran a fine campaign and was a consummate gentleman throughout the long process of determining the winner of his seat.

I join my colleagues in wishing him all the best in his future endeavors, and know that he will remain an important voice in our party.

Mr. COCHRAN. Madam President, the Senate will continue to benefit in the years ahead from the service and example of Norm Coleman as a U.S. Senator.

He brought to the Senate a seriousness of purpose and a high level of energy which he used to help shape national policies and successfully address many important challenges faced by our country.

I enjoyed working with him and playing tennis with him. He brought to his service in the Senate a strong and determined commitment to solve the problems facing our country, especially as they affected farmers and workers in his State of Minnesota.

Norm Coleman's leadership will be missed in the Senate, but we will continue to benefit from his example and his contributions to this body for many years to come.

Mr. LUGAR. Madam President, I am pleased to join with other Senate colleagues in honoring a loyal and talented friend, Norm Coleman. For the past 6 years, it has been my privilege to serve with him in the Senate. During that time, we have worked together on many issues, and I have witnessed with admiration his character and his dedication to the United States and to the people of Minnesota.

As a former mayor of Indianapolis, I was very pleased to welcome another former mayor to the Senate in 2003 when Norm took his seat after an election that was decided by fewer than 50,000 votes. We talked frequently about our experiences in Indianapolis and St. Paul, and we shared many perspectives on domestic policy because of this common bond. He was devoted to principles of good government that deeply informed his service in the Senate. It also was clear to me that Senator Coleman had an extremely strong commitment to constituent service that was stimulated by his service as a mayor. He understood that serving his constituents was a 24 hour-a-day job, and he threw himself into the task of serving all Minnesotans.

I am especially sad to see Norm leave the Senate because he has been an outstanding partner in the work of the Foreign Relations Committee. I encouraged him to join our committee in 2003, and he played a prominent role in our work from the day he arrived. For 6 years, I sat with Norm through hundreds of Foreign Relations Committee hearings and meetings. He was one of the most active members of the committee, and he could be counted on to bolster our debates and our efforts to achieve quorums. I greatly benefitted from the opportunity to exchange ideas with him, to compare perspectives on

our witnesses, and to develop common approaches to problems.

His impact was especially profound as chairman of the Western Hemisphere Subcommittee from 2003 until 2006. He traveled frequently to Latin America and quickly developed an expertise in the region. He was an effective advocate for Plan Colombia, and he was one of our first leaders to recognize how important it was to ensure that Colombians had alternatives to economic and energy dependence on Venezuela. He performed important oversight of the Western Hemisphere Travel Initiative, the Peace Corps, and U.S. policy toward Haiti. Senator Coleman was the lead organizer of the U.S.-Chile Caucus, a group that allowed Senators to engage with Chileans to discuss issues of mutual interest.

Senator Coleman developed expertise that went well beyond Latin America. In April 2004, I chaired the Senate's first hearing that looked into the troubled Iraq Oil for Food Program. Senator Coleman took the lead from there, and as chairman of the Permanent Subcommittee on Investigations, he conducted an extensive, 2-year investigation into corruption and mismanagement related to the Oil for Food Program. Many of his conclusions were the basis of legislation that he and I introduced in 2005—the United Nations Management, Personnel, and Policy Reform Act. Senator Coleman also was a passionate and informed advocate for U.S. programs to combat HIV/AIDS and a careful student of Middle East politics.

I know how much Norm was stimulated by the daily opportunities of the Senate Foreign Relation Committee, and he made the most of them. Had he prevailed in his 2008 reelection bid, he would have been the second ranking Republican on the committee.

Senator Coleman leaves the Senate after 6 years, having established lifetime friendships. It was a special pleasure for Char and me to spend time with Norm and his wife Laurie at Aspen Institute events, giving us the opportunity to know much more about their family and life outside the Senate.

I will miss his good humor, his hard work, and his personal friendship. I have no doubts that he will continue to serve the United States and his fellow Americans in new ways, and I look forward to witnessing all that he will achieve in the future. I join the Senate in wishing him the best as he and his family move on to new adventures.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I don't know much about the State of New

York or the city of New York. I do know there is a high school there called James Madison High School, which has some pretty prominent graduates: Senator BERNIE SANDERS from Vermont, Senator CHUCK SCHUMER of New York, and Senator NORM COLEMAN from Minnesota was a graduate of that school. I believe Ruth Bader Ginsburg, a member of the Supreme Court, also graduated from that high school. I am sure there are others.

My message to Norm Coleman is that I have been involved in close elections. I lost an election for the Senate many years ago by 524 votes. I won one not too many years ago by 428 votes. So I have some appreciation for what Norm Coleman and his opponent, AL FRANKEN, went through.

My thoughts during the past 8 months have been directly toward the difficulty they have had in their lives as a result of that close election. One of my elections—the one I won by 428 votes—took 6 weeks. I cannot imagine one taking 8 months. It was a hard-fought campaign. Almost 3 million people voted, and it was decided by 312 votes.

I appreciate, as I think do the people of Minnesota, the Senate, and the country, Norm Coleman not taking this to the Supreme Court or a higher court. He could have done that. That speaks well of him.

Norm has a lot of fans, of course, in the State of Minnesota, but he is also a friend of a close personal friend of mine from the State of Nevada, Sig Rogich. Sig Rogich and I have been very close personal friends for a long time. He is a man of accomplishment. Having been born in Iceland, he came to America and was raised in Henderson, where I was raised. Actually, he is a wealthy man now, a very prominent businessman. One of Norm's biggest supporters around the country is Sig Rogich; he has a great pedigree. He was part of the Tuesday team of famous media developed for Ronald Reagan. He worked in the White House for the first President Bush. He is a very personal friend of the first President Bush and also is well known and was part of the second Bush team and knows him very well. My understanding of Sig Rogich's relationship with Norm Coleman is that they are friends. That speaks well of both of them, that they have such high-quality friends.

Norm Coleman's relationship with me—myself being a Democrat and he being a Republican—was always very good. We spoke to each other often. He was always very courteous and always a gentleman with me. I never heard him say a negative word about me. I cannot ever recall saying anything negative about him. To show that he did do some legislation that I watched very closely, one piece of legislation he did was one that would allow people, when filing their income tax return, to designate part of their return to go to the National Guardsmen or Reservists, those who lose their jobs as a result of

going into combat and their families are having trouble making the grade. The few dollars they get from the military doesn't make up for what their house payment is and everything. This would allow money to be put into a fund to be administered and allow this money to go toward the families of these people fighting overseas. I thought so much of that legislation that I have sponsored it. It is working its way through the Senate, and it is a fine piece of legislation. I acknowledge that I plagiarized this from Norm Coleman. It came from his friend and my friend, Sig Rogich.

I wish Norm and his family the very best. Recognizing that these campaigns come to an end, he is a relatively young man, and I am sure with his educational background and his notoriety in Minnesota, he will have a bright future.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. 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.

#### COMMENDING NORM COLEMAN

Ms. KLOBUCHAR. Madam President, I am here today to speak about Senator Coleman, who was my colleague for my first 2 years in the Senate. As everyone knows, last week the Minnesota Supreme Court issued its ruling on the outcome of last November's Senate election. As I did this week, I congratulate AL FRANKEN for his hard-earned and long-awaited election victory. He has had a good first week in the Senate, and we all welcome him. But I do wish to take this time to talk about Norm Coleman.

First of all, after 6 months without having a second Senator, Senator Coleman made a very difficult decision, and he did it with such grace. He could have appealed that decision. He could have gone to Federal court. It was his right. But he made a decision which he felt was best for the State of Minnesota, and the State.

I wish to talk a little bit about what Norm Coleman meant to me to have him as a colleague in the Senate.

When I first came to the Senate, Norm had been a Senator for many years, and he was very gracious to me. He reached out with his staff. We basically got along from the moment I started to the end of his term as a Senator. We worked very hard at that. When we had disagreements, we talked them out and our staffs would talk them out because we felt the most important thing was that we represent the State of Minnesota.

Each one of us knows Norm in our own way, but I think all of us agree this is someone who cares so much

about his family, his wife Laurie, and their two children, Jacob and Sarah. There is a family that has known tremendous tragedy. Two of their children died in early infancy from a rare genetic disease. While Norm doesn't talk about this much, his reverence to life and his devotion to family are very clear.

Second only to his family has been his dedication to public service. It has literally defined his adult life. Maybe it was sheer destiny that he found his way to the Senate. After all, he is a graduate of James Madison High School in Brooklyn, which is also the alma mater of two of our Senate colleagues—CHUCK SCHUMER and BERNIE SANDERS.

Norm hit the ground running in politics, and he has not stopped. In college, he was a student activist, and in law school, he served as the president of his class. Immediately after getting his law degree, he joined the Minnesota Attorney General's Office, recruited by my good friend, legendary attorney general Warren Spannaus. Norm was in the Attorney General's Office 17 years, most of that time doing criminal prosecutions, ultimately rising to the position of solicitor general for the State of Minnesota.

In 1993, Norm was elected the mayor of St. Paul at a time when the city, especially its downtown, was suffering economically. During his 8 years as mayor, he worked to turn St. Paul around. Building public-private partnerships, he redeveloped the industrial riverfront into a recreational greenspace. A new Minnesota science museum was built overlooking the Mississippi River. Most famously, he brought hockey back to Minnesota, securing a new National Hockey League franchise that moved into the new arena. Hockey is very important in Minnesota.

In 1998, Norm was narrowly defeated in a three-way race for Minnesota Governor. The winner, of course, was Jesse Ventura—something not many people across the United States expected to happen. I think Norm once said that not everyone can say they lost to a candidate whose previous career highlight was being killed by an alien creature in the movie "Predator." But he took it in stride.

In 2002, Norm was elected to the Senate under tragic circumstances. Just days before the election, my good friends Paul Wellstone and his wife Sheila and their daughter Marcia and members of their staff were killed in a tragic plane crash in northern Minnesota. Norm became the Senator. Like Paul, Norm took his duties very seriously, and I could see that in my 2 years in the Senate. He cared deeply about the work he did in foreign relations, some of which people never really talked about, never made the front page of the newspaper, but it was something he cared deeply about.

Together, we worked on several issues in our State which were of key

importance, legislation to benefit our State. The most dramatic example of this spirit of cooperation was our response to the sudden collapse of the Interstate 35W bridge into the Mississippi River on August 1, 2007. Thirteen people were killed and 150 were injured, many with severe and permanent injuries. Literally our cities came to a stop. For our State, out of this unprecedented disaster, this public trauma was something to which they immediately responded.

I still remember when Senator Coleman and I came in the very next morning—we flew in with the Secretary of Transportation, Mary Peters—and there were already billboards up, literally 12 hours later, directing people where to go with the traffic and how to get buses to get to where they had to go. As I said that day, a bridge in America should not just fall down, but when one does fall down, we rebuild it. In the 72 hours immediately following the bridge collapse, Norm and I worked together to secure \$250 million in emergency bridge construction funding. Representative JIM OBERSTAR led the way in the House. Approval of this funding came with remarkable speed and bipartisanship. Capitol Hill veterans tell me it was a rare feat, aided by unity among Minnesota's elected leaders across the aisle, across the political spectrum. I am pleased to report that just 13 months after that collapse, Minnesota drivers were able to drive over a safe new 35W bridge and eight-lane highway. That is just 13 months after the collapse.

While the bridge is the most visible example, Norm and I had many other opportunities to work together on issues that mattered to the people in our State.

There was another Minnesota disaster in August 2007 when severe flooding hit the southeastern corner of our State. We worked on this together, along with Congressman WALZ, to ensure a rapid, effective response by Federal agencies to help communities, businesses, and families in need.

We worked together on the Agriculture Committee. We both served on that committee. We succeeded in passing a new farm bill that was very important to our State.

We worked together with a bipartisan group of Senators on energy legislation, to move forward in unity.

We worked together in securing Federal funds for the security costs of the Democratic and Republican National Conventions, along with our colleagues in Colorado. I still remember standing before this Chamber saying that I stood tall to obtain the funding to protect the security of the Republican leadership from across this country. We did that together.

We joined to secure educational benefits owed to our National Guard and Reserve troops returning from Active Duty overseas. We are so proud of our National Guard in Minnesota. The Red Bulls have served longer in Iraq than

any other National Guard unit in the country. And Norm and I worked together to make sure we expanded the Beyond the Yellow Ribbon Program to help those Guard and Reserve who really have no base to go home to but go home to little towns across our State. We worked on that together.

Our State has a proud tradition of electing both Democrats and Republicans to office. They expect us to work together. From the very beginning, Norm and I knew that was part of our duty to the people of our State, that was part of our obligation, no matter if we disagreed on issues, that we were going to work together.

So today I acknowledge my former colleague, Norm Coleman, for the strength he has shown during this long campaign, for the grace he showed last week when he made that difficult decision, and for the fine work he did for the people of Minnesota.

Madam President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. 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.

#### FOOD SAFETY SYSTEM REFORM

Ms. KLOBUCHAR. Madam President, I am here to talk briefly today about food safety, something about which I care deeply. As you probably know, the last few food epidemics, from the jalapeno peppers to peanut butter, would not have been solved except for the hard work of the University of Minnesota and the Minnesota Department of Health, which is a model for how we can solve these epidemics. Thirteen people died with the last peanut butter one. It was only when someone died and was sick in Minnesota that it got solved.

Clearly, while we are proud of the work we do, we have to bring out this model nationally. I am proud to be doing a bill with Senator CHAMBLISS to try to bring out this model for the rest of the country.

I do note today that the Washington Post has a strong editorial recommending we do something to improve the food safety of this Nation. I think it is worth reading that editorial. They are talking about the need to get something done. Just this week, the White House came out with its food safety recommendations which include, as I said, building a new national traceback and response system, including clear industry guidance, a new unified incidence command system, and improved use of technology to deliver individual food safety alerts to consumers. We can truly do better.

There is also a bill—the bill Senator CHAMBLISS and I have sponsored focuses on the end of this problem when

a foodborne illness is out there—there is also a bill to prevent it in the first place, a bipartisan bill in the Senate. Senator DICK DURBIN is heading up that bill, along with JUDD GREGG, TED KENNEDY, RICHARD BURR, CHRIS DODD, and LAMAR ALEXANDER, and Senator CHAMBLISS and I are also sponsors of that legislation. The idea of that legislation is to beef up the FDA to improve our capacity to prevent food safety problems.

As we all know, the tragedy that happened in Georgia where the information did not get to the right people, where inspectors had come in or not enough inspections had come in—the information did not get up the food chain, so to say. No one knew what was going on, that there were violations at this plant, and 13 people died. That has to change.

We also have to improve our capacity to detect and respond with inspections, surveillance, and traceability. We also have in this bill ways to enhance U.S. food defense capabilities and to increase FDA resources. We have seen just recently the problem with the refrigerator cookie dough manufactured by Nestle. So we know this problem has not ended and it continues.

I am urging the Senate to take action, first of all, on the Food Safety Modernization Act of 2009, the bipartisan bill, to give the FDA more tools to do what it does. We have already seen the good work the Agriculture Department does with certain fields, and we need to build on this work and make sure we are able to catch these things before they get out into the food stream and the people of our country. Secondly, when it does happen, when salmonella or something does get out there, we have to respond quickly.

I also urge the Senate, as part of these FDA measures, to pass the Food Safety Rapid Response Act, a bill I have with Senator CHAMBLISS. This is a smart bill. It uses these models of epidemiology tools that should be used all over the country.

It should not have to be the case that people have to get sick in Minnesota before we solve this problem. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States every year.

We should not wait. We should be acting on these two bills. We have a full agenda, but we have before us two bills that have bipartisan support. We have not heard people attacking them. They are the way to go. We have food industry people involved in both of these bills who also want to get them passed. Obviously, they do not want to keep losing profits because of food scares across this country. Let's get these bills done and improve our food safety system in the United States of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

#### COMMENDING NORM COLEMAN

Mr. THUNE. Madam President, I would like to join some of my colleagues today who have spoken previously in reflecting upon the service of our colleague, Norm Coleman. As we all know, the election process in Minnesota has come to a conclusion. We have welcomed his successor to the U.S. Senate. But I also want to just make some remarks about Senator Coleman's service in the Senate and sort of my recollections of that.

Obviously, all of us come here motivated to do different things. We all have reasons we want to be in public service, things we want to accomplish. Senator Coleman, obviously, came from the State of Minnesota, having been in an executive position where he served as mayor of St. Paul. He accomplished some wonderful things for the State, not the least of which was bringing hockey to Minnesota. That is something that any of us from that region of the country know was greatly appreciated by the citizens of his city and his State.

Norm and I came to the Senate under different circumstances. I recall having traveled around the country with Senator Coleman as we were campaigning together in 2002 trying to come to the Senate and having that opportunity to get to know him. When you travel with somebody on an ongoing basis, you get to know them not on a superficial basis—the way many of us here get to know people, sort of on a thin level—but you get a chance to really get a glimpse into the soul of people when you are in certain circumstances, when you are in tough campaigns. Certainly, Norm was no stranger to tough campaigns.

As it turned out, that 2002 election Norm was elected to the Senate. I lost my election in 2002 and didn't come here until a couple of years later. But during the course of the campaigns, and then having served with Norm Coleman—representing a neighbor State in South Dakota—we shared a lot of common interests. Whether it was agriculture or renewable energy or the economy in our States and trying to create jobs in the upper Midwest of this country, Norm Coleman was somebody who, more than anything else, cared about results.

There are so many instances here where we get drawn into debates in the Senate and the partisan lines get drawn and a lot of ideology comes into play. Obviously, that is part of the process as well. But the bottom line was that Norm Coleman cared about getting things done for the people of Minnesota. I think that was the kind of can-do attitude he brought to his job as mayor and to all the other areas of public service in which he was engaged during the course of his career in public life.

But coming to the Senate, I am sure, had to have been frustrating because this is a place where sometimes it is very difficult to see the result and the

outcome of your efforts. Norm was someone who was focused. He was intent upon getting things done, getting things accomplished, and I think during his service here he did some great things for the people of Minnesota and for the people of this country.

If he were here, I think he would tell you that in coming to the Senate—and I would tell you the same thing—he can now look back on some of the things he was involved in getting done, such as being involved in the big debates over the confirmation of Chief Justice John Roberts or Justice Sam Alito—these were big debates in which we were all involved in seeing good people put on the Supreme Court of this country. We worked in areas that were specific to our States—again, agriculture, renewable energy, putting energy policies in place that I think will drive America's future in terms of trying to lessen our dependence upon foreign sources of energy and, obviously, trying to bring more economic opportunity to this country by promoting the energy sources we have right here, particularly in places such as the Midwest where we can produce biofuels and wind and all those sorts of things.

Those are the kinds of issues Norm Coleman was committed to because he understood the profound impact they had on the citizens of his State of Minnesota. I also think sometimes around here people tend to—as we all do because we all are elected to represent constituencies—sometimes feel pressured to make votes that might be more political. But I have seen Norm Coleman time and again come in here and make votes—sometimes tough votes—that he thought were the right ones for the future of this country. That, too, is a quality that sometimes is lacking and can be rare in public life.

So I just wanted to express my appreciation for having had the opportunity to serve with Norm Coleman in the Senate. He is someone who I think was a tremendous reflection upon the State of Minnesota, the people of his State; someone who was intent upon doing the right thing for the future of this country; and, frankly, someone who, in my view, brought an authenticity and a genuineness to this body and to this world of politics in Washington, DC, which sometimes is lacking in those qualities. He was sincere, he was genuine, and you knew exactly where he was coming from. With Norm Coleman, what you saw was what you got.

I was pleased to have had the opportunity not only to serve with him in the Senate and to call him a colleague, but more importantly than that to call he and Laurie and their family friends because that is something that is also rare in Washington, DC. Sometimes the Senate can be a lonely place, and when you develop a friendship of the type and depth that I have with Norm Coleman, I find that to be very rare around here and something I will treasure and remember for some time to come.

I also know Norm Coleman will continue in whatever he chooses to do next to serve the people of Minnesota and the people of his country because for him it wasn't about the position or the title, it was about the difference he made, and he is making, and I know he will continue to do great things for this country. Whatever he chooses to do next, it will be with an eye toward how he can make a difference and contribute in a positive way to furthering and improving the quality of life for the people of the State and the people of this country.

If he were here today, Madam President, I think he would probably also enter into some of the great debates that we are having. Norm Coleman was someone who cared about fiscal responsibility, he cared about future generations, and he cared about making sure we secured a better and brighter future for those who will come after us. I think he would be very troubled by many of the things we see happening in the country, and certainly things we see happening with legislation that is moving in the Senate.

As we look at the big debates, whether it is dealing with the issue of the reform of health care in this country—which is one-sixth of the American economy—or whether it deals with the new national energy tax, recently passed in the House of Representatives—which is going to impose a crushing burden on all families across this country and families in Minnesota and families in South Dakota—those are issues where I think we need to be careful. We need to be thoughtful and we need to scrutinize them as they come through the Congress.

We saw the House move very quickly the week before last on a 1,200-page bill that imposes a brandnew national energy tax on the American people. We can all debate about how much that tax is going to be, but one thing we know is that everybody in this country is going to pay higher energy taxes. Whether that is electricity, whether that is fuels, whether it is natural gas, or whether that is home heating oil, every American consumer—every American family, every American small business—is going to see their energy costs go up because of the legislation that was passed in the House last week, and if it is successful in passing in the Senate.

It is my hope we can put the brakes on that because it is not fair to the American people. At a time when many of them are losing their jobs, at a time when many of them are struggling to make ends meet, we should not be imposing a brandnew, top-down, bureaucratic, heavy-handed mandate that will have a crushing effect and crushing impact on the economy of this country and increase the bills and the taxes that American consumers are going to pay.

So I hope we will bring some reason to this debate; that the Senate will not act in the hasty way the House of Rep-

resentatives did in throwing a 1,200-page bill on the floor, and then adopting a 309-page amendment in a minimum amount of time. We all know people didn't have an opportunity to read that bill. This is something that is a major consequence to this country and to our economy and we ought to do it with great regard for the American people and we should make sure they are engaged.

In travelling around my own State last week, I can tell you that at all the public events I attended it was loud and clear, people were unanimously opposed to this cap-and-trade—national energy tax—bill that is currently moving through the Congress.

I have described that and other things that are happening here. Whether it is the government ownership of the automobile industry or the financial system—banks—or insurance companies, that is a trend we don't want to see continued on a long-term basis. That is why I have introduced legislation called the Government Ownership Exit Plan, which would require the government to divest itself and to wind down its interest in these private companies in the next year. It gives an additional year, if necessary, if the Treasury determines that it is in the best interest of the taxpayers to do that. But we should put an end date out there so we don't continue with this indefinite, long-term permanent ownership of the American economy by the Federal Government.

That, Madam President, is not consistent with the American way of doing things. It is not consistent with free enterprise and free markets and the freedoms we enjoy in this country and which have served as the foundation and made this American economy the strongest in the world. We need to get the Federal Government out of that type of ownership so it is not controlling the day-to-day decisions made by these businesses and creating all the inherent conflicts of interest that come with government ownership of a private economy.

So I hope we will move away from that ownership and that we will not use that as the precursor to a takeover of one-sixth of the American economy by having the government take over the American health care system. We all know we have issues with our health care system in this country—that we need to get costs under control, that we need to reform our system and make it more affordable to more people in this country. But the one thing we don't need is to have the government take over the American health care system—one-sixth of our entire economy. The cost for that, Madam President, we know, will be at least—at a minimum—\$1 trillion. Some of the estimates go up to \$2.5 trillion as the cost to have the government take over the American health care system.

These are the big debates that are before the Senate, Madam President, whether it is the cap-and-trade energy

tax, whether it is the government takeover of our health care system, whether it is government ownership of auto manufacturers and insurance companies and banks, these are things I think make most Americans very uncomfortable. I believe it is the role of the Senate to put the brakes on things and make sure we are looking long and hard at what we are doing.

Frankly, my view is this is the wrong direction, the wrong path to pursue for this country. But at a minimum, we need to make sure as this legislation moves through here it is not hastily done, that it is not hurried, that it isn't rushed or jammed through here because somebody has a political agenda they want to get accomplished, and they want to do it without allowing the American people to hear about it or have the opportunity to read the fine print.

I think when the American people start reading the fine print, as they have with the cap-and-trade legislation, they will act in a very vigorous way and resist the notion of having the government take over one-sixth of the American economy by taking over the American health care system.

So, yes, we can do things better. We can all improve upon the health care system we have today in terms of affordability. But the one thing I don't think the American people want to see is the Federal Government imposing itself in the middle of decisions that ought to be made by doctors and patients, by physicians and hospitals and consumers of health care—not by the Federal Government or that which is being talked about in the Congress and in the Senate.

I hope we will be able to put the brakes on, to slow this process down so the American people can engage in this debate in a way that will allow their voices to be heard and make sure that politicians in Washington aren't going down a pathway that could lead toward rationed care, that could lead to fewer choices, that could lead to bigger bills for the American taxpayers, and that could lead to more borrowing for future generations and depriving them and robbing them of a better and brighter future because we have handed them a crushing burden of debt.

When you look at trillion-dollar deficits as far as the eye can see and the notion of the government taking over health care and the notion of a new energy tax that will drive up the costs of energy for every American, I think these are policies that put the future of the American people in great peril. They need to be engaged in it, and we need to make sure we are not rushing these things through the Senate.

I am going to do everything I can to make sure there is a full and fair debate and that we don't go down the path that allows the government to take over one-sixth of the American economy and allows the government to make decisions that ought to rightfully be made by doctors and patients



and we don't allow a new national energy tax to be imposed on the American people. These things are all going to cost average Americans and families enormous amounts of money at a time when they are trying to keep their jobs and trying to make ends meet and trying to balance their own budgets at home.

The American government—their government—ought to be doing what it can to balance its own budget and not spending like drunken sailors and borrowing from future generations in a way that will put the future of many Americans—many American families—at risk.

Madam President, I yield the floor and the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I will yield back the remaining time on the Democratic side.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2892, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010 and for other purposes.

Pending:

Reid (for Byrd/Inouye) amendment No. 1373, in the nature of a substitute.

Vitter modified amendment No. 1375 (to amendment No. 1373) to prohibit amounts made available under this Act from being used to amend the final rule to hold employers accountable if they hire illegal aliens.

Grassley amendment No. 1415 (to amendment No. 1373), to authorize employers to voluntarily verify the immigration status of existing employees.

Kyl/McCain amendment No. 1432 (to amendment No. 1373), to strike the earmark for the City of Whitefish Emergency Operations Center.

Hatch amendment No. 1428 (to amendment No. 1373), to amend the Immigration and Nationality Act to extend the religious workers and Conrad-30 visa programs, to protect orphans and widows with pending or approved visa petitions.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent the vote in relation to the Kyl amendment No. 1432 occur at 11:30 a.m., with the provisions of the previous order governing consideration of this amendment remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 1375, AS MODIFIED

Mrs. MURRAY. Madam President, I ask unanimous consent the Vitter amendment No. 1375 now be the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I rise to voice my reservations with Vitter amendment No. 1375.

The Vitter amendment would prohibit any funds in the Homeland Security Appropriations bill from being used to change the Bush administration's "no-match" letter regulation. This controversial regulation deals with the obligations of employers who receive what are known as no-match letters from the Social Security Administration.

The Social Security Administration sends no-match letters to employers when a Social Security number or other information provided by an employee does not match the agency's records. This is part of the Social Security Administration's efforts to improve the accuracy of their records, but the Bush administration wanted to use no-match letters to get the Social Security Administration involved with enforcing our immigration laws. The theory was that an employee whose information doesn't match the Social Security Administration's database is probably an illegal immigrant. However, the reality is that the vast majority of people whose data does not match the Social Security Administration's information are U.S. citizens who changed their name when they married or whose information is wrong due to typographical or other clerical errors.

The Bush administration's no-match rule would make employers liable if they fail to take action on a no-match notice, even though no-matches are often caused by database errors. A small business owner that receives a no-match letter would be faced with the choice of firing the employee or following costly and burdensome requirements for resolving the no-match. The U.S. Chamber of Commerce estimates that the cost of the no-match rule would be at least \$1 billion annually. This is not a price we can afford, especially given the current condition of the American economy.

The no-match rule would also have a dramatic and harmful impact on millions of hard-working U.S. citizens who have done nothing wrong. Experts estimate that as many as 3.9 million authorized workers will be the subject of a no-match letter. And the U.S. Chamber of Commerce estimates that as many as 165,000 legal workers will be wrongfully fired if the no-match rule goes forward.

In addition to all these problems, the no-match rule would not actually improve the enforcement of our immigration laws. The Social Security Administration has repeatedly said that a no-match letter makes no statement

about a worker's immigration status. And the Social Security Administration's databases do not have complete or accurate information about workers' immigration status. In fact, according to the Social Security Administration's inspector general, at least 3.3 million records in the administration's database have incorrect citizenship information.

The no-match regulation is opposed by a broad coalition of business, labor, civil rights, and religious groups, from the Chamber of Commerce to the AFL-CIO.

The no-match rule would turn the Social Security Administration into an immigration enforcement agency. This would detract from its primary mission of administering retirement benefits for tens of millions of Americans.

The no-match rule was blocked by a court order shortly after it was issued and two years later the rule still hasn't taken effect. The court found that the rule would "result in irreparable harm to innocent workers and employers."

Yesterday, DHS Secretary Janet Napolitano announced that she plans to rescind the no-match rule. She believes that using the Social Security Administration to enforce our immigration laws is ineffective and will harm millions of innocent small business owners and employees.

Instead, Secretary Napolitano plans to use electronic verification so that employers can determine whether their employees are legally authorized to work. There is work to be done to improve the current electronic verification system but this is a much more efficient approach than dragging the Social Security Administration into immigration enforcement.

At the same time, Secretary Napolitano is taking a different approach from the previous administration when it comes to worksite enforcement. Secretary Napolitano has launched a new effort to crack down on employers who knowingly hire illegal immigrants.

This is the right approach and I commend Secretary Napolitano for seeking to rescind the no-match rule and refocus DHS on unscrupulous employers who knowingly hire illegal immigrants.

The Vitter amendment would prevent DHS from going forward with its plan to rescind the no-match rule. Congress should not micromanage DHS's efforts to enforce our immigration laws.

For these reasons, I have serious reservations about the Vitter amendment and I will urge the conferees not to include it in the conference report.

Mrs. MURRAY. Madam President, I understand this amendment is acceptable to both sides.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1375), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1378 TO AMENDMENT NO. 1373

Mr. MCCAIN. I call up amendment No. 1378 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1378 to amendment No. 1373.

Mr. MCCAIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the appropriation for the Advanced Training Center)

On page 9, lines 15 and 16, strike “, of which \$39,700,000 shall be for the Advanced Training Center”.

Mr. MCCAIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 1432

Mr. KYL. Madam President, I believe there is now 5 minutes per side to debate the amendment I have offered, which is cosponsored by Senator MCCAIN. I would appreciate it if the Chair will advise me when I have consumed 2 minutes. Senator MCCAIN will talk for about 2 minutes, and I wish to reserve the last minute following Senator TESTER.

The amendment is very simple. It strikes \$900,000 for an earmark for the city of Whitefish Emergency Operations Center in Montana. The administration terminated funding for these types of projects in its 2010 budget submission. This operations center has not been subject to a congressional hearing nor has it been authorized by Congress. It is a pure earmark. Not only did the administration not request funding for the project, it specifically zeroed out funding.

Senator FEINGOLD had an amendment that would have subsumed this project along with several others. That amendment failed. But he noted in regard to his amendment that while we may not all agree on the appropriateness of earmarks in general, I certainly hope we can agree certain things ought not be earmarked, including FEMA grant programs such as those protecting Americans from terrorist attacks. I quote Senator FEINGOLD, because this is precisely the view of the 9/11 Commission. From page 396 of that report it included this recommendation:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities . . . Congress should not use this money as a pork barrel.

The report goes on to state:

In a free-for-all over money, it is understandable that representatives will work to protect the interests of their home states or districts, but this issue is too important for politics as usual to prevail. Resources must be allocated according to vulnerabilities.

That is why in its budget submission the administration said this:

The administration is proposing to eliminate the Emergency Operations Center Grant Program in the 2010 budget because the program's award allocations are not based on a risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purposes more effectively.

So you have the 9/11 Commission saying these programs should be eliminated; you have the administration saying, in its budget submission, they should be eliminated from the budget submission, that they should not be subject to earmarks. That is why our amendment is being offered.

The ACTING PRESIDENT pro tempore. The Senator has consumed his 2 minutes.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank my friend and colleague from Arizona for this amendment.

Look, it is all about the fact that there has been no analysis, no assessment, no debate on the merits of using Federal funds for a municipal improvement project. I am sure Whitefish needs municipal improvement. So do cities and towns all over America. Why was Whitefish picked?

By the way, it might be of interest to taxpayers, Whitefish, according to my information, has a population of 5,849 people. This earmark equals \$153.87 per inhabitant.

Cities all across America are operating out of inadequate facilities, including those in my own State. All we have asked for is to have these prioritized according to competition, assessment, and recommendations by agencies of government rather than inserted in the bill as an earmark and without any of that.

From the previous votes, we will probably lose on this one, but I want to tell my friend from Montana, sooner or later the American people are going to reject this kind of pork-barrel earmarking, \$153.87 for every resident in Whitefish, which may be warranted—it may be warranted—but there is no assessment, there is no study, there is no rationale besides the fact that this was inserted in this bill without any scrutiny or authorization.

We should reject this kind of practice. This is an egregious example of it.

I yield the floor.

Mr. TESTER. Madam President, I ask you inform me when I have 3 minutes left.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. TESTER. Madam President, I thank the two Senators from Arizona for the debate we have been having on this expenditure. This is not an egregious expenditure. The senior Senator from Arizona talked about 5,849 people living in Whitefish. In the 2000 census figures it is up to 8,500 now, but that is not the issue. The issue is Whitefish is

here. This is it up here. We have a Canadian border 60 miles north. We have a park to the east of it. We have millions—millions of acres of Forest Service land all around it, north, south and to the west.

When we have emergencies, it is not necessarily just terrorism. They will tell you on the northern border, terrorism is the biggest threat. On the southern border, next to Arizona, it is illegal immigration. Not only do we have for this emergency operations center the potential—and let's hope it never happens—of terrorist threats coming down, whether it is in the park or north, along in Forest Service lands, we also have a very real threat again of forest fires occurring. They have happened with regularity.

The current building is one-third of the size needed. It is 100 years old. It is in a seismic zone. The truth of the matter is, we have Border Patrol, Forest Service, DEA—all rely on local law enforcement to assist them. We have radio interoperability between Federal, State, and county government that this will address. The truth is, this is for the region.

This money also leverages almost 9 to 1 in local grants—\$8 million, this \$900,000 leverages. So the local community is stepping up and they are picking up their fair share.

We don't want unfunded mandates put on local governments because we have potential national terrorist problems throughout this region.

The ACTING PRESIDENT pro tempore. There is 3 minutes remaining.

Mr. TESTER. The truth is that you can come up and look at a title and you can talk about it being egregious, but the truth is, millions of acres of forests, a national park, a border 60 miles away—we are talking about emergency services. The local community is supposed to pick up the entire tab for that? I don't think so and I don't think that is fair. That is why we have a \$900,000 expenditure in this bill to help local governments meet the needs of this country.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? If neither side yields time, time will be charged equally on both sides.

The Senator from Arizona is recognized.

Mr. KYL. Madam President, it is appropriate for the sponsor of the amendment to have the final word. I wish to reserve my final minute to have the last response.

Mr. TESTER. Can I ask what the sponsor of the amendment has left for time?

The ACTING PRESIDENT pro tempore. The sponsor has 53 seconds and the Senator has 2 minutes 29 seconds.

Mr. TESTER. We have two Senators for every State in this country. Our forefathers drafted that out. The reason was we don't dictate on population, we don't dictate on landmass, we dictate on need.

The fact is, there are millions of acres of Forest Service grounds; a national park—one of the jewels of this country—to the east; a border to the north where there are real threats that we need to make secure and work with our neighborhoods to the north to make sure we do not have terrorist activity come across the border.

The truth is, the sponsor of this amendment talked about the President zeroing out this program. Why doesn't the amendment zero out the program? It doesn't. The sponsor cherry-picked one expenditure in the bill and said this isn't the way we should be spending money. I appreciate that. We are having a debate here on that. But this is much needed for the security of this country and for the security of the region.

Mrs. MURRAY. Will the Senator from Montana yield?

Mr. TESTER. Yes, I would.

Mrs. MURRAY. My understanding is over the last decade there have been 28 Presidential disasters which occurred in that region.

Mr. TESTER. I believe that is correct.

Mrs. MURRAY. So 28 times in the last 10 years there has been a major disaster that has been responded to, whether it is a fire in the park, on the Federal land, or a border issue or whatever, so this is not just about Whitefish, am I correct?

Mr. TESTER. It is not about Whitefish at all.

Mrs. MURRAY. It is about the entire region and the ability for all the different agencies to respond, is that correct?

Mr. TESTER. That is correct.

Mr. MURRAY. That clarifies the importance for this emergency center. I thank the Senator.

Mr. TESTER. The Senator is spot on right. That is exactly right. It is not about Whitefish at all, it is about the region, it is about the location, and it is critically important we get this money for this project. I appreciate the sponsor bringing the amendment up but, truthfully, this is not pork. This is something that will help the country being secure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I certainly accept the argument of my friend from Montana that this could be put to good purpose in Whitefish, MT. It could be put to good use in Yuma or Nogales or anywhere else in the country. That is why the 9/11 Commission said, and I quote again:

Homeland Security assistance should be based strictly on an assessment of risks and vulnerabilities . . . The Congress should not use this money as a pork barrel.

All we ask is, as the administration did, that the money be allocated based on the risk assessment from the Department of Homeland Security, not on the ability of a particular Congressman

or Senator to get the money earmarked in a bill.

I ask unanimous consent that page 396 of the 9/11 Commission report be printed in the RECORD at the conclusion of my remarks, and again urge my colleagues to support this amendment, as at least one small step we can take to demonstrate that we agree with the 9/11 Commission and we agree with the administration that these grants should be based on risk, rather than earmarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE 9/11 COMMISSION REPORT, P. 396

Recommendation: Now, in 2004, Washington, D.C., and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support.

The second question is, Can useful criteria to measure risk and vulnerability be developed that assess all the many variables? That assessment should consider such factors as population, population density, vulnerability, and the presence of critical infrastructure within each state. In addition, the federal government should require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that state.

We recommend that a panel of security experts be convened to develop written benchmarks for evaluating community needs. We further recommend that federal homeland security funds be allocated in accordance with those benchmarks, and that states be required to abide by those benchmarks in disbursing the federal funds. The benchmarks will be imperfect and subjective; they will continually evolve. But hard choices must be made. Those who would allocate money on a different basis should then defend their view of the national interest.

COMMAND, CONTROL, AND COMMUNICATIONS

The attacks on 9/11 demonstrated that even the most robust emergency response capabilities can be overwhelmed if an attack is large enough. Teamwork, collaboration, and cooperation at an incident site are critical to a successful response. Key decisionmakers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety. Regular joint training at all levels is, moreover, essential to ensuring close coordination during an actual incident.

Mr. KYL. I believe we need to ask for the yeas and nays, and I do at this time.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

Mrs. MURRAY. Has all the time been used on this amendment?

The ACTING PRESIDENT pro tempore. Yes, it has.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr.

BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 59, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—36

Barrasso	Ensign	Lugar
Bennett	Enzi	Martinez
Brownback	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Gregg	Murkowski
Coburn	Hatch	Risch
Collins	Hutchison	Roberts
Corker	Inhofe	Sessions
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kyl	Wicker

NAYS—59

Akaka	Gillibrand	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Bayh	Inouye	Reid
Begich	Johnson	Sanders
Bennet	Kaufman	Schumer
Bingaman	Kerry	Shaheen
Bond	Klobuchar	Shelby
Boxer	Kohl	Snowe
Brown	Landrieu	Specter
Burr	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Cochran	Lincoln	Voinovich
Conrad	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson (NE)	

NOT VOTING—5

Byrd	Dodd	Rockefeller
Cantwell	Kennedy	

The amendment (No. 1432) was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, Senator MCCAIN has an amendment that he will speak to in a moment. I wish to let all Senators know I appreciate their cooperation. We are working through a number of amendments on both sides that I am hoping we can get through this afternoon. Senator MCCAIN will speak to his amendment now, and we are hoping to have a vote around 2 to settle that and several others. If Members have an amendment they are working on and have some last-minute language to work on, please get it done because we would like to finish this bill today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 1378

Mr. MCCAIN. Madam President, I ask for the immediate consideration of amendment No. 1378.

The PRESIDING OFFICER. The amendment is pending.

Mr. McCAIN. I thank the Chair.

Madam President, this amendment strikes an earmark of \$39.7 million for an advanced training center in West Virginia, a training facility for U.S. Customs and border protection agents. The center features a range of training environments, facilities, et cetera. The administration requested and the committee approved \$30.3 million to operate and equip the facility. While I have a problem with that, I do not intend for the amendment to affect the \$30 million the administration requested to operate and equip the facility. This amendment is not about that.

The committee earmarked an additional \$39.7 million to equip, furnish, and expand the Leadership Academy at the Center.

Let me be clear what the amendment does and does not do. It does not strike the requested funding for the training facility. It does strike an unrequested, unauthorized, unnecessary earmark of nearly \$40 million that was added to this bill at the direction of a senior Member of this body. I wish to make that perfectly clear. I am sure there will be opponents of this amendment but have no doubt: It does not affect the \$30 million the administration requested. This is an additional \$39.7 million to equip, furnish, and expand the Leadership Academy.

It might be of interest to our colleagues that today, at 9:23 a.m., the CBO is reporting that the year-to-date budget deficit tops a trillion dollars. We are considering a provision that adds an additional \$39.7 million in light of the Congressional Budget Office monthly budget review. Its key points are, the Federal budget deficit is \$1.1 trillion for the first 9 months of fiscal year 2009. Here we are with a bill loaded down with earmarks worth tens of millions of dollars on the very day that the deficit tops \$1 trillion; in fact, it is \$1.1 trillion. That is more than \$800 billion greater than the deficit recorded through June 2008. Outlays are 21 percent or \$457 billion higher than they were in the 9 months of 2008. Revenues have fallen by 18 percent, by some \$346 billion. Outlays for unemployment benefits so far this year are more than 2.5 times what they were at this point last year. About half this increase is driven by a higher unemployment rate and half is driven by legislation expanding unemployment.

The estimated deficit reflects outlays of \$147 billion for the Troubled Asset Relief Program, known as TARP, recorded on a net present value basis, and spending of \$83 billion in support of Fannie Mae and Freddie Mac. Interest payments have declined 25.5 percent as a result of lower short-term interest rates.

So here we are looking at business as usual on the earmarks and appropriations bills. Meanwhile, the year-to-date budget deficit tops \$1 trillion. Maybe it is approaching \$2 trillion by the end of the year—an incredible burden to lay on future generations of Americans.

I am sure—I am sure—this amendment will probably lose. I am sure proponents of the Advanced Training Center's Leadership Academy in West Virginia will stoutly defend it, and its essential functions will be graphically described by the opponents of this amendment.

It is time we stopped. Isn't a \$1.1 trillion deficit for the first 9 months of this year enough of a signal that maybe we ought to tighten our belts, that maybe we ought to stop adding \$39.7 million to an already requested \$30 million to operate and equip an advanced training center—a training facility that is located in the State of West Virginia? I understand that. Our thoughts and prayers go out for the senior Senator from West Virginia. We hope he regains his health soon. We hope he continues in his very effective membership and service in this body.

But the fact is, the committee—the committee—earmarked an additional \$39.7 million to equip, furnish, and expand the Leadership Academy at the Center. Can't we delay expanding, equipping, and furnishing a leadership academy? Can't we do that? Probably not. Probably not. Probably not.

But as long as Americans are bearing this incredible burden—a burgeoning deficit we are laying on our children and our grandchildren—I and some others will be coming to this floor to try to point out it is time we got rid of things that are maybe even necessary but not vital to our Nation's future.

Madam President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I do not think there is a Senator in this body who has talked more about deficits or our national debt than the senior Senator from Ohio.

Senator LIEBERMAN and I have a bill in to create a commission to deal with tax reform and entitlements. I have had a bill in called the SAFE Commission for the last 4 years: Saving America's Future Economy. There is no one more aware of where we are. We will have a deficit this year, I believe, of over \$2 trillion when you take into consideration the amount of money we are borrowing from our governmental trust funds.

That being said, I respectfully oppose the amendment offered by my good friend, the Senator from Arizona. This amendment seeks to strike the requirement in the bill for \$39.7 million for the Advanced Training Center.

This Advanced Training Center is designed to serve the specialized needs of U.S. Customs and Border Protection. It officially opened in August of 2005. There may be some people who object

to the fact that it is in West Virginia, but the fact is it is in West Virginia.

This year alone, the Center will provide advanced training to over 3,200 U.S. Customs and Border Protection employees.

We have already mentioned we have increased the number of these employees substantially to do what most people want us to do; that is, to protect the border and to go after those individuals who are illegal immigrants. There is no question about that. But I also know from my work on the Governmental Affairs Committee and my Subcommittee on Oversight of Government Management, in the Federal workforce, the people we hire have to be trained. You just cannot bring them on. You have to train them.

So this is a critical training facility for frontline employees. In fact, the Department of Homeland Security and the Office of Management and Budget have endorsed the expansion of this facility as well when they approved and sent forward to Congress their 5-year master facility plan.

This is not a boondoggle. This is not a waste of money. This is something to support a facility that is there and needs to be expanded because we have decided we want to hire a lot more employees. When you hire employees, you have to provide them the training. And that is exactly what this is doing.

Again, I wish to emphasize, if we are going to secure the border, it is going to cost a lot of money, including training the people we are going to hire.

So we should oppose this amendment.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleague from Ohio for his statement in opposition to the McCain amendment.

I rise as well to speak on behalf of Senator BYRD who, as we all know, is home recovering from a serious illness. The committee bill does include \$39.7 million for the continued expansion of the U.S. Customs and Border Protection, CBP, Advanced Training Center. The ATC, which opened back in 2005, provides advanced firearms and tactical training to CBP law enforcement personnel and personnel of other Federal agencies.

The center is expanding in phases. It is consistent with this master plan I hold in my hand. This plan actually was transmitted to Congress back in 2007 and was approved then by the Office of Management and Budget and the Department of Homeland Security.

This master plan accommodates advanced training consistent with the mission of securing our borders. CBP employees are stationed throughout the Nation at land and border crossings, at airports, at seaports, and other urban environments with a need for practical, unique, progressive, and flexible training.

There is no other training of this kind, I want my colleagues to know, and there has never been a time that it has been needed more.

Senator BYRD strongly—he wants us to know—supports the Advanced Training Center and its mission and is going to continue to fight hard for the security of this great country. Customs and Border Protection needs and deserves the advanced training facility to assure that the more than 50,000 Customs and Border Protection agents, officers, and other personnel have the training they require when they are sent in harm's way.

This facility is expected to train over 3,200 law enforcement and other employees in fiscal year 2009, and that is expected to grow to more than 5,000 each year.

I urge our colleagues to vote against that plan.

I, again, would like everyone to know we are hoping Senator ROCKEFELLER will be back shortly. He will speak on this amendment. We are hoping to set up this amendment for a vote around 2 o'clock.

Madam President, with that, I rise to offer the Dodd-Lieberman amendment No. 1458, which I understand is at the desk.

Mr. VITTER. Madam President, I reserve the right to object.

The PRESIDING OFFICER. Does the Senator object?

Mr. VITTER. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

AMENDMENT NO. 1428, AS MODIFIED

Mr. HATCH. Madam President, I ask for the regular order.

The PRESIDING OFFICER. The Senator is asking for the regular order with respect to the Senator's pending amendment?

Mr. HATCH. With respect to a modification to amendment No. 1428. I send the modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment (No. 1428), as modified, is as follows:

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. IMMIGRATION PROVISIONS.**

(a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.—

(1) EXTENSION.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(27)(C)(ii)), as amended by section 2(a) of the Special Immigrant Nonminister Religious Worker Program Act (Public Law 110-391), is amended by striking “September 30, 2009” each place such term appears and inserting “September 30, 2012”.

(2) STUDY AND PLAN.—Not later than the earlier of 90 days after the date of the enactment of this Act or March 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by the Department of Homeland Security against noncompliant program participants and future noncompliant program participants.

(3) PROGRESS REPORT.—Not later than the earlier of 90 days after the submission of the report under subsection (b) or June 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in reducing the number of noncompliant participants of the Special Immigrant Nonminister Religious Worker Program.

(b) CONRAD STATE 30 J-1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(c) RELIEF FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking “for at least 2 years at the time of the citizen's death”.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(I) the alien's United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(III) the alien has not remarried.

(d) HUMANITARIAN CONSIDERATION FOR PENDING PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) HUMANITARIAN CONSIDERATION FOR PENDING PETITIONS AND APPLICATIONS.—

“(1) IN GENERAL.—An alien described in paragraph (2) who was the beneficiary or derivative beneficiary of a petition (as defined in section 204, 207, or 208) filed on behalf of the alien or principal beneficiary before the death of the qualifying relative and who continues to reside in the United States shall have such petition and any related or subsequent applications for adjustment of status to that of a person admitted for lawful permanent residence adjudicated as if the death had not occurred, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

“(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

“(A) an immediate relative (as described in section 201(b)(2)(A)(i));

“(B) a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

“(C) a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d));

“(D) a spouse or child of a refugee (as described in section 207(c)(2)); or

“(E) an asylee (as described in section 208(b)(3)).”.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment.

Mr. HATCH. Madam President, I thank the Chair.

Mrs. MURRAY. Madam 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. JOHANNNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNNS. Madam President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE ECONOMY

Mr. JOHANNNS. Madam President, I rise, I think, at a very appropriate time, while we are talking about the budget and deficits and numbers, to say that rarely has a crystal ball proved so regrettably accurate.

Many warned, as did I, that the stimulus would amount to a mountain of wasted money. It produced record deficits, and thus far it has produced little beyond that.

But I am not here to ask the Senate to take my word for this. You can read it in black and white in two reports that were released yesterday: a CBO report and a GAO report.

According to the nonpartisan Congressional Budget Office, the Federal budget deficit for the first 9 months, as Senator MCCAIN mentioned, was a whopping \$1.1 trillion. This is the first time in our Nation's history that the annual deficit has been this high.

If that “Guinness Book” record-sized debt was not astonishing enough, we would all be floored that this debt is from only the first three-quarters of the year. It is mystifying to me, horrifying to the American taxpayers and their children who eventually will have to pay the bill. It represents a dangerous reality for our future. Only 4 percent of the first stimulus funding has been spent, yet we are shattering national deficit records already.

This was easily predicted. Look back a few short months to February when we were debating the stimulus, a bill we were told we had to do right away.

On February 4, 2009, I delivered my first speech as a Senator. I made some simple predictions based upon my experience as a city council member, a mayor, and as a Governor. Serving in those rolls, I learned a few things about how money is spent at the local level, especially the hidden costs of money from the Federal Government that seemingly comes with no strings attached. In that speech I warned what would happen with the so-called stimulus legislation. I predicted that State governments would use the funds to replace State dollars and shore up their budget problems. Well, sure enough, the Government Accountability Office, known as the GAO, reported this:

States reported using Recovery Act funds to stabilize State budgets and to cope with fiscal distress.

The report states that 90 percent of the money distributed has come in the form of increased Federal education and health care grants to State governments. This money has helped many State governments to partially offset what they are facing, which is budget shortfalls.

I also warned that the result of replacing State funds with Federal funds would lead to an enormous funding cliff for State budgets when that temporary stimulus money ran out. The GAO report sends up a warning flare, because States have not addressed the situation they will be in when the stimulus funding runs out or how they will come up with the funding to cushion the fall.

I wish I had been wrong in February—in fact, I think I said that at the time. I wish I had been wrong when I said that the transportation sector jobs estimated to be created by the major infrastructure projects wouldn't materialize because the funding would instead go to repaving. I urged my colleagues to reconsider because repaving projects would not lead to long-term economic growth or good jobs. So what is the consensus since the stimulus bill went into law? The GAO report states that nearly 50 percent of all transportation projects are for resurfacing and another 18 percent of the funds are being used to widen already existing roads. That adds up to nearly 70 percent on temporary road improvement projects.

Even though President Obama said there is nothing he would have done differently, I find that hard to believe considering his earlier remarks that predicted a much different result. In a speech on February 10, soon after becoming President, he said:

We can use a crisis and turn it into an opportunity. Because if we use this moment to address some things that we probably should have been doing over the last 10, 15, 20 years, then when we emerge from the crisis, the economy is going to be that much stronger.

I doubt he had repaving projects in mind.

As evidenced by the GAO report, the stimulus bill is not laying down the essential groundwork for sustained economic growth, long-term initiatives, or

jobs. In fact, unemployment reached 9.5 percent, the highest rate in 26 years. This means that since the stimulus was signed into law, 2,964 jobs have been lost every hour of every workday. Clearly, the stimulus bill was sold to the American people as a quick fix to solve our economic woes, but it is failing.

The Obama administration and his supporters in Congress want to quickly tack on to the \$1 trillion stimulus a litany of big spending initiatives: health care reform, cap and tax, an overhaul of the financial system. The recklessness of proposed spending, new government programs, and increased deficits is sobering. What does all this proposed spending add up to? A huge train wreck with stacks of IOUs all the way to China as far as the eye can see. Yet some have the audacity to raise the possibility of a second stimulus. It defies logic.

I will conclude by saying that the last thing the Federal Government should do, directly or indirectly, is stifle American businesses and hard-working families just as they are trying their best to crawl out from the economic yoke of debt, taxes, and a stagnant economy. Before we drive the Federal budget off another cliff—and take State budgets down with us—we need to put our foot on the brakes, slow down, and correct our course.

With that, I yield the floor and note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### SOTOMAYOR NOMINATION

Mr. WHITEHOUSE. Madam President, I am here to talk about Judge Sotomayor. I am looking forward to her confirmation hearing, which begins next Monday. I continue to review her record, and I will not make my ultimate judgment until after the hearing. But I must say I am very impressed with Judge Sotomayor's qualifications, including her restrained and fact-based approach to deciding cases. I'm also impressed, as a former prosecutor myself, by her experience as a practicing attorney and as a line prosecutor. I think we are all impressed by her educational achievements.

Like millions of Americans, I have been inspired by her personal story. Frankly, it gives me goosebumps to think of that little girl growing up in the projects in the Bronx and growing into the woman we see before us now at the top of the legal profession, with a career of exemplary conduct, exemplary academic achievement, exem-

plary judicial experience behind her. It is really a great story of American discipline and achievement.

Unfortunately, critics of Judge Sotomayor's confirmation have unleashed an avalanche of innuendo meant to weaken the case for her confirmation. These criticisms began among the right-wing talking heads, but unfortunately, some of them are now voiced by my Republican colleagues here on the floor. Indeed, rather than waiting for the hearing to ask her about her record and her judicial philosophy, a number of my colleagues have come to the floor to attack her and her nomination.

Today, I would like to briefly address two particular and—frankly, very surprising—attacks on Judge Sotomayor: first, the suggestion that her judicial philosophy is somehow outside of the mainstream; and, second, the suggestion that her life experience is somehow unhelpful to the judgment she would bring to the Supreme Court.

First, Judge Sotomayor's judicial philosophy. My Republican colleagues like to suggest that judges appointed by Republican Presidents are neutral "umpires" and that judges appointed by Democratic Presidents are judicial "activists." But Chief Justice Roberts himself, who, indeed, raised the "umpire" metaphor at his own confirmation hearing, reveals the falsity of that comparison. Jeffrey Toobin, a well-respected legal commentator, recently described a pronounced ideological predisposition in Chief Justice Roberts.

In every major case since he became the Nation's seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the state over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff.

Let me say that again:

In every major case since he became the Nation's seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the state over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff.

Maybe this is a pure coincidence, and maybe it is a further coincidence, to again quote Toobin, that this record "has served the interests, and reflected the values, of the contemporary Republican Party." Maybe it is also a coincidence that in the Heller decision, the DC gun law case, the Roberts-led conservative block of the Court discovered a new constitutional right that had previously gone unnoticed through 220 years of the United States Supreme Court's history, and which just happens to appeal to the NRA and the Republican base. Perhaps that is all a coincidence. But I will confess to you, I doubt it. I think this record goes a long way towards disproving the metaphor of the Republican judge as neutral umpire.

So let's put aside the notion that conservative men from the Federalist Society have no predispositions in legal matters but that anyone who differs from their views is the activist.



That is just rhetoric, and what it's seeking to do is to normalize the right-wing activism that the Republican Party has calculatedly and over many years moved onto our Court.

If you want to decide whether Judge Sotomayor has an appropriate judicial philosophy, look at her full record. Throughout her long career as a Federal judge, longer than any Supreme Court nominee since the 19th century, Judge Sotomayor, has on every major issue, shown that the facts and the law drive her determination of cases. On the Second Circuit, Judge Sotomayor agreed with her more conservative colleagues far more frequently than she disagreed with them. In 434 published panel decisions where the panel included at least one judge appointed by a Republican President, she agreed with the result favored by the Republican appointee in 413 cases—413 out of 434. That is 95 percent of the time, and it is no record of extremism. Indeed, it would seem to put her on the conservative side of the mainstream. And consider what she told Chairman LEAHY:

Ultimately and completely, as a judge, you follow the law. There is not one law for one race or another. There is not one law for one color or another. There is not one law for rich and a different one for poor. There is only one law.

Furthermore, the idea that because the Supreme Court disagreed with Judge Sotomayor's Second Circuit panel decision in *Ricci v. DeStefano*, she is somehow outside the mainstream is patently absurd. First, four Justices of the Supreme Court agreed with the Second Circuit's interpretation of the law. Are Justices Stevens, Souter, Ginsburg, and Breyer outside of the mainstream? Hardly.

Second, Judge Sotomayor and her panel were faithfully applying the settled precedent of the Second Circuit when they rendered their decision—just what a circuit court judge of the United States is supposed to do. The five Justices on the Supreme Court in the *Ricci* majority, in deciding the case, invented an entirely new test for resolving Title VII claims that, according to legal experts reported in the *New York Times*, “will change the landscape of civil rights law.” It is hardly fair to criticize Judge Sotomayor for not applying a test that did not even exist when she decided the case. Nor for failing to venture into landscape changes of civil rights law.

In the *Ricci* decision and others, Judge Sotomayor's record demonstrates a long career of faithfully applying the law to the facts of the case before her—and the careful exercise of judicial discretion.

That brings me to my second point. Wise exercise of judicial discretion is the longstanding tradition underlying the American system of law. It is harsh, narrow-minded, and ahistoric to contend that a rich life experience and natural empathy are at odds with that judicial tradition.

Any lawyer knows the importance of judicial discretion, both in our com-

mon law system and to the interpretation of the Constitution. As Justice John Paul Stevens has explained:

the work of federal judges from the days of John Marshall to the present . . . requires the exercise of judgment—a faculty that inevitably calls into play notions of justice, fairness, and concern about the future impact of a decision. . . .

That faculty has served the Nation well for over two centuries. Indeed, discretion is at the heart of the judicial role. Our legal system bears the imprint of the experience and wisdom of generations of judges. As Justice Holmes famously explained, “[t]he life of the law has not been logic: it has been experience.” Indeed, as Holmes continued,

[t]he law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics.

This discretion, of course, does not mean that judges are without bounds. But there exists a broad and lively discretion that falls far short of “judicial activism.” Justice Benjamin Cardozo put it this way:

The judge . . . is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. . . . He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to “the primordial necessity of order in the social life.” Wide enough in all conscience is the field of discretion that remains.

Madam President, within this wide field of discretion, judges do not, cannot, and should not close their minds to their experience of the world, nor to what their experience teaches them about the effects of their decisions on the world.

There has been plenty of empathy at the Supreme Court recently for the rich and powerful, resulting in decisions that frustrate congressional intent and deprive Americans of crucial statutory and constitutional protections. There has been plenty of empathy for right-wing ideology and plenty of empathy for big corporations. Should we not also admit to the Court a nominee who has common sense, who can appreciate how American laws affect different citizens, and who can also empathize with the poor and the weak, as well as the more fortunate?

If reaching correct outcomes were as simple as plugging a few factors and elements into a computer, we would not need nine Supreme Court Justices. Quite simply, a broadened range of perspectives and experiences will make for better judgment by our Court.

One final thing is worth noting about the judicial branch of government. It is designed to be a check and balance to the elected branches. The Founders were keenly aware of the corruption and passing passions to which those elected branches are vulnerable, and they established the judiciary as a place where all were equal before the

law, and where power, money, and influence were intended to hold no sway. The courtroom can be the only sanctuary for the little guy when the forces of society are arrayed against him, when proper opinion and elected officialdom will lend him no ear. This is a correct, a fitting, and an intended function of our judiciary, and the empathy President Obama saw in Judge Sotomayor has a constitutionally proper place in that structure.

If everyone on the Court always voted for the prosecution against the defendant, for the corporation against the plaintiff, and for the government against the condemned, a vital spark of American democracy would be extinguished. A courtroom is supposed to be a place where the status quo can be disrupted, where the comfortable can be afflicted, and the afflicted find some comfort when no one else will listen. A judge of the United States is not an orderly, neutered little functionary of the power structure. Judge Sotomayor's broad background and empathy prepare her better for that proper judicial role than would grooming in corporate boardrooms, scrubbing by the Federalist Society, and fealty to party ideology.

I am looking forward to Judge Sotomayor's hearing as an opportunity for her to finally reply to her right-wing detractors, to demonstrate her intellect and qualifications, and to explain her judicial philosophy. My preliminary review of her record suggests that she understands the importance of judicial restraint and modesty, of adherence to precedent, of respect for the legislative branch, and of the timeless values enshrined in the Constitution. And she has articulated a desire to be scrupulously fair by keeping sight of—not denying—the lessons she has learned during her extraordinary life.

Judge Sotomayor appears, more than anything else, to be a careful and conscientious judge. So let us not throw care and conscience to the wind by hurling unjustified, unhelpful, and tired labels at her; let us be proud to have a Justice of the Supreme Court with the type of broad life experience that will inform her good and proper judgment.

Thank you, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. 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. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NASA NOMINATIONS

Mr. NELSON of Florida. Mr. President, yesterday the Commerce Committee had its hearing for the NASA

Administrator and Deputy Administrator nominees. Charlie Bolden and Lori Garver respectively are the nominees for these two positions.

I have had the privilege of knowing Charlie Bolden for the better part of a quarter of a century. In addition to all of the numerous accolades that were heaped upon him yesterday by Members of the House and Senate, it came to the Commerce Committee to say a word on his behalf. Many talked about his distinguished career as a graduate of Annapolis, a marine test pilot, an astronaut, then back into the marines—after four times flying in space on the space shuttle, twice as pilot and twice as commander—and then in his various positions in the active-duty marines, retiring at the rank of major general. Those accolades were extensive and they were accurate.

I would merely add to those attributes describing him—all of which were very laudatory—the attribute, the characteristic, that Americans have come to honor, and that is that Charlie Bolden is an overcomer.

One of the first instances of this characteristic occurred in Charlie's native Columbia, SC, in 1964. He could not get an appointment to Annapolis from his congressional delegation because they were still embroiled with the fact that he was an African American. The administration, at that time—the Johnson administration—had appointed a retired judge with the specific purpose of going around the country and finding qualified minorities so they could go into the academies. This gentleman found Charlie and arranged for a Congressman from Chicago to appoint him to Annapolis. When Charlie arrived, he was promptly elected president of the freshman class.

Today, ADM Dennis Blair—now the Director of National Intelligence, and interestingly in the same class—alternated all 4 years at Annapolis being president of the class with Charlie Bolden. Therein is a story in and of itself where Charlie was an overcomer. But let tell you of another part of Charlie's life where he represented an overcomer.

Charlie went back into the Marine Corps after four space shuttle flights, and he came back in as a full bird colonel. The Marine Corps wasn't keen on promoting marine astronauts to general officer, and so the first time that Charlie was in the zone of consideration, they passed him over. Charlie said, instead of retiring, I want to go back to Annapolis and I want to give back to the institution that gave me so much, including an education. He did so as the deputy superintendent, which is a marine slot. His superiors were so impressed by his attitude and his service that the next time he was up for consideration as general officer, they promoted him. A second instance in Charlie's life.

I will mention one other instance of Charlie's being an overcomer. He was so well prepared and so expert at his

task, that of a naval aviator and of a pilot astronaut, that 23½ years ago, after having the most delayed space flight in our country's history—that 24th flight of the space shuttle having been scrubbed four times in the course of a month—on the fifth try, the space shuttle lifted off. Charlie was the pilot sitting in the right seat. The commander sits in the left seat. The pilot, in NASA jargon, has all of the systems to monitor. As the shuttle had just cleared the launch tower on liftoff, on the intercom I could hear Charlie's voice: We have a problem. We have a helium leak.

Had that not been a faulty sensor—which ultimately we discovered, but at the time none of us knew that was a faulty sensor—a real helium leak would have caused a serious problem to the mission. But Charlie was all over those switches and those systems. He got it under control and we went on to have an almost flawless 6-day mission in space, only to return to Earth and, 10 days later, Challenger launches and blows up.

That was another instance of Charlie being an overcomer, being presented with an almost insurmountable problem which he overcame.

So with this little aspect of the life of GEN Charlie Bolden, is it any wonder there were so many people who came in front of the Senate Commerce Committee yesterday to say a word on his behalf? And now, as we will consider his nomination first in the Commerce Committee—which ought to happen very shortly—and then in front of the Senate, I don't think there is any expectation of any opposition. I believe that Charlie, as the newly installed NASA Administrator, is going to take on this task where he is going to have to be an overcomer again, because NASA is at a crossroads. America's space program is at a crossroads, and it needs a vigorous leader. But NASA not only needs an administrator who will lead it, it needs to be led by the President of the United States, who is the only one who can be the leader of America's ventures into space. I am hoping the combination of the two of them will put us on a path of reliving a lot of the excitement and the magic this country lived several decades ago when we were achieving extraordinary achievements. It gave a whole new perspective to the human race when astronauts outside the bounds of Earth could look back at this extraordinary planet suspended in the middle of a void and recognize that is our home—planet Earth.

When astronaut John Glenn lifted off on the first American successful orbital flight: "Godspeed, John Glenn," said Scott Carpenter on that immortal day.

I think we in the Senate will unite in saying: Godspeed, Charlie Bolden, in your new assignment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are hoping to get a vote in the next 15 minutes, about 2 o'clock, so we can continue to move this bill forward.

I note that there is a Senator here who wishes to speak in morning business. I am happy to accommodate him, but hopefully we will have this agreement and be able to move forward on that very shortly.

I wanted to advise all Senators.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NEW STEM CELL RESEARCH POLICY

Mr. CARDIN. Mr. President, I rise today to applaud the administration for promptly issuing guidelines implementing President Obama's March 2009 Executive Order on stem cell research. This week, the administration removed the barriers to responsible scientific research involving embryonic stem cells that had been imposed by the previous administration in 2001. The new guidelines establish sound policy and procedures under which the Federal Government will fund such research and help ensure that the research is ethically responsible, scientifically worthy, and conducted in accordance with applicable laws.

President Obama's action will have a profound impact on the long-term health and well-being of millions of Americans. More than 100 million Americans have chronic, debilitating diseases such as Parkinson's, Alzheimer's, diabetes, and ALS. In addition, many Americans have serious spinal cord injuries. Embryonic stem cell research offers hope for advancements in treatment that will improve the quality of life for countless numbers of Americans.

For the past 8 years, American scientists have received limited Federal funding for stem cell research. In 2001, soon after taking office, President Bush issued his stem cell policy. It permitted the use of Federal funds to support research only on the stem cell lines that were in existence as of the date of his Executive order, August 9, 2001.

The Bush compromise seemed reasonable to many in the scientific community at the time, as researchers at NIH believed between 60 and 78 stem cell lines would be available for use. In fact, only 22 lines were available and some of these were found to have been contaminated. In addition, the 22 available lines were developed using science that has since seen significant improvements. Scientists have testified that these lines lack the genetic diversity necessary to perform research for

several diseases that disproportionately affect minority populations. In short, there were real deficiencies in the former administration's policy. It reduced the opportunities available to our scientists, undermined progress, and it discouraged scientific exploration.

Perhaps the best case for stem cell research comes from the patients in the communities we represent here in Congress. I have learned first hand of the importance of moving forward on groundbreaking scientific research through my friendships with three individuals.

A few years ago, my closest friend in law school, Larry Katz, was diagnosed with ALS. Once an active attorney in Baltimore, Larry's body experienced a rapid decline from the symptoms of this debilitating disease, and he died soon after his diagnosis.

Later, I was privileged to meet a young man named Josh Basile, who served as an intern in my House office. Three years before he came to Capitol Hill, he was a healthy young man, leading an active life. But while wading in the Atlantic Ocean, a wave caught him, and he became a quadriplegic overnight. Josh is determined to walk again, and he is making substantial progress. He is also dedicated to helping others make similar strides, and he has established a foundation called "Determined-2-Heal." Through hard work and rehabilitation, Josh has regained movement that many doctors thought was impossible. Josh is also asking the Federal Government to do its part, by funding research and allowing scientists access to the tools they need to make medical advances possible.

Later, in 2006, I came to know Michael J. Fox, a brilliant and talented actor with a remarkable spirit. In 1991, Michael was diagnosed with Parkinson's disease. He has used his prominence as a tireless advocate for stem cell research.

The time I have spent with these three people has taught me much about the burden of debilitating diseases. Those of us who have loved ones experiencing these and similar circumstances share a responsibility to do everything we can to promote medical research. Our scientists need the tools to discover cures and treatments, and stem cell research holds hope for dramatic progress.

There is an added benefit for our Nation beyond improving the health and lives of patients. We are also talking about maintaining the international preeminence of the United States in the field of medical research. My State of Maryland is home to some of the world's leading research institutions, including Johns Hopkins University and the University of Maryland Medical Centers. These institutions have cutting-edge research technology and freeing up these important stem cell lines would jumpstart the numerous promising research tracks in this area.

I meet regularly with scientists like Dr. John Gearhart and Dr. Douglas Kerr to try to get a better understanding about this issue. I am not a scientist nor do I know all the technicalities, but I have had a chance to meet with these scientists to see what they are doing. They have been able to implant embryonic stem cell growth in mice and see movement where there had been paralysis. This research is extremely promising and is happening right now in my State.

The new National Institutes of Health funding guidelines for human embryonic stem cell research are the next important step to expand this research even further. It will result in the availability of approximately 700 lines for research, a dramatic increase over the number of currently available lines.

The new guidelines are based on solid principles. First, that Federal funding for responsible research with human embryonic stem cells has the potential to improve our understanding of human health and illness and discover new ways to prevent and treat illness. Second, individuals donating embryos for research purposes must do so freely, with voluntary and informed consent. They must be derived from embryos that were created for in vitro fertilization and not for research purposes, and they must be excess embryos. To be eligible for NIH funding the embryonic stem cells cannot be obtained through monetary payments or other inducements.

Additionally, human embryonic stem cells eligible for testing must have originated from facilities with proper documentation that the embryos were obtained in a voluntary and legitimate manner. Finally, the guidelines prohibit Federal funding of research that would introduce human embryonic stem cells into breeding animals or into nonhuman primate blastocysts. These guidelines are responsible, have stringent safeguards, and they are ethically sound.

As the new NIH guidelines are implemented, America's knowledge of the potential of stem cell research will continue to broaden. President Obama's courageous actions will accelerate this process. The guidelines send a clear message to scientists across the United States that their important work is now backed by the confidence and resources of the Federal Government.

I commend the administration for this decisive action which will strengthen America's position as the global leader in medical research and for the tremendous hope and promise that its new policy is bringing to millions of Americans.

I yield the floor.

ADAMENDMENT NO. 1378

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that at 2 p.m., the Senate proceed to vote in relation to the McCain

amendment No. 1378, with the time between now and then equally divided and controlled in the usual form, with no amendment in order to the amendment prior to a vote in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise in clear, strong opposition to this amendment. Let me just say that the fact that this is located in West Virginia is not part of my consideration. I am thinking about national security, Border Patrol. I served as chairman of the Intelligence Committee. I know something about these things. What the Senator from Arizona wants to do doesn't make any sense at all.

What we are talking about is a one-of-a-kind. It is the only one in the country that trains senior officers as well as others in border protection, customs, and other things regarding homeland security. There is no other place in the country that does this. There are 3,300 students there now. They are planning on 5,000 next year. There is no other place where this can be done. If we cut this, there is no substitute. We talk about border control. We talk about all those things. Particularly senior officers side, this is where people are trained. There is a huge master plan which I will not hold up. It has been approved by the Office of Management and Budget, by the homeland security folks, and was submitted to Congress in 2007. The facility is used to train officers on waterborne tactics and operating ports of entry, things which are obscure but essential to national security. It includes a firing range which is not only used by CPB officers but local law enforcement, DEA, Fish and Wildlife personnel, as well as the Capitol Police. It is the only facility of its kind in the Nation. These are crucial jobs. There is no place to take its place. If we cut it, there is no way to make it up and carry out our responsibilities for homeland security.

It is a very grievously formulated amendment. I strongly urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from West Virginia for his remarks. I would remind him that this amendment strikes \$39.7 million which has been added to the \$30 million that is already there for the center. The \$39.7 million is described to equip, furnish, and expand a leadership academy at the center. So all the missions the Senator just described don't have anything to do with the additional \$39.7 million. It does strike an unrequested, unauthorized, unnecessary earmark. The administration didn't ask for the additional \$39.7 million, nearly \$40 million. No Member of Congress, regardless of position or seniority, should be able to spend \$40 million on a pet project with no scrutiny, no hearing, and no competitive bidding process.

I will take the word of the Senator from West Virginia. This is important. If it is important, why didn't we have a hearing on it before the Homeland Security Committee? Why didn't we have some competition from other parts of America? Why didn't we have a request for it from the administration?

This is just another one of these egregious earmarks that may or may not have merit. We may actually need a leadership academy that needs to be equipped, furnished, and expanded in some place in West Virginia, but no one will ever know that because we have never undergone the scrutiny that should be required before we spend \$40 million of the taxpayers' money.

I probably talked enough about this, and I would imagine that we will lose this amendment again. This is in the backdrop of a Federal budget which for the first 9 months of the fiscal year 2009—3 more months to go—is \$1.1 trillion. It is estimated to be as high as \$1.8 trillion. The last budget deficit that was anywhere near this in recent history was about \$450 billion. We are looking at a deficit of massive proportions, and yet we have to pile on additional millions, tens of millions and even billions of dollars in projects that are of questionable value. They may even be valuable, but there has been no authorization, no request, no scrutiny, no competition. It is simply put into a bill in a process we call earmarking. That is not fair to the American taxpayers.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The time of the Senator has expired.

Mrs. MURRAY. I yield back the time on this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment No. 1378.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BOND).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—35

Barrasso	Crapo	Isakson
Bayh	DeMint	Johanns
Bennett	Ensign	Kyl
Brownback	Enzi	Lugar
Bunning	Feingold	Martinez
Burr	Graham	McCain
Chambliss	Grassley	McCaskill
Coburn	Hatch	McConnell
Corker	Hutchison	Risch
Cornyn	Inhofe	

Roberts Sessions	Snowe Thune	Vitter Wicker
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NAYS—61

Akaka	Gregg	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burr	Kohl	Shelby
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Voinovich
Conrad	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NOT VOTING—4

Bond	Dodd
Byrd	Kennedy

The amendment (No. 1378) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, we are working with the Republicans at this time to come up with a list of remaining amendments this afternoon so we can make progress. We hope to be able to move forward shortly on a number of amendments that will be pending that we have agreed on.

While we are doing that, the Senator from Illinois would like to speak as in morning business. How much time does the Senator need?

Mr. BURRIS. I need 3 or 4 minutes.

Mrs. MURRAY. Mr. President, I yield 4 minutes to the Senator from Illinois for morning business.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL JAMES E. CARTWRIGHT

Mr. BURRIS. Mr. President, as a member of the Senate Armed Services Committee, I often have the opportunity to meet with the fine men and women who serve this country in uniform. Every day we demand the very best from each of them—and in return, we owe them the best we have to offer. That means keeping our commitment to this Nation's veterans. But it also means supporting our troops in the field—with resources, equipment, and—perhaps most importantly—sound leadership at the very highest levels.

No one understands this better than GEN James Cartwright, the current Vice Chairman of the Joint Chiefs of Staff.

Our committee met with General Cartwright just this morning. The Senate has been asked to confirm his nomination for a second term as Vice Chairman. And I rise today to offer him my strongest support.

After speaking with General Cartwright, I am convinced that his long record of loyal service, impeccable judgment, and bold leadership make him the very best choice to continue in this important post. Up to this point, his tenure as a member of the Joint Chiefs has been marked by innovative thinking.

Along with Admiral Mullen, General Cartwright has helped to shape the modern American military as we confront a range of new threats from across the globe.

A native of my home State, General Cartwright was born in Rockford, IL, and began his service as a marine fighter pilot more than 30 years ago. He is a distinguished graduate of the Air Command and Staff College at Maxwell Air Force Base, and has served all over the world. As an aviator, he put his extensive training to good use on the front lines of our global defense network.

As a U.S. marine, he has never wavered in his commitment to the country we all love. And as a former head of the U.S. Strategic Command, General Cartwright has demonstrated his leadership skills and his deep understanding of the threats we face.

He has led the fight for cyber security technology at the Department of Defense, helping to protect America from the evolving threats of the 21st century.

He is a credit to the fighting men and women of our Armed Forces, and an asset to the elected leaders who depend on him every day. Time and again, he has answered the call.

When Secretary Gates first recommended him for nomination 2 years ago, he understood that James Cartwright was someone we can rely upon. Today, as we consider whether he should remain Vice Chairman of the Joint Chiefs, I believe his record speaks for itself.

I urge my colleagues to join me in supporting a speedy confirmation of General Cartwright.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WICKER. Mr. President, we need serious, substantive health care reform. The reasons for reform are well known, and they have led to overwhelming consensus in Congress that something needs to be done to make health care more affordable and more accessible.

The desire for action extends beyond the walls of this great building. The American people also want us to act. But this desire for action should not

give way to legislative haste. Americans do not want us to rush at the expense of getting it right. They have questions, and they deserve answers.

There are two very basic and important questions with regard to health care reform. No. 1, how much is it going to cost? And No. 2, how will we pay for it? First let's look at the question of cost.

The American public is alarmed about the massive debt we are accumulating. They realize that in the past year, on top of the almost \$1 trillion stimulus bill, the Federal Government has also purchased banks, an insurance company, and an auto company, all using borrowed money that we, as taxpayers, will need to pay back. All this massive borrowing and spending was done quickly and with little debate. This was done, the public was told, in order to save the economy. How has that turned out?

At the beginning of the year, the Obama administration told the American people massive stimulus spending, if done quickly, would create 3 to 4 million jobs and would keep the country's unemployment rate at 8 percent. Today, sadly, unemployment is at 9.5 percent, the highest level since 1983. The jobs that were promised have not materialized. In fact, 467,000 additional jobs were lost last month alone.

The administration now says they misread the economy. Our government rushed to borrow and spend \$1 trillion, but now we are basically being told they were wrong. Vice President BIDEN said as much only a few days ago.

Unfortunately, the American taxpayers are not going to get a do-over on this spending. They are still on the hook for the almost \$1 trillion we borrowed, plus interest. Now there is talk of yet another expensive stimulus package to make up for the one that did not work.

So considering this, it is no surprise the American public is skeptical about the rush to spend yet another \$1 trillion or more to create a Washington-run health care scheme.

We have a number of proposals in Congress that attempt to fix health care. There are workable reform proposals that go at the problem in a way that does not incur such prohibitive costs for taxpayers. Unfortunately, however, our Democratic colleagues have plans accompanied by astronomical costs to taxpayers. The Finance Committee is struggling to keep its bill at \$1 trillion over 10 years. We are told that just a portion of the Health, Education, Labor, and Pensions Committee bill will cost over \$1 trillion. That is just a portion of their bill. Some have estimated the total cost for that bill will be over \$3 trillion. These are not scare tactics. These are Congressional Budget Office estimates.

On the other side of the Capitol, the House Democrats' bill is expected to cost closer to \$2 trillion. Over and above these Federal costs, there are frightening costs to the States. If the

HELP Committee proposal to expand Medicaid is enacted, we can expect a wholesale collapse of State budgets and, of course, we are already seeing the collapse of some State budgets. They are already struggling under the unsustainable costs of the current program.

These spending figures are startling by themselves and even more troubling taken on top of the massive amount of debt we have already acquired.

Even more troubling is the expectation that costs of the Democratic proposals will continue to rise year after year, well beyond the 10-year budget window used to figure the pricetag of these proposals.

The Congressional Budget Office estimated the annual cost of the insurance subsidy program contained in an earlier version of the HELP bill would rise 6.7 percent per year until it is fully phased in. This potential spending explosion should not come as a surprise. Medicare and Medicaid, two programs we need to strengthen, help, and sustain, are both already on unsustainable paths with enormous unfunded liabilities.

This daunting amount of spending has taxpayers worried, and they are beginning to speak up. One of my Democratic colleagues acknowledged this recently saying: "The big challenge—and I actually heard this at home during the recess—is the sticker shock."

Other supporters of the President are also warning him and his Democratic colleagues in Congress to slow down and be more careful with taxpayer dollars.

On Sunday, former Secretary of State Colin Powell, an Obama supporter last year, warned the President about the ongoing spending spree, saying:

You can't have so many things on the table that you can't absorb it all.

To quote Secretary Powell:

And we can't pay for it all.

In addition to the massive costs associated with these proposals, no one can yet tell us where the money will come from to pay for it. All the proposals we have seen are creative in the way they spend tax dollars but very short on specifics on how to fund them.

Our colleagues on the other side of the aisle have vaguely outlined some ways they may pay for their plan, including a series of cuts to Medicare and Medicaid—I repeat, cuts to Medicare and Medicaid—along with new taxes. But they have not been as forthcoming and specific as they need to be with the American taxpayers.

There is a reason why more details have yet to be released. Since we do not have the money to pay for a government takeover of health care, there will need to be massive tax increases or more borrowing or a combination of the two. In fact, one leading Senate Democrat was quoted in Wednesday's Wall Street Journal as saying they were "broadening the search for revenue"

—broadening the search for revenue—to pay for this massive plan. What that means, of course, is they are intensifying their search for ways to raise taxes on the American people, whether it be taxes on small business, which we have been hearing about lately, or on health insurance plans or surtaxes on soft drinks or anything else they can think of—massive tax increases for the American people for plans which admittedly will only cover one-third of the uninsured persons in the United States of America. All the while, this is being done quickly and without time needed to provide the scrutiny the American public expects and deserves.

All Americans—Republicans, Democrats, and Independents—want health care reform, but they do not want a government-run health care plan. They do not want to pay for it with Medicare and Medicaid cuts. They do not want to drive up the debt. Getting it right is more important than getting it done quickly.

Let's learn from the mistakes that were made in hastily passing the stimulus bill. Massive new amounts of borrowing, spending, and taxes are not the way to successful health care reform.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. INHOFE. Madam President, I wish to speak as in morning business. However, if anybody comes to the Chamber with an amendment or anything, I will immediately stop. I want to make that clear.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CAP AND TRADE LEGISLATION

Mr. INHOFE. Madam President, I only rise on the floor for one reason; and that is, it is my intention next week—probably Tuesday or Wednesday, whenever I get the floor time—to give a rather long history of the whole issue of the cap and trade. What I intend to do is start from the very beginning.

While the Presiding Officer was not presiding over the Senate back during the Kyoto Treaty some 11 years ago, I was. At that time, the Republicans were the majority, and I happened to be the chairman of the committee that had jurisdiction.

I have to tell you, at that time, I was a believer that manmade gas, anthropogenic gases, CO<sub>2</sub>, methane were the cause of global warming. The reason is because everybody said that. Nobody had a dissenting view. It was not until the Wharton School came out with the Wharton Econometrics Survey and said if we were to ratify the Kyoto Treaty and live by its emissions requirements,

it would cost somewhere between \$300 billion and \$330 billion a year that I started thinking about that. I remember a tax increase that was enacted in 1993. That was the Clinton-Gore tax increase that at that time was the largest one in a long period of time. This would have been 10 times greater than that.

So I thought: Let's be sure the science is there. That is when I discovered there were many scientists who had been intimidated through the use of manipulation in the awarding of grants from the Federal Government or from the Heinz Foundation or from many of these organizations. They had been suppressed very much like the man in the EPA was suppressed last week. In looking at that, we started examining it and finding out that many scientists around said: No, that is not the case.

I will be specific because this was back when President Clinton was in office and Al Gore was the Vice President. At that time, he wanted to determine how much we could accomplish if the developed nations ratified and lived by the Kyoto Treaty.

He went to Thomas Wigley, who was one of the top scientists at that time. He was chosen by the then-Vice President of the United States, Al Gore, who said: We want a study. Over a 50-year period, if all developed nations would ratify and live by the emissions standards of this treaty, how much would it reduce the temperature over a 50-year period?

When the results came out, it was seven one-hundredths of 1 degree Celsius; in other words, not even measurable. That is what began to catch on, and people realized it was a lot of pain, a lot of punishment, a lot of heavy taxes—like the current cap-and-trade proposal is, or like the one that passed the House—yet there is not any gain. Even if you were to believe—as I do not—that a major cause of global warming is CO<sub>2</sub>, then what good would it do for us unilaterally to do it if the developing nations are not doing it?

We discovered something yesterday in a hearing. I have a great deal of respect for Lisa Jackson, who is the new Administrator of the EPA. Her honesty was incredible yesterday. Showing her a chart, I asked her a question, stating: This is what we used during the consideration, 13 months ago, of the Warner-Lieberman bill. The chart shows the numbers as to living within or without the limits of the CO<sub>2</sub> emissions. If we only did it in the United States, would it make any difference at all in the world amount of CO<sub>2</sub>? She said: No, it would not.

I think that is the most significant thing. Because individuals, and well-meaning individuals who believe man-made gases are causing global warming, should realize that does not do it, even if you believed it. In fact, the reverse would be true. There is no doubt—and we have all kinds of studies to show it—if we had passed any of the

last three cap-and-trade bills we considered on the floor of this Senate, that would have had the effect of pushing the manufacturing jobs out of America into countries where they have no emissions requirements, such as China, and that would have caused a net increase—a net increase—of CO<sub>2</sub>.

So I think that was a major thing yesterday that took place. It is my intention next week to go back through the history of this issue, to bring us up to the present time, and then to look into the future as to what we might be doing with this legislation.

I was very happy to hear, a few minutes ago, that Chairman BARBARA BOXER has decided not to come out of the committee with a bill until after the August recess. Quite frankly, I think it works in my favor. The longer we have to inform people as to some of the misinformation, the better I think it is going to be in terms of a vote that would take place. I cannot imagine that if there are only some 35, 36 votes that would have been there to pass the Warner-Lieberman bill 13 months ago, that there would be any way today to get up to 60 votes.

So, quite frankly, I do not think it is going to pass anyway. But I do think during the recess we are going to have an opportunity to talk about this issue.

Today, I visited with a national farm group, and we were talking about how it would disproportionately hurt the farmers. The fact is, 70 percent of their wheat cost is in fertilizer and energy. Fertilizer and energy are where the costs would be increased dramatically if we were to pass some kind of a cap-and-trade bill.

Then, of course, there is the regressive feature. The fact is, poor people in America have to have gasoline in their cars. They have to heat their homes. They spend a lot larger percentage of their disposable income on heating and in using energy than wealthy people do.

So I think, with all these things working right now, we are in a position to stand back and say, cap and trade is not going to work. It is going to be history. And we can start approaching this in ways, perhaps somewhat like President Bush tried to do with the Clear Skies Act, where he talked about real pollutants, such as SO<sub>x</sub>, NO<sub>x</sub>, and mercury, and have meaningful reductions in those to protect our environment.

That is what our plans are for next week, and I look forward to sharing these thoughts with anyone who is willing to listen.

Madam President, 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. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, just that I may speak for up to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. VITTER. Madam President, as the manager of this bill, who has been very cooperative, and others on the floor know, I have been working hard to get a vote on my reimportation amendment. It is a very simple, straightforward amendment. It is a limitation amendment—at least it will be once it is perfected and modified. In fact, it is an amendment that has passed the Senate before, in 2006. So it is not new. It has actually passed the Senate before.

Unfortunately, because of the nature of the issue and, in fact, because of the powerful nature of the pharmaceutical interests who oppose this amendment, this is being blocked using every procedural tool in the book. That is unfortunate, but it seems as if that is going to be the case.

If I cannot get a fair hearing and a fair vote on this amendment, I am going to use the procedural tools available to me to block votes on other non-germane amendments, on other amendments that are subject to points of order—which I think are most, if not all, of the other pending amendments.

At this point, given the fairly certain nature of certain Members' fierce opposition to this reimportation provision, I simply suggest we move forward and not waste folks' time. I am certainly amenable to moving to dispense with any pending amendment which is germane, which does not have a point of order against it, move through those and then move to final passage of the bill as quickly as possible. I am certainly open to that and would encourage that and would like to move forward in that vein.

Mrs. MURRAY. 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. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LONG TERM CARE REFORM

Mr. FEINGOLD. Madam President, I recently spoke to my colleagues about the urgent need to pass health care reform, and in particular about the importance of ensuring that reform includes a strong public option. Today, I want to discuss another one of my priorities for health care reform, and that is long-term care.

I have been working to reform long-term care since I began my career in public service. In 1982, during my first term as a Wisconsin State Senator, I became Chair of the State Senate Aging Committee. I was not yet 30 years old, so you can imagine that I was not the obvious candidate to chair a committee on aging. It was through my work on this committee that I was first exposed to the fractured system of supports and services available to those needing long-term care, and learned about the efforts to reform



that system which were just beginning in Wisconsin. Over the next 10 years, made long-term care reform a priority, authoring the State's Alzheimer's program and drawing attention and resources to the management of this devastating disease. I helped expand Wisconsin's Community Options Program, known as COP, which provided flexible, consumer-oriented and consumer-directed long-term care services in community-based settings, enabling thousands of people needing long-term care to remain in their own homes rather than going to a nursing home.

I have continued to fight for long-term care reform in the U.S. Senate. I served as Chair of the Long-Term Care Working Group at the request of then-Majority Leader George Mitchell during the 1994 attempt at health reform. The recommendations of our working group proved to be one of the least controversial aspects of health reform legislation. Our recommendations drew from the lessons and experiences of states on the cutting edge of long-term care, such as Wisconsin. But when overall reform efforts failed, our recommendations went nowhere.

Now, 15 years later, Congress is debating health reform legislation once again. And reform is even more necessary than it was in 1994. More and more families are struggling to provide care for loved ones who are disabled, ill, and aged. More and more families face the difficult decision of moving a loved one into a nursing facility because no other options exist. These families are stuck in an impossible situation—limited by financial resources and community programs, but dedicated to securing the best care for their family member. We can and must do better.

Long-term care reform is not a luxury, or a minor part of health care reform—it is needed in order to help achieve the goals of health care reform. Federal, State, local, and individual expenditures on health care, including long-term care, are unsustainable. In 2007, the Federal and State governments spent \$311 billion on long-term care, or just under 3 percent of the United States' gross domestic product.

Approximately three-quarters of this amount represents government spending on Medicaid and Medicare. Long-term care reform could be one of the most effective tools to ensure solvency for our entitlement programs, reducing the Medicaid burden on State budgets, and getting health care spending under control.

I have worked on these issues for the better part of three decades. And after devoting so much time to long-term care, a number of things are clear. First, we must have a cohesive strategy to care for those needing long-term supports and services. Modern medicine has turned fatal diseases into chronic diseases, and enabled individuals to live much longer. These are tremendous accomplishments. But the re-

ality is that these individuals need even more assistance because of medical advancements from their families, communities, and government.

Long-term care assistance is not something that most people can plan for or save for. This is a very important point. Of the 10 million Americans needing long-term care, 40 percent were working-age adults or children who have become disabled, or too ill, to live independently. This is something that the Trifunovich family in Cudahy, WI, knows all too well. At 33, Aleksandar Trifunovich suddenly suffered a deadly brain stem stroke, cruelly leaving him "locked in." His brain function, eyesight, and hearing remained normal, but his entire body was paralyzed. Against all odds, Aleksandar survived surgery and has made miraculous development through rehabilitation. Today, Aleksandar is no longer "locked in," but fights every day to preserve the progress he has made and regain even more of his mobility. Along the way, his sisters Vera and Andjelija have stepped in, as so many family members do, to support and care for their brother. The family is acutely aware of the current fractured long-term care system. Calling it "un-navigable," they say that it is a daily battle to ensure Aleksandar has access to the care, supports, and services he needs to continue regaining his mobility and independence.

As for the 60 percent of older Americans and senior citizens needing long-term care, who theoretically might have had time to save for these medical needs, financing long-term care on their own is simply too expensive. Not only is the cost of long-term care growing at twice the rate of inflation, seniors are using long-term care supports and services earlier and more often. And families are feeling the strain. Studies estimate that over 85 percent of long-term care is provided by family and friends, but the cost of providing care and forgoing earnings elsewhere is not included in projections on long-term care spending. Long-term care reform is not an issue of making people be more responsible, save earlier, or save more. It is needed because the system, on a fundamental level, is strained to the breaking point.

Second, we do not necessarily need to spend more, but we must spend more wisely. This means establishing consumer-oriented and consumer-directed flexible benefits as well as making fundamental reforms to the linkages between the long-term care and acute care systems. For too long, long-term care has been synonymous with institutional care. Congress has a rare opportunity to redefine long-term care, and put real weight and spending power behind home- and community-based long-term care options.

Central to this effort is creating a system of home- and community-based flexible services that respond to individual consumer choice and preference from the initial assessment right on

through to ongoing services, with case managers and others regularly consulting with the consumer and family members to be sure their needs are met in a satisfying manner. I have been working with my colleagues on the Senate Finance Committee and Senate Health, Education, Labor and Pensions Committee for months now, to draw attention to the excellent programs we have in my home State of Wisconsin as we begin to fill the gaps in long-term care supports and services. Wisconsin's progress in long-term care should be used as a template for national reform, and I was pleased that Chairman BAUCUS included new incentives for home and community-based care programs like those Wisconsin uses today in the policy proposals he put forward earlier this year.

Wisconsin's progressive tradition is the driving force behind Family Care, our State entitlement program for low-income and disabled adults to receive necessary care, supports, and services in their homes and communities. Family Care currently operates in almost every county in the State, and provides a flexible benefit for beneficiaries to receive long-term care supports and services in the comfort of their own homes. Family Care has demonstrated two important things: First, it showed that you can establish a long-term care program that is flexible and able to respond to the needs of individual consumers; second, it showed that kind of flexible program could be a cost-effective alternative to nursing homes.

Family Care coordinates consumers with social workers, registered nurses, and local Aging and Disability Resource Centers to identify what each consumer needs to remain a productive and independent citizen. Entitlement benefits can be used for such purposes as hiring help with basic daily tasks like bathing, dressing, or shopping, or with challenges like shoveling snow, which in Wisconsin is not a trivial task.

Because of this benefit, long-term care consumers in the State are choosing to stay in their own homes and saving the State money in the process. One independent assessment of Family Care estimates that the program saves the State \$1.2 million each month by allowing long-term care consumers to arrange for the care they need to remain independent, and out of the nursing home. If overwhelming popularity and savings were not enough, counties with Family Care have seen decreases in nursing home admissions, emergency room use, and hospital readmittance. Instead, long-term care consumers are seeing their primary care physicians more to maintain and manage their health.

How we care for those who need it most—seniors, people with disabilities and other who need long term care—is a key part of any effort to change our health care system. I have thought often of my work as Chair of the long-term care working group over the last

15 years. If just those recommendations we put together back then had been enacted, we might not be spending the trillions on health care that we are today. We can not continue to make the mistake of overlooking long-term care in the broader debate. Congress must place this critical issue front and center in the health care debate. It is time to put long-term care in the spotlight and use Family Care, Wisconsin's outstanding example of flexible and cost-effective care, as a model for broader reform.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Madam President, as soon as this amendment logjam is broken, it is my intention to offer an amendment which is cosponsored by Senators CARPER, CASEY, and KERRY. This amendment deals with an issue of significance to all 50 States in our country and maybe especially rural America.

In the midst of the financial crisis we are facing, our capabilities to support fire departments—both professional and volunteer—and the EMS services they provide is under great stress.

What my amendment would do is add \$100 million for the Assistance to Firefighters Grant Program as well as for another important program for fire departments, the Staffing for Adequate Fire and Emergency Response, or SAFER, Grant Program—\$50 million for each program. In the \$50 million for the SAFER Grant Program would be included \$30 million that would go for addressing the real crisis rural volunteer fire departments are facing.

I say to the Presiding Officer, I do not know what the situation is in New Hampshire, but in Vermont—and I think in many parts of the country—we are seeing a real problem with recruitment and retention. Many people in urban areas may not understand that. But in rural America, most folks get their fire service and most folks get their EMS, their first responder service, from volunteers. If there are not volunteers available for one or another reason—and we have seen both recruitment and retention problems in volunteer fire departments—if those volunteers are not there, what is going to happen is, when fires happen, those fires are not going to be able to be contained. When somebody has a heart attack and dials 911, they are not going to get the kind of speedy ambulance service they need.

In the midst of this recession, what we are seeing is not only a reduction and a real stress on volunteer firefighting departments all over this country, and their EMS services, we

are also seeing, in terms of professional firefighters, reductions in one part of the country after another part of the country, after another part of the country. Cities and towns under stress are cutting back, and they are doing it in ways which are certainly endangering the well-being and the health of the people in their communities.

Surveys by the International Association of Fire Fighters say that up to 5,000 firefighting jobs are in jeopardy. In Prince George's County, MD—not far from here—there is a new phenomenon called “brownouts.” This is where fire stations are closed, five at a time, to save money. In Atlanta, GA, the economic crisis has resulted in the shutting of five firehouses. In Flint, MI, 22 firefighters were laid off. Proposals in Columbus, OH, include laying off 238 firefighters. In Warren, OH, 17 firefighters received layoff notices. Orlando, FL, plans on laying off 46 firefighters. In Spokane, WA, up to 15 firefighting positions could be eliminated. There is also a serious problem about funding the equipment our firefighters need.

So we have a real problem. It seems to me at this moment this is a priority for this Nation, and it is something we should be addressing.

This amendment is supported by the volunteer firefighters of America.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from the National Volunteer Fire Council. The National Volunteer Fire Council is strongly supporting this amendment, and they represent thousands of volunteer firefighters throughout this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL VOLUNTEER FIRE COUNCIL,  
*Greenbelt, MD, July 9, 2009.*

Hon. BERNIE SANDERS,  
*U.S. Senate,*  
*Washington, DC.*

Hon. ROBERT CASEY,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR SANDERS: I am writing to express the full support of the National Volunteer Fire Council (NVFC) for your amendment to increase funding for the Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) grant program by \$50 million each in the FY 2010 Department of Homeland Security Appropriations Act. The NVFC represents the interests of the more than one million volunteer firefighters and EMS personnel in the United States.

AFG helps fire departments and EMS agencies purchase desperately needed equipment, apparatus and training. Nearly 20,000 fire departments applied for more than \$3.1 billion in funding through AFG in FY 2009—more than five times the \$565 million appropriated for this year. The \$380 million allocation in the Committee-passed version of the FY 2010 DHS Appropriations Act represents a reduction of 33 percent from last year and is \$10 million below the House-passed companion bill.

AFG is a highly successful program that relies on input from the fire service and a direct grant process to ensure that funding quickly reaches the agencies that need it

most. An FY 2007 review of AFG by DHS found the program to be 95 percent effective, the second highest rating of any program at DHS.

A needs assessment survey conducted by the Fireman's Fund Insurance Company recently found that 60 percent of respondents report that their fire department has delayed equipment replacement purchases due to the economic downturn. Fifty percent of respondents reported that if economic conditions do not improve within the next 12 months that it could affect their ability to provide service to their communities. Local fire and EMS agencies need AFG funding now more than ever.

SAFER funds assist fire departments to build staffing capacity through hiring of career firefighters and recruitment and retention of volunteers. There is no single more significant challenge facing the volunteer fire service than recruitment and retention. Since 1987, the percentage of volunteer firefighters under the age of 40 has shrunk from 65 percent to approximately 50 percent today. As this trend suggests, fire departments are increasingly having difficulty recruiting and retaining the next generation of volunteer firefighters. Volunteer fire departments can use recruitment and retention funds for a variety of activities from marketing campaigns to establishing modest incentive programs.

Your amendment would provide critical additional funding to assist first responders and signal to local fire and EMS agencies that they remain an important national priority even in these difficult budgetary times. Thank you again for offering this amendment.

Sincerely,

HEATHER SCHAFFER,  
*Executive Director.*

Mr. SANDERS. Madam President, I will be speaking about this amendment at a later time, but I wanted to let my colleagues know this issue is of great concern all over this country. It is a concern to the firefighting community, it is a concern to the EMS community, and it is certainly a concern to rural America.

I look forward to my colleagues supporting this amendment.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1459 AND 1455, AS MODIFIED,  
TO AMENDMENT NO. 1373

Mrs. MURRAY. Madam President, I ask unanimous consent that the pending amendments be set aside and that it be in order for me to call up the following two amendments en bloc: amendment No. 1459 and amendment No. 1455, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. TESTER, proposes an amendment numbered 1459 to amendment No. 1373.

The Senator from Washington [Mrs. MURRAY], for Mr. KYL, for himself, and Mr. McCAIN, proposes an amendment numbered 1455, as modified, to amendment No. 1373.

The amendments are as follows:

AMENDMENT NO. 1459

(Purpose: To condition funding for the National Bio and Agro-defense Facility)

On page 77, between lines 16 and 17, insert the following:

SEC. 5 \_\_\_\_\_. None of the funds made available under this Act may be obligated for the construction of the National Bio and Agro-defense Facility on the United States mainland until 90 days after the later of—

(1) the date on which the Secretary of Homeland Security completes a site-specific bio-safety and bio-security mitigation assessment to determine the requirements necessary to ensure safe operation of the National Bio and Agro-defense Facility at the preferred site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 111;

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110-246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

AMENDMENT NO. 1455, AS MODIFIED

(Purpose: To require the Secretary of Homeland Security to submit a detailed report to Congress regarding the utilization and potential expansion of Operation Streamline programs)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Administrative Office of the United States Courts, shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security, the Department of Justice, and the Judiciary, to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives;

(4) the Committee on the Judiciary of the House of Representatives; and

(5) the Committee on Homeland Security and Governmental Affairs of the Senate.

Mrs. MURRAY. Madam President, I ask unanimous consent that the amendments be agreed to en bloc and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 1459) and (No. 1455), as modified, were agreed to en bloc.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1458 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendments be set aside and that amendment No. 1458 be the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. DODD, for himself, Mr. LIEBERMAN and Mr. CARPER, proposes an amendment numbered 1458 to amendment No. 1373.

The amendment is as follows:

(Purpose: To provide additional funds for FIRE grants under section 33 of the Federal Fire Prevention and Control Act of 1974)

On page 77, between lines 16 and 17, insert the following:

SEC. \_\_\_\_\_. (a) The amount appropriated under the heading "firefighter assistance grants" under the heading "Federal Emergency Management Agency" under by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 is increased by \$10,000,000 for necessary expenses to carry out the programs authorized under section 33 of that Act (15 U.S.C. 2229).

(b) The total amount of appropriations under the heading "Aviation Security" under the heading "Transportation Security Administration" under title II, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading, and the amount for the purchase and installation of explosives detection systems under the second proviso under that heading are reduced by \$4,500,000.

(c) From the unobligated balances of amounts appropriated before the date of enactment of this Act for the appropriations account under the heading "state and local programs" under the heading "Federal Emergency Management Agency" for "Trucking Industry Security Grants", \$5,500,000 are rescinded.

Mrs. MURRAY. Mr. President, the amendment that is now pending is an amendment that increases fire grant programs by \$10 million. It is fully offset. The fire grant programs provide funds to equip, train, and hire our firefighters. The committee provided an increase in the bill because in 2007 there were over 20,731 applications, totaling \$3.1 billion, and FEMA could only approve 5,132 of those applications due to limited funds.

I hope we can move quickly to a vote on this amendment. We wish to move forward. I know several Senators have

amendments they wish to offer, and if we can move to a vote on this fairly quickly, I think everybody would be amenable to that.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1467 TO AMENDMENT NO. 1458

Mr. VITTER. Mr. President, I certainly share the desire to move forward and resolve these issues and go through these votes. In that vein, I send to the desk a second-degree amendment to the Dodd amendment.

This is a straight limitation amendment. It is a germane amendment with no points of order against it, which would simply enact legislation that the Senate enacted in 2006 with regard to reimportation.

I would be happy to explain the amendment more fully if it is appropriate to have a debate either now or in the near future on it. But again, it enacts language that was previously enacted by the Senate in 2006. It is a straight limitation amendment, which is germane, and does not have points of order against it.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1467 to amendment No. 1458.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent funds from being used to prevent individuals from importing prescription drugs under certain circumstances)

At the end add the following:

SEC. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

Mr. VITTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that it be in order to consider a managers' package.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, in a moment I will send a managers' package to the desk. We are waiting for one quick decision. Hopefully, in a moment, I will be sending a managers' package to the desk with a number of

amendments that have been worked out on both sides. We hope to adopt that package.

I know Members have been waiting to get to votes. We have several Senators who require votes on their amendments. We hope to start that fairly shortly, as soon as this package is adopted.

AMENDMENTS NOS. 1401; 1447; 1457; 1463, AS MODIFIED; 1456; 1454, AS MODIFIED; 1466, AS MODIFIED; 1465; AND 1464, AS MODIFIED, TO AMENDMENT NO. 1373

So, Mr. President, I send to the desk a managers' package, and I ask unanimous consent that the amendments be considered, and modified, as indicated, where indicated, and agreed to en bloc; and the motions to reconsider be laid upon the table en bloc; that the consideration of these amendments appear separately in the RECORD, and any statements relating to their consideration be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1401

(Purpose: To amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes)

**SECTION — MARITIME TRANSPORTATION SECURITY INFORMATION.**

(a) **SHORT TITLE.**—This section may be cited as the "American Communities' Right to Public Information Act".

(b) **IN GENERAL.**—Section 70103(d) of title 46, United States Code, is amended to read as follows:

"(d) **NONDISCLOSURE OF INFORMATION.**—

"(1) **IN GENERAL.**—Information developed under this chapter is not required to be disclosed to the public, including—

"(A) facility security plans, vessel security plans, and port vulnerability assessments; and

"(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this chapter.

"(2) **LIMITATIONS.**—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

(c) **CONFORMING AMENDMENTS.**—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

"(4) **LIMITATIONS.**—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

"(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

AMENDMENT NO. 1447

(Purpose: To clarify the definition of switchblade knives)

On page 77, between lines 16 and 17, add the following:

**SEC. 556. DEFINITION OF SWITCHBLADE KNIVES.**

Section 4 of the Act entitled "An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes" (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ";; or" and

(3) by adding at the end the following:

"(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife."

AMENDMENT NO. 1457

(Purpose: To protect taxpayers by improving financial accountability at the Department of Homeland Security)

On page 3, line 13, insert "": *Provided*, That of the total amount made available under this heading, \$5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report # OIG-09-72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010" before the period.

AMENDMENT NO. 1463, AS MODIFIED

(Purpose: To make a technical correction to the Federal Deposit Insurance Act)

On page 77, between lines 16 and 17 insert the following:

**SEC. 556. FEDERAL DEPOSIT INSURANCE ACT TECHNICAL CORRECTION.**

(a) **APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.**—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or in the case of a governmental entity located in such State, paid)" after "received, or reserved"; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "nondepository institution operating in such State" and inserting "governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State";

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding "and" at the end;

(II) in item (bb), by striking "to facilitate" and all that follows through "2009"; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

"(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009"; and

(D) by inserting after clause (i) the following:

"(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and"

(b) **EFFECTIVE PERIOD.**—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

AMENDMENT NO. 1456

(Purpose: 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 amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes)

At the appropriate place, insert the following:

**SEC. — DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.**

(a) **DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.**—

(1) **SHORT TITLE.**—This subsection may be cited as the "Detainee Photographic Records Protection Act of 2009".

(2) **DEFINITIONS.**—In this subsection:

(A) **COVERED RECORD.**—The term "covered record" means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) **PHOTOGRAPH.**—The term "photograph" encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

## (3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall issue a certification, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification under subparagraph (A) and a renewal of a certification under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is made.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary's certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the "OPEN FOIA Act of 2009".

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

"(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

"(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph."

## AMENDMENT NO. 1454, AS MODIFIED

Purpose: To require the Secretary of Homeland Security to submit to Congress a report on reducing the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the entities specified in subsection (c), submit to Congress a report on improving cross-border inspection processes in an effort to reduce the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an evaluation of potential cross-border inspection processes and methods including rolling inspections that comply with Department of Homeland Security requirements that would—

(A) reduce the time to perform inspections on routes between locations in the United

States and locations in Ontario and Quebec by intercity passenger rail;

(2) an assessment of the extent to which improving or expanding infrastructure and increasing staffing could increase the efficiency with which intercity rail passengers are inspected at border crossings without decreasing security;

(3) an updated evaluation of the potential for pre-clearance by the Department of Homeland Security of intercity rail passengers at locations along routes between locations in the United States and locations in Ontario and Quebec, including through the joint use of inspection facilities with the Canada Border Services Agency, based on the report required by section 1523 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 121 Stat. 450);

(4) an estimate of the timeline for implementing the methods for reducing the time to perform inspections between locations in the United States and locations in Ontario and Quebec by intercity passenger rail based on the evaluations and assessments described in paragraphs (1), (2), and (3); and

(5) a description of how such evaluations and assessments would apply with respect to—

(A) all existing intercity passenger rail routes between locations in the United States and locations in Ontario and Quebec, including designated high-speed rail corridors;

(B) any intercity passenger rail routes between such locations that have been used over the past 20 years and on which cross-border passenger rail service does not exist as of the date of the enactment of this Act; and

(C) any potential future rail routes between such locations.

(c) ENTITIES SPECIFIED.—The entities to be consulted in the development of the report required by subsection (a) are—

(1) the Government of Canada, including the Canada Border Services Agency and Transport Canada and other agencies of the Government of Canada with responsibility for providing border services;

(2) the Provinces of Ontario and Quebec;

(3) the States of Maine, Massachusetts, New Hampshire, New York, and Vermont;

(4) the National Railroad Passenger Corporation; and

(5) the Federal Railroad Administration.

## AMENDMENT NO. 1466, AS MODIFIED

(Purpose: To require a report)

On page 39, line 9, after "spending:" insert the following: "Provided Further, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senaten that includes (1) a plan for the acquisition of alternative temporary housing units, and (2) procedures for expanding repair of existing multi-family rental housing units authorized under section 689i(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 776(a)), semi-permanent, or permanent housing options:"

## AMENDMENT NO. 1465

(Purpose: To authorize the temporary reemployment of administrative law judge annuitants for disputes relating to certain public assistance applications under the Robert T. Stafford Disaster Relief and Emergency Assistance Act)

On page 77, between lines 16 and 17, insert the following:

## SEC. 556. ADMINISTRATIVE LAW JUDGES.

The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 164).

## AMENDMENT NO. 1464, AS MODIFIED

(Purpose: To protect the privacy of personal information provided by United States travelers who participated in the Registered Traveler program)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ PROPER DISPOSAL OF PERSONAL INFORMATION COLLECTED THROUGH THE REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800-30, entitled "Risk Management Guide for Information Technology Systems"; and

(2) the National Institute for Standards and Technology Special Publication 800-53, Revision 3, entitled "Recommended Security Controls for Federal Information Systems and Organizations";

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the "Assistant Secretary").

(b) CERTIFICATION.—The Assistant Secretary shall—

require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1)–(3) with a description of the procedures used to comply with such standards.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by paragraph (a)(1)–(3).

## AMENDMENT NO. 1447

Mr. HATCH. Mr. President, I am proud to join with Senators CORNYN and PRYOR to offer this amendment to the Department of Homeland Security appropriations bill. This bipartisan amendment will bring clarity to the definition of what should be classified as a switchblade knife. This amendment is in response to a proposal by the U.S. Customs and Border Protection, CBP, to revoke four ruling letters that would change the definition of a switchblade knife.

The definition of what is a switchblade has been clear and settled since the Federal Switchblade Act was

passed in 1958, and it has been reaffirmed by many years of legal decisions. The act is very clear that a switchblade must have an automatic mechanism that is activated by a button usually located on the handle. Without a button, it is not a switchblade, and this has been upheld by numerous cases on many levels over the years.

This amendment will clearly define that any knife that can be opened with one hand is not and should not be classified as a switchblade. This amendment conforms to the original intent of Congress when it passed the Federal Switchblade Act in 1958.

According to knife industry sources, 80 percent of pocketknives sold today are one-hand or assisted openers. On a daily basis, good working folks use these knives in their daily tasks as electricians, carpenters, and construction workers. As such, Leatherman-type multitools with one-hand opening features, as well as folding utility knives that have a stud on the blunt portion of the blade to assist one-hand opening, would have been defined as a switchblade. The amendment offered today will provide a permanent statutory remedy to this issue. This amendment will continue to prohibit switchblades, but not at the expense of knives that were never meant to be categorized as a switchblade. Because of that, I saw the need to offer this amendment.

I urge my colleagues to support this important amendment.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1428, AS MODIFIED

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Hatch amendment, No. 1428, as modified, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1428), as modified, was agreed to.

Mr. NELSON of Florida. Mr. President, I come to the floor today to speak about an issue that I have been working on for several years and which has been addressed once and for all by the amendment that Senator HATCH has proposed—No. 1428—and that I have cosponsored, along with Senators CORNYN, BENNETT of Utah, SCHUMER, MENENDEZ, REID, KENNEDY, and GILLIBRAND. The amendment contains several important provisions, including my bill to put an end to what has become known as the “widow penalty.” This bipartisan support for this amendment has brought out the best in the Senate, and the Senate’s action today represents a great achievement.

Under our immigration laws, a foreigner who marries a U.S. citizen is entitled to become a permanent U.S. resident. Yet our own immigration service has been trying to deport several hundred widows and a few widowers—foreigners who had been married to American citizens when the Americans died.

To illustrate, here is a little story from a June 14 CBS “60 Minutes” rebroadcast:

Raquel Williams, a young nursing student from Brazil, was visiting Florida when one night she and three girl friends drove into a gas station. They caught the eye of a car full of guys who were also getting gas.

“I guess they noticed that we were, you know, not from here,” Raquel remembers, recalling when she first met her future husband. That chance meeting with Derek Williams led to love, marriage, and eventually parenthood. Two years after they met, their son Ian was born.

But then the unthinkable happened.

Raquel told “60 Minutes” she woke up about 4:30 a.m. one morning to find her husband lying on the couch. She could see something was wrong. He wasn’t breathing. Raquel called 911. “Please, please,” she pleaded, “come fast. Fast.”

But he was already gone. Derek had insomnia, so he would watch TV on their couch during the night. But he also had breathing problems and an irregular heartbeat, which proved fatal.

After he died, Raquel and Ian moved in with Derek’s parents. And 3 months after Derek died, Raquel finally had the immigration interview that she had been seeking for a year to gain status as a permanent U.S. resident.

She went to the interview with Ian, and brought all the documentation needed to prove she had been married to Derek; she also brought the death certificate.

Her case was denied. “They said, ‘You’re gonna have to go back to Brazil.’ And I said, ‘I have my son. You know? This is my son. He’s [an] American citizen.’ And they said that, ‘You can go. He can stay.’”

Ian was 5 months old at the time.

Raquel found herself caught in what is now referred to by many as the widow penalty—when a surviving spouse faces deportation because they had yet to be married 2 full years when their American husband or wife died.

Tragically, there are hundreds of cases in which men and women are crying out for common sense and reason to prevail. Earlier this year, I filed standalone legislation—the Fairness to Surviving Spouses Act of 2009—to put an end to the unfair and arbitrary widow penalty.

Then, 2 weeks ago, joined by Representative JIM MCGOVERN, the sponsor of the House counterpart to my bill, I held a meeting here in Washington with a number of surviving spouses from around the country. All of them today find themselves in Raquel’s situation.

They included Diana Engstrom, whose husband was killed working with the Army in Iraq, and Natalia Goukassian, a Florida woman who, like Raquel, lost her American husband and then found the Federal Government moving to deport her.

Natalia is but one of a few hundred spouses of deceased Americans whose legal status hangs in the balance, but her story is illustrative. She came into the country legally from Russia and met her future husband. They married on June 30, 2006, and soon after they filed for Natalia’s permanent resident status in the Orlando office of Citizenship and Immigration Services. Tigran died on December 1, 2006, of an aggressive form of cancer related to his service in the U.S. military. Natalia was denied in March 2009. For now she is here legally, but that status soon will end unless this amendment becomes law.

Widows and widowers facing deportation were given a potential lifeline on June 9, when the Obama administration put plans to send them to their home country on hold. But the administration says they will need a permanent fix, legislation from Congress, to be able to keep them in the country.

Today, with the adoption of our amendment, we finally have given them one. Our amendment puts an end to the widow penalty once and for all. Surviving spouses would still need to prove their marriage was a bona fide marriage before receiving a green card. And they would be still be counted against the overall cap of persons allowed to immigrate to this country each year. U.S. Citizenship and Immigration Services would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

The significance of the Senate’s action today to the surviving spouses who will benefit from its provisions cannot be overstated. Our government no longer will be “piling on” by responding to the tragic death of spouse with an order of deportation instead of an offer of condolences. On behalf of Diana Engstrom, Natalia Goukassian, Raquel Williams, and all the surviving spouses who will have the chance to continue their lives in this country, I thank my colleagues and look forward to seeing this provision, which reflects our values as Americans, embraced by the House so that it may finally become the law of the land.

Mrs. MURRAY. 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. VITTER. 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. VITTER. Mr. President, I wish to present my second-degree amendment.



In a few minutes we will be voting on the Vitter second-degree amendment to the Dodd amendment. This is very straightforward and is something this body has considered very directly before. This amendment simply prohibits funds in the bill from being used by Customs and Border security to prevent the reimportation of prescription drugs from Canada only and for personal use only. So it is a reimportation amendment but only from Canada and only for personal use. It is very limited in that regard.

Also, it only limits funds with regard to enforcement by Customs and Border security. There are numerous other agencies in the Federal Government, such as the Justice Department and many law enforcement agencies, which regularly are in the business of going after counterfeits and other problems in the drug trade. This amendment doesn't limit that activity in any way because it only impacts Customs and Border security.

Finally, this exact amendment was considered and passed by the Senate in July of 2006. It was not only passed by the Senate, but that Vitter amendment, essentially identical, was adopted 68 to 32. A few months later, modified language passed the entire Congress. It was somewhat modified, but it passed the entire Congress and is law now.

So based on all that history, I urge a strong bipartisan vote in favor of this amendment as we had in 2006. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in opposition to my friend's amendment.

For the past several years, there has been a provision in this appropriations bill that says that Customs and Border Protection cannot stop an individual from bringing in on their person 90 days' worth of a prescription drug from Canada. While I am not crazy about that language, it has been law for some time and codifies what had been an existing practice at the border. However, my colleague from Louisiana is proposing to radically alter what happens at the border.

This amendment is bad policy, and I hope our colleagues will vote against it. It is not adequate to protect the public health, and it will not keep Americans safe.

This amendment would strike three important elements of existing law. Instead of just individuals, anyone could bring in drugs. There would be no license required for businesses to get into this line of work. There would be no inspections of their facilities, no minimum qualifications, no background checks, no limits on resale, no oversight whatsoever. This would be an open door for criminals to get into Americans' medicine cabinets.

The amendment removes the limit on the method of importation. Instead of bringing in the drugs on your person, you could do it by mail order or more

likely via the Internet. This creates a problem with drugs coming not from Canada but through Canada. Many of the drugs ordered online today are purported to be from Canada, but when GAO and others investigate, they are found to be from other countries.

Finally, there would be no limits on the quantities permitted to be imported. Canada has only one-tenth the population of the United States. They cannot serve as our pharmacy. The drugs will be sourced from somewhere else. It is inevitable. While many people may be comfortable with drugs from Canada, I doubt they will have the same level of comfort with drugs from Pakistan, China, or Malta. There is nothing in this amendment to ensure that the drugs come from Canada, but there is every incentive for them not to come from Canada.

Most Americans who turn to imported drugs do so because of cost, but a counterfeit, tainted, or substandard drug is unsafe at any price. As we consider the issue of drug importation, the safety of our citizens must be our primary concern.

I support finding ways to reduce the cost of drugs but never at the expense of safety. So I urge my colleagues to oppose this amendment.

It is a well-intentioned amendment, I am sure. I care a great deal for my colleague, but I think we should oppose it and vote it down.

I yield the floor.

Mr. VITTER. Mr. President, I wish to briefly address some of the issues brought up by my distinguished colleague from Utah.

First, this amendment is only about individuals, and you can look at the clear language of the amendment. It is about individuals, not corporations, not mega businesses, not anything else but individuals.

Secondly, it is only about personal use. It is only about businesses not in the business of importing prescription drugs. So these individuals cannot be in that business, cannot be in that activity as a business. We specifically refer to the relevant portion of the Federal Food Drug and Cosmetic Act, section 801(g).

Third, it is for personal use because of that limitation.

Fourth, we are only limiting funds that go through border security for this purpose, not any other law enforcement agency; and there are many that are involved in the fight against counterfeits and other things, including the Department of Justice.

Fifth, and finally, this language was passed by this body in 2006 by a strong bipartisan vote of 68 to 32 and, as Senator HATCH said, a modified version was actually passed into law and has operated in law for 3 years, with no apparent safety problems that we are aware of.

I yield back my time and look forward to the vote.

Mr. HATCH. Mr. President, I yield back my time, also.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, we just approved a 3-year extension of the Religious Workers Act, which has a good goal and a worthy motive. We need to do better with this program.

We did have, in this legislation that passed, a study of the program to see how well it is working. But in July of 2006, the Homeland Security Department conducted an evaluation of the program, and it was not a good report. Essentially, the situation is that a religious group would be entitled to ask for and petition for someone to be brought into the country to work in their religious entity. It is called a "religious worker program." It is usually not a minister, but some sort of lay worker.

The assessment was done by the Homeland Security group. It was an assessment of 200-plus cases, without any indication that any of those were fraudulent. They just took them at random and checked the 220 cases. Field inquiries were conducted where necessary, and fraud was determined to be the willful misrepresentation or falsification of a material fact—that means something that would probably have meant they were not entitled to the benefit of the program.

Under this evaluation, it was found that out of 220 cases evaluated, 72 were fraudulent; that is, 33 percent—or 1 out of 3—of the religious workers entering the country under this program entered fraudulently. That is not a good record. In fact, it appears to be the highest fraudulent record of any immigrant program we have in the country.

They cited some of the examples of abuses. For example, a beneficiary was invited into the country by a petitioner to work at a religious institution, and when they checked, the institution didn't exist. And the petitioner had filed a number of other petitions bringing in other people.

Another one dealt with a paper church—a church that didn't exist—and the addresses and all that were given were not legitimate.

Another one: Age 33, the beneficiary. The person who filed the petition to bring this foreign worker in couldn't be located, and there could be no connection between the person who petitioned and the group for which they claimed to be petitioning. So it appears that this individual petitioned for another individual to come and work at a school or a church, and the school or church they said they were going to work at didn't even know this was happening. Of course, when the person came in, they were therefore just able

to enter the country illegally and never worked at a church.

There are several more like that. Here is another one. The signer of the petition was no longer at the school, and the school board members interviewed said they didn't know who was invited to come through the petition and were not even aware a petition had been filed.

In another case, the petitioner had filed at least 82 petitions, with many fraudulent indicators, including the misrepresentation of the qualifications and duties of the beneficiary.

Another one dealt with a situation where the beneficiary couldn't be located, and the petitioner whose name was on the petition when found and interviewed said he didn't know anything about the filing. He didn't file it. So somebody just filed it and used his name and brought in somebody, supposedly to work at a religious institution, and it was all bogus.

So this is a program which has some real difficulties. I hope the study will help us figure out how to make it a more honest system that can meet the goals of our program without allowing for so much fraud and abuse.

Mr. President, I yield floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following amendments be the only amendments remaining in order to the Byrd substitute amendment No. 1373 and H.R. 2892, and that at 8:25 p.m. the Senate proceed to vote in relation to the amendments in the order listed; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that no other amendments be in order; further, that upon disposition of the Vitter amendment No. 1467, the Dodd amendment No. 1458, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table; that after the first vote in the sequence, the vote time be limited to 10 minutes each. The amendments in order are Vitter amendment No. 1467, Dodd amendment No. 1458, Coburn amendment No. 1433, Murray amendment No. 1468, Coburn amendment No. 1434, Grassley amendment No. 1415, and Sanders amendment No. 1430; that upon disposition of the listed amendments, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate and that members of

the subcommittee be appointed as conferees; further, that if a budget point of order or any other point of order is raised and sustained, then it be in order for the majority manager to offer another substitute amendment minus any offending provision, but including any amendments which had been agreed to, and that no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute remaining in effect; and further, that the cloture motions be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VITTER AMENDMENT NO. 1467

Mrs. MURRAY. Mr. President, with that, we are ready to vote on the Vitter amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

There is 2 minutes of debate equally divided prior to the vote.

Mr. VITTER. Mr. President, Senator HATCH and I have both spoken, and I am prepared to yield back the time.

Mrs. MURRAY. And I will yield back time.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 1467.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Florida (Mr. MARTINEZ), and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 36, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—55

Akaka	Gillibrand	Reid
Baucus	Grassley	Sanders
Begich	Harkin	Schumer
Bennet	Inouye	Sessions
Bingaman	Johnson	Shaheen
Boxer	Kaufman	Shelby
Brown	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
DeMint	McCain	Warner
Dorgan	McCaskill	Webb
Durbin	Merkeley	Whitehouse
Feingold	Nelson (NE)	Wyden
Feinstein	Nelson (FL)	
Franken	Pryor	

NAYS—36

Alexander	Crapo	Lautenberg
Barrasso	Ensign	Lugar
Bayh	Enzi	McConnell
Bennett	Graham	Menendez
Brownback	Gregg	Mikulski
Bunning	Hagan	Murkowski
Burr	Hatch	Murray
Carper	Hutchison	Risch
Chambliss	Isakson	Roberts
Coburn	Johanns	Udall (CO)
Cochran	Kerry	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—9

Bond	Dodd	Martinez
Burris	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1467) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1458, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 1458, offered by the Senator from Connecticut, Mr. DODD, as amended, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The amendment (No. 1458), as amended, was agreed to.

AMENDMENT NO. 1433 TO AMENDMENT NO. 1373

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1433, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I had a chance to discuss amendment No. 1433 with Senator COBURN during the previous vote. I believe he is willing to take a voice vote on it.

Mr. COBURN. Mr. President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1433 to amendment No. 1373.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the payment of bonuses to government contractors for poor performance)

At the appropriate place, insert the following:

PROPER AWARDING OF INCENTIVE FEES FOR CONTRACT PERFORMANCE

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

Mr. COBURN. Mr. President, I agree with the Senator from Washington. This simply eliminates inappropriate

bonuses at the Department of Human Services. We did that at the Department of Defense, which saved \$500 million. It is also an OMB reg for the agency.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1433) was agreed to.

AMENDMENT NO. 1468, TO AMENDMENT NO. 1373

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I call up amendment No. 1468.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk the read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1468 to amendment number 1373.

The amendment is as follows:

At the appropriate place insert the following:

None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided on the amendment.

Mrs. MURRAY. Mr. President, for the information of all Senators, the amendment following the vote on the Murray amendment is a Coburn amendment about ensuring that government contracts are competitively awarded. I agree with the premise of the amendment that follows this. However, his amendment is drafted in a way that precludes certain types of contracts that are authorized by statute and have the strong support of Congress. For example, his amendment doesn't acknowledge contracts that are authorized by the Small Business Act, such as minority-owned businesses, women-owned businesses, businesses owned by service-disabled veterans. The Coburn language also ignores the AbilityOne Program, known as the Javits-Wagner-O'Day Program, which provides job opportunities for blind and disabled Americans through Federal contracts.

The amendment I am offering assures that we do award government contracts competitively but does it in a way that makes sure we take care of small businesses and veteran-owned businesses and women-owned businesses.

I encourage all my colleagues to vote for the Murray amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. COBURN. Mr. President, if I understand this correctly, this will actu-

ally eliminate competitive bidding on grants so grants may be earmarked and would not have to be competitively bid. I believe it is important the American people know we competitively bid for contracts and we competitively bid for grants on the basis of priority and merit. Therefore, I am in opposition to this amendment and in support of my amendment.

The PRESIDING OFFICER. Is there further debate on the Murray amendment?

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1468.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 24, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—67

Akaka	Grassley	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Hatch	Pryor
Begich	Hutchison	Reid
Bennet	Inouye	Roberts
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Brownback	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	McConnell	Whitehouse
Feingold	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—24

Barrasso	Crapo	Kyl
Bennett	DeMint	Lugar
Bunning	Ensign	McCain
Burr	Enzi	Risch
Chambliss	Graham	Sessions
Coburn	Gregg	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Vitter

NOT VOTING—9

Bond	Dodd	Martinez
Burris	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1468) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1434 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, I believe Coburn amendment No. 1434 is in order.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a simple amendment. It is a common-sense amendment. It says we should competitively bid contracts at the Department of Homeland Security, and we should competitively bid grants. If you vote against my amendment, you are saying we should not. That is all there is to it.

Mr. President, I yield back.

The PRESIDING OFFICER. Is the Senator offering the amendment?

Mr. COBURN. Mr. President, I actually have to offer the amendment. I call up amendment No. 1434 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1434 to amendment No. 1373.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit no bid contracts by requiring the use of competitive procedures to award contracts and grants funded under this Act)

At the appropriate place, insert the following:

COMPETITIVE BIDDING

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award such grant uses competitive procedures to select the grantee or award recipient.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate just adopted an amendment that ensures that the government contracts are competitively awarded. The amendment Senator COBURN is now offering will undo everything we just did to assure that all businesses—small business, minority-owned businesses, women-owned businesses, businesses owned by service-disabled veterans—

will be eligible to bid on these contracts.

I urge the Senate to vote no.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 60, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—31

Barrasso	Ensign	McCaskill
Brownback	Enzi	McConnell
Bunning	Feingold	Risch
Burr	Graham	Sessions
Carper	Grassley	Shelby
Chambliss	Gregg	Thune
Coburn	Isakson	Vitter
Corker	Johanns	Webb
Cornyn	Kyl	Wicker
Crapo	Lugar	
DeMint	McCain	

NAYS—60

Akaka	Gillibrand	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Bayh	Hatch	Nelson (FL)
Begich	Hutchison	Pryor
Bennet	Inouye	Reid
Bennett	Johnson	Roberts
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dorgan	Lincoln	Voivovich
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—9

Bond	Dodd	Martinez
Burr	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1434) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1415

Mrs. MURRAY. Mr. President, the next amendment in order is the Grassley amendment No. 1415. I have told the Senator we are willing to take it on a voice vote if he wants to offer it.

I call up amendment No. 1415.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1415) was agreed to.

AMENDMENT NO. 1430 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, the next amendment and final amendment in order is the Sanders amendment. I believe the Senator will speak.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, this amendment is cosponsored by Senator CASEY, Senator CARPER, and Senator KERRY. It is also supported by the National Volunteer Fire Council representing the interests of over 800,000 volunteer firefighters.

At a time when due to the economic crisis fire departments all over this country are laying off firefighters, and in rural America volunteer fire departments are finding it increasingly difficult to attract and retain those firefighters who not only help us, saving our property and our lives, but also are involved in EMS services, we are putting some of that \$100 million directly into recruitment and retention for volunteer firefighting efforts. The offset is the science and technology fund, which I have nothing against, but I think the priorities now have to be for firefighting and for volunteer fire departments.

I yield 15 seconds to Senator CASEY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. CASEY, Mr. KAUFMAN, and Mr. KERRY, proposes an amendment numbered 1430 to Amendment No. 1373.

The amendment is as follows:

(Purpose: To increase funding for firefighter assistance grants and recruitment and retention grants)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . FIREFIGHTER ASSISTANCE GRANTS AND RECRUITMENT AND RETENTION GRANTS.

For an additional amount for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) under the heading "FIREFIGHTER ASSISTANCE GRANTS" under the heading "FEDERAL EMERGENCY AND MANAGEMENT AGENCY" under title III there are appropriated \$100,000,000, of which \$50,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$50,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a) : *Provided*, That of the \$50,000,000 made available under this section to carry out section 34 of that Act (15 U.S.C. 2229a), \$20,000,000 shall be available for recruitment and retention grants under that section. The total amount of appropriations under the heading "RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS" under the heading "SCIENCE AND TECHNOLOGY" under title IV of this Act is reduced by \$100,000,000.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise in opposition to this amendment. I also

want fire grants. I want everybody to understand that the committee amendment already has \$810 million in it for fire grants. That is an increase of \$35 million. We just adopted another amendment to add \$10 million to this.

The offset that is in this bill will eliminate all the technology development and design to address capabilities. It decimates the counter-improvised explosive device—IED—technology. It specifically eliminates mass transit-specific counter-IED technologies. It decimates cyber-security research and development. The Senate computers are being attacked today. It eliminates the research to make sure we can stop that. It eliminates development and assessment of high throughput cargo screening technology. The list goes on.

I believe we should be doing all we can for our firefighters. Even the International Association of Firefighters does not support this amendment—although I appreciate the Senator offering this amendment, and I agree with what he would like to do. But the offset decimates much of the technology we need to protect our citizens.

I urge a "no" vote.

Mr. SANDERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 1430.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote aye.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 58, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—32

Baucus	Franken	Schumer
Bennet	Harkin	Shaheen
Boxer	Johanns	Snowe
Brown	Johnson	Specter
Cardin	Kaufman	Tester
Carper	Klobuchar	Thune
Casey	Kohl	Udall (CO)
Dorgan	Lincoln	Warner
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Sanders	

NAYS—58

Akaka	Barrasso	Begich
Alexander	Bayh	Bennett

Bingaman	Grassley	Murkowski
Brownback	Gregg	Murray
Bunning	Hagan	Nelson (NE)
Burr	Hatch	Nelson (FL)
Cantwell	Hutchison	Pryor
Chambliss	Inouye	Reid
Coburn	Isakson	Risch
Cochran	Kerry	Roberts
Collins	Kyl	Sessions
Conrad	Landrieu	Shelby
Corker	Lautenberg	Stabenow
Cornyn	Levin	Udall (NM)
Crapo	Lieberman	Vitter
DeMint	Lugar	Voivovich
Ensign	McCain	Webb
Enzi	McCaskill	Wicker
Gillibrand	McConnell	
Graham	Menendez	

## NOT VOTING—10

Bond	Inhofe	Reed
Burriss	Kennedy	Rockefeller
Byrd	Leahy	
Dodd	Martinez	

The amendment (No. 1430) was rejected.

Mr. REID. Mr. President, I move to reconsider.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## RISK MAPPING, ASSESSMENT, AND PLANNING PROGRAM

Mr. MENENDEZ. Mr. President, I rise for the purpose of entering into a colloquy with the Senator to highlight a serious concern with regard to FEMA's subcontracting practices related to the Risk Mapping, Assessment, and Planning Program.

Mrs. MURRAY. I welcome a colloquy with my distinguished colleague.

Mr. MENENDEZ. I thank the Senator. I have constituents back in my home State of New Jersey who have highlighted a concern with a current FEMA solicitation for their Risk Mapping, Assessment, and Planning Program. I am concerned that this solicitation shuts out both small and medium sized businesses. After Hurricane Katrina, FEMA was, rightly so, criticized for issuing sole-source contracts to three very large companies. We need to be sure this pattern is not repeating itself.

I agree that updating the Nation's flood map is critical to managing and reducing the Nation's flood risk, but operating the program to benefit taxpayers by utilizing local, highly qualified businesses, I am sure, will produce the best results for the region, the State, and the country as well.

In addition, I believe that taking local companies, with over a decade of experience and a track record of success, out of regional Indefinite Quantity and Indefinite Delivery contract work is counterproductive and has the potential to cost the taxpayers more money while providing an inferior product.

Mrs. MURRAY. I thank the Senator from New Jersey for highlighting this issue. I agree that the flood-map program is an instrumental tool in reducing the loss of life and property from floods. The Homeland Security Subcommittee will work with the Senator to review the recent contract solicitation. I am committed to ensuring that DHS invests acquisition dollars in projects that are well planned, competitively awarded, well managed,

closely overseen, and best able to serve local needs.

Mr. MENENDEZ. I appreciate the Senator's comments on that. This is not just about the State of New Jersey, which has had a number of flooding problems in the past, but this is an important concern of fairness to address the issue of flooding across the country as well. I thank the Senator for her interest and willingness to work with me on this issue.

Mr. LIEBERMAN. Mr. President, I rise to say a few words about the fiscal year 2010 appropriations bill for the Department of Homeland Security.

First, let me thank my colleagues who have worked to develop this legislation, especially Senators BYRD and VOIVOVICH, the chairman and ranking member, respectively, of the Appropriations subcommittee on Homeland Security. I also thank Senators INOUE and COCHRAN, the chairman and ranking member of the full Appropriations Committee. Finally, thanks also to Senator MURRAY for her skilled management of the appropriations bill in Senator BYRD's absence.

The bill before us is a fair, carefully balanced, and well-considered spending plan for the Department of Homeland Security. The resources provided in the bill are sufficient to carry out the Department's core missions of protecting the homeland against the threat of terrorism, securing our borders, enforcing our immigration laws, and preparing for and responding to terrorist attacks and natural disasters. While there are many programs and activities at DHS deserving of funding above the level provided in this bill, we are in a time of serious economic challenge, and obviously tough choices had to be and were—made in putting this legislation together.

This bill reflects the priorities of a department that has made great strides in the last 6 years but still faces many hurdles before we can say it has fulfilled the mission Congress laid out for it in 2002. Senator COLLINS and I have worked together since DHS was created—alternating as chairman and ranking member of the primary authorizing committee for the Department—to strengthen the Department's ability to carry out its many national security missions, to strengthen its management, facilitate its integration, and to hold its leadership accountable to an American public that has a right to be safe and secure within the borders of our own nation.

In May, I wrote to Chairman BYRD and Ranking Member VOIVOVICH setting forth what I believed to be the most significant appropriations priorities for the Department, and I am grateful that a number of my recommendations have been incorporated into this bill. Let me briefly discuss a few sections of this bill that I believe are particularly important to our homeland security.

First, I am pleased the Appropriations Committee recognized that the Department's management and operations accounts need adequate funding

if DHS is to succeed as it must. Secretary Napolitano has emphasized the need to create "One DHS" where the Department's many components are working closely together. To accomplish this, the offices for policy, human capital, acquisition, and information technology need additional resources, and all received significant increases in their budgets. The additional investments in acquisition oversight is particularly gratifying, as it will improve the Department's ability to oversee the \$12 billion it spends each year on contracts with the private sector to better ensure our tax dollars are not wasted on bloated or ineffective programs.

In previous years, these management and operations accounts have often been used as offsets for amendments. I would urge my colleagues to refrain from offering amendments that would take away funds from management and operations; these funds are critical to the success of the entire Department.

Second, this bill, together with the funding provided in the fiscal year 2009 supplemental, significantly increases resources for combating violence on our southern border and includes the bulk of the \$500 million in border security funding Senator COLLINS and I successfully added to the Senate budget resolution in March. The FBI has said that the Mexican drug cartels are the No. 1 organized crime threat in America today, replacing the Mafia, and now DHS will be able to send over 500 additional law enforcement officers to ports of entry. Almost half will help conduct southbound inspections to interdict the illegal flow of cash and guns into Mexico that is fueling the cartel-driven violence.

The funding will also add hundreds of ICE investigators to work on drug, currency, and firearms cases in the border region and will expand the Border Enforcement Security Task Force fusion centers that ICE has established along the southwest border. This funding was badly needed to help Federal, State, and local law enforcement agencies take down these sophisticated and dangerous drug-and-human smuggling networks. The Mexican drug cartels represent a clear and present threat to homeland security, and I remain fully committed to working with the administration to support our Federal law enforcement agencies in this crucial fight.

Third, this bill continues funding for the Homeland Security Grant Programs that our first responders need to prepare for acts of terrorism and natural disasters at the State, local, and tribal levels. Funding for the State Homeland Security Grant Program, which provides basic preparedness funds to all States and is the largest of DHS's grant programs, remains steady from last year at \$950 million, including \$60 million for grants focused on border security, essentially the full level authorized by Congress in the implementing recommendations of the 9/11 Commission Act of 2007. Funds for Urban Area Security Initiative, UASI, grants, which provide resources to the

Nation's highest risk metropolitan areas, are increased by nearly \$50 million over last year.

I am also pleased that funding for SAFER grants, which assist local fire departments with the cost of hiring new firefighters, was doubled to \$420 million for fiscal year 2010. In this era of budget constraints, this funding will help ensure that communities are able to continue to staff their local fire houses. The Appropriations Committee has also wisely restored a significant portion of the funding cut from the President's budget for assistance to firefighter grants. These grants fund essential equipment, vehicles and training for firefighters. However, the \$380 million for these grants represents a cut of nearly one-third below the fiscal year 2009 appropriation.

Fourth, this bill wisely supports the administration's request for a significant increase in funding for cybersecurity at DHS, which has been identified as one of our top national security priorities. The Department needs resources to protect Federal civilian networks from cyber-related threats and to work with the private sector to protect their networks and infrastructures. The Homeland Security and Governmental Affairs Committee is currently working to develop legislation that strengthens the government's authorities with respect to cybersecurity, so this funding decision is particularly important.

This bill makes other essential homeland security investments in port security, transit security, science and technology, and biosecurity, all of which are critical to the overall security of the Nation.

I am concerned that the bill cuts funding for FEMA's main operating account, making it difficult for FEMA to continue implementing the critical improvements necessary for it to become, nearly 4 years after Hurricane Katrina, the "new FEMA."

Also, insufficient funding has been appropriated for the Secret Service to make necessary improvements to its information technology systems, and, in particular, to complete essential work to allow secure communications between the Secret Service's White House detail and its field office.

Despite these particular concerns, however, I believe that overall this is a strong and essential piece of legislation. I thank the leadership and the members of the Appropriations Committee for their work on this bill and strongly urge my colleagues to support its passage.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this has been a long day, but I appreciate everyone's cooperation. It has taken a long time to get to where we are. We set out this week to accomplish a few things, and with the cooperation of the Members, we have been able to do it. We don't have to vote tomorrow; we don't have to vote over the weekend. Our

first vote next week will be at 5:30 p.m. on the nomination of the Census Director, Mr. Groves. That is on cloture with Mr. Groves.

We are coming in at 10 a.m. tomorrow, but there will be no votes. Monday, we will be in at 11 a.m. Senators LEVIN and MCCAIN will begin managing the Defense Authorization bill, and we appreciate being able to start that. There are a lot of very big, important amendments on that bill.

Next week is the only disjointed week of this work period. As I indicated earlier, we will have no votes after 2 p.m. on Tuesday, and Friday has been long announced as a no-vote day, which means the following 3 weeks are going to be very grueling, and everyone should understand that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are now moving to final passage on the Homeland Security Appropriations bill. I thank all our Senators, especially Senator VOINOVICH, for his cooperation. I want to thank all our staff members, and I will submit their names for the RECORD. I thank everyone for helping us move this bill forward.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would be remiss if I didn't thank, first of all, the chairman of our subcommittee, ROBERT BYRD, for the cooperation he has shown me and his staff. I particularly thank Senator MURRAY. I think this is my first opportunity to do one of these bills on the floor of the Senate, and it has been an interesting experience for me.

I also particularly thank Chuck for his work, and my great staff here, because without them, we wouldn't have been able to get this job done. I thank all of you for your cooperation in making this all happen.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 1373), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill as amended, pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr.

BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) would each vote "aye."

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 6, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—84

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Gregg	Nelson (FL)
Bennet	Hagan	Pryor
Bennett	Harkin	Reid
Bingaman	Hatch	Risch
Boxer	Hutchison	Roberts
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Bunning	Johanns	Sessions
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Kyl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feingold	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—6

Bayh	Coburn	Ensign
Burr	DeMint	McCain

NOT VOTING—10

Bond	Inhofe	Reed
Burris	Kennedy	Rockefeller
Byrd	Leahy	
Dodd	Martinez	

The bill (H.R. 2892), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

VOTE EXPLANATION

● Mr. REED. Mr. President, I was necessarily absent for tonight's votes on H.R. 2892, the Department of Homeland Security Appropriations Act, as I was attending a wake for a Rhode Island constituent. Had I been present for the vote on final passage, I would have voted in favor of this legislation.●

The PRESIDING OFFICER. Under the previous order, the Senate insists



on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer appointed Mr. BYRD, Mr. INOUE, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. TESTER, Mr. SPECTER, Mr. VOINOVICH, Mr. COCHRAN, Mr. GREGG, Mr. SHELBY, Mr. BROWNBACK, and Ms. MURKOWSKI conferees on the part of the Senate.

Mrs. MURRAY. Mr. President, I move to reconsider the vote and I move to lay that motion on the table on the last vote.

The motion to lay on the table was agreed to.

#### MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senate proceed to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUDAN ACCOUNTABILITY AND DIVESTMENT ACT

Mr. DODD. Mr. President, just before we left for the Fourth of July work period, U.S. diplomats hosted a forum in Washington to bring together representatives from 33 countries, a host of nongovernmental organizations, and others interested in Sudan. The purpose of the gathering was to reiterate their support for Sudan's 2005 Comprehensive Peace Agreement, CPA, and to develop an effective way forward on Sudan. During the forum, leaders from Sudan's southern region and the Khartoum Government agreed to a joint communiqué highlighting "the importance of credible, peaceful and transparent nationwide elections" in 2010 and to holding a referendum on the south's secession in 2011.

While this appears to be a positive step on north-south relations, like many of my colleagues, I remain deeply concerned about the situation in the south and about the policies of Sudanese President Omar Bashir in the Darfur region—policies that have led to the murder of hundreds of thousands of innocent people. So while I appreciate the significance of the communiqué I remain skeptical of the Khartoum Government's commitment to the north-south peace process, and to fair elections, and hope the Obama administration will maintain pressure on the government of President Bashir and hold that government accountable for a change in direction and real results. Following up on this event, I wish to discuss the Sudan Accountability and Divestment Act of 2007 and to update my colleagues on its recent implementation.

In October of 2007, after months of consulting with interested stakeholders, I was joined by Ranking Member SHELBY in introducing a bill that empowered our country's State and local governments to divest from companies with business operations in

Sudan. My colleagues, particularly Senators DURBIN and BROWNBACK, and I were very concerned about the ongoing violence in Sudan, especially in the southern and western regions such as Darfur where the Sudanese Government arms the militias which have ravaged communities and killed many innocent people. The international community has condemned President Omar Bashir for his role in authorizing this genocide, and he has been indicted by the International Criminal Court for these crimes. Given the developments in Sudan and a worsening situation there, we thought it was imperative that we help strengthen the growing movement in the United States of those interested in divesting from Sudanese businesses whose presence serves to bolster and support Sudan's Government, enabling its security forces, and those militias responsible to them, to continue to commit these atrocities.

By the time this bill was brought to the floor, 20 U.S. States had initiated some form of divestment from Sudanese firms, and divestment campaigns were underway in many other States. However, a Federal district court in Illinois had held the State's divestment law unconstitutional and permanently enjoined its enforcement. The Sudan Accountability and Divestment Act was written partly in response to these complications and designed to provide States and local governments, as well as businesses and investors, the authority and legal framework to proceed with divestment. The Senate passed the bill by unanimous consent, the House took it up and adopted it several days later, and the President signed it into law on December 31, 2007.

The law was deliberate in targeting four specific economic sectors widely recognized as key sources of revenue for the Sudanese Government: oil, power production, minerals, and military equipment. According to one former Sudanese Finance Minister, 70 percent of the Khartoum Government's share of oil profits was spent on military equipment used to bolster militias like the janjaweed.

According to the Sudan Divestment Task Force, since the enactment of our legislation, five more States have passed divestment laws targeting Sudan, with many State and local retirement funds divesting hundreds of millions of dollars in assets. Four States have prohibited contracting with corporations that provide support to the Sudanese Government, demonstrating broad-based support for the divestment movement.

The law also serves to enable acts of conscience in the private sector, allowing businesses and investors the right to divest from Sudan-related assets without violating their normal fiduciary responsibilities. The number of universities, companies, and investment funds, as well as international and religious organizations, engaged in divestment is growing. For example,

shareholders of Vanguard and Fidelity funds and pensioners from TIAA-CREF recently assembled to ask their managers to withdraw investments from Sudan.

Finally, the act requires Federal Government contractors to certify that they are not conducting business operations in Sudan that bolster the Sudanese Government's capabilities. This provision was meant to ensure that U.S. taxpayers' money is not aiding, even indirectly, a regime that systematically murders its own population. Even so, some critics have suggested that the law's implementation at the Federal level has come up short, particularly regarding limits on U.S. Government procurement. It is critical that the U.S. Government enforces a fair and appropriate certification process on companies that are conducting certain business sanctionable under the act. Additionally, updated information must be maintained by relevant contracting agencies. Such a process requires a concerted, interagency effort, not an ad hoc approach. Some work remains to be done to coordinate such a policy. I have been in contact with various Federal agencies to address these concerns and will continue to work with them to get this right.

Meanwhile, various nonprofit organizations such as the U.S.-based Genocide Intervention Network and its newly initiated Conflict Risk Network are providing innovative solutions to investors who feel motivated to divest out of moral and prudential obligations. Thanks to such efforts, investors can make well-informed assessments of Sudan's conflict zones and understand the political and reputational risks associated with investments in Sudan. Moreover, States and local governments now have more credible information on which to base their divestment decisions. Save Darfur, another nonprofit organization, continues to educate millions of people around the world about the ongoing atrocities in Sudan and provides activists with effective tools and resources. Others are following suit.

In the end, these efforts are being made to maintain pressure on the Sudanese Government and to effect positive change there. But much work remains to be done. Actions, not words, must be the true test of progress there.

As State and local governments, businesses, and private investors continue to press the government in Khartoum through their divestment efforts, they should be applauded. But we must maintain the pressure and closely monitor the situation. And the Obama administration must stay actively and assertively involved. The President understands this, and I am pleased that he has appointed a new special envoy to Sudan, retired general Jonathan Scott Gration, to coordinate U.S. policy on Sudan. I look forward to working with him on these important issues. I hope that the many ways the international community is seeking to

press the Sudanese Government for real change, and the many ways our government is joining that effort—including by tough and thoroughgoing implementation of the Sudan Accountability and Divestment Act—will begin to bring critical change to this troubled region and to its suffering people.

### HONORING OUR ARMED FORCES

SENIOR CHIEF PETTY OFFICER DANIEL HEALY

Mr. GREGG. Mr. President, it is my honor to rise today in special tribute to SCPO Daniel Healy of Exeter, NH. I am proud to recognize the dedication ceremony of the “SCPO Daniel Healy USN SEAL” Memorial Monument and Bridge in honor of his courageous service to the United States of America.

On June 28, 2005, Daniel lost his life when his helicopter was shot down during a rescue mission to save the lives of fellow soldiers in Kunar Province, Afghanistan. For his fearlessness under fire, Senior Chief Petty Officer Healy was posthumously awarded the Bronze Star with Combat “V” for Valor, the Purple Heart, and the Afghanistan Campaign Medal. In recognition of outstanding performance throughout his military career, Daniel was awarded the Navy and Marine Corps Achievement Medal, the Joint Meritorious Unit Award, the Meritorious Unit Commendation, the National Defense Service Medal, and the Good Conduct Medal.

On Sunday, July 19, 2009, the town of Exeter, NH, will honor Daniel by renaming the Guinea Road Bridge and Exeter Town Pool, in remembrance of his life and service. Although we can never truly do enough to honor his sacrifice, this bridge and monument will stand as a lasting testament to a dedicated individual that selflessly paid the ultimate sacrifice in support of his brothers in arms.

This dedication speaks volumes about Daniel’s character. At a time when we have two wars ongoing, it is an extraordinary reminder of the kind of person who serves this country and commits him or herself to the protection of others, even until death. I am sure that Daniel would be the first to say that although this bridge and pool will bear his name, the honor truly belongs to everyone who proudly wears the uniform of our great Nation.

Daniel’s kind and determined attitude will always be remembered by those who knew him and it is with the utmost respect that we remember his life with this entry into the official CONGRESSIONAL RECORD. On behalf of my wife Kathy, and myself, I want to express our deep gratitude and respect for a father, husband, son, brother, and true American hero. With this, I ask my colleagues to join me in thanking Daniel’s family for his service to the Nation and his devotion to our freedom.

### INDIA AND HONDURAS

Mr. CORNYN. Mr. President, today I would like to address America’s policies toward two nations. Each of these nations has strong democratic institutions. Each of these nations is a key trading partner of the United States. And each of these nations offers even more potential for cooperation in the future—if the administration makes the right choices going forward. These two nations are India and Honduras.

First, I would like to discuss America’s relationship with India. India is the world’s largest democracy—and one of the world’s largest and most dynamic economies. During this decade, India and the United States have cooperated more closely than ever before. America is now India’s largest trading and investment partner. Last year Congress authorized a new era in civil nuclear cooperation between our two countries—which I was proud to support. India has joined the United States and many nations in supporting the people of Afghanistan. India has committed more than \$1.2 billion to reconstruction efforts there. Our nations work closely together to fight terrorists—especially since the devastating attacks in Mumbai last year. And since 2004, India and the United States have built a strategic partnership—based on our common values—and committed to expanding opportunities in education, energy, and beyond.

As cochairman of the Senate’s India Caucus, I strongly support closer ties with our strategic partner in South Asia. Yesterday, several of my colleagues and I had breakfast with Secretary Clinton at the State Department. I am pleased that she sees India as a top priority for our Nation’s diplomatic engagement. I appreciate her determination to strengthen our strategic partnership with India in security, trade, and many other issues. I wished her well in her visit to India in the coming weeks.

I also took the opportunity to bend the Secretary’s ear on the subject of Honduras. Honduras and the United States have been good friends and neighbors for many years. We are trade partners through the Central American Free Trade Agreement. Our two peoples cherish our independence and liberty—and have helped others claim their freedom. Honduras joined the United States as one of the first contributors to Operation Iraqi Freedom. Most of all, the people of Honduras and the United States respect the democratic institutions we have built—and we honor the rule of law.

Honoring the rule of law means that no one is above the law—including the President. In Honduras, the President is limited to a single term in office. Their Constitution—like the U.S. Constitution—places strict limits on the executive power. These limits are important to the Honduran people because of the history of authoritarian rule in their country—including periods of military dictatorship.

Unfortunately, President Zelaya was not happy with the limits to his power—so he tried to get the Constitution changed. First he tried to do so legally. Then he tried to do so illegally. Eventually he tried to order the military to help him get his way. In short, President Zelaya saw himself as the Honduran Hugo Chavez. And he has relied on Chavez’s political and material support—including Venezuelan-owned media—in his quest for more power.

President Zelaya’s attempts to subvert the Constitution became too much for the people of Honduras. It was too much for their supreme court, for their Congress, and for their military—all of whom agreed that President Zelaya had acted way beyond the powers of his office. So the other branches of government acted and removed Mel Zelaya from office on June 28.

I met with representatives of the Honduran people yesterday. They included two former Presidents of Honduras, several Honduran Congressmen, and two leaders who helped draft their Constitution in 1982. They all agreed that the legislative and judicial branches of government acted properly. They acted justly. They acted constitutionally. I believe the United States should stand with the Honduran people and with the Constitution they wrote.

Unfortunately, the Obama administration has loudly taken the wrong view on Honduras. From day one, the White House and the State Department have issued strong statements in defense of Mel Zelaya and offered no support to all the other constitutional officers in Honduras.

Just this week in Moscow, President Obama again called for the return of Mel Zelaya to power—just as Hugo Chavez, Raul Castro, and Daniel Ortega are doing.

The United States should not be standing with the dictators and demagogues of our region—we should be standing with the people of Honduras and all who wish to live in freedom and under the rule of law.

So I told Secretary Clinton yesterday that she should rethink the administration’s approach to Honduras. I said I shared her hope that mediation by President Arias of Costa Rica would be successful. Yet I also made clear that America’s priority should be to nurture freedom and support the rule of law and not excuse or enable the ambitions of tyrants.

### 25TH ANNIVERSARY OF MINOR LEAGUE BASEBALL IN VERMONT

Mr. SANDERS. Mr. President, I rise today to commemorate the 25th anniversary of the return of professional baseball to Burlington, VT.

I recall that moment 25 years ago with great clarity, as it occurred when I was mayor of the city of Burlington. After a series of lengthy, but eventually productive, negotiations with the Eastern League and the owner of one of its teams, my administration with the

help of some local and very dedicated baseball buffs—was successful in bringing the Vermont Reds to Burlington. This AA-league team thrilled baseball fans—young and old, who watched them play at Centennial Field, which boasts a grandstand that is the oldest complete grandstand structure in use in Minor League Baseball. We watched Barry Larkin, Jeff Montgomery, Rob Dibble, Chris Sabo, Paul O'Neill and Norm Charlton play for the Vermont Reds. These fine athletes later went on to become the core of the 1990 World Champion Cincinnati Reds. Larkin won the National League MVP Award in 1995 and O'Neill won four more World Series rings with the New York Yankees. The Reds eventually left, to be replaced by the Vermont Mariners, and Vermont spectators had the thrill of watching certain Hall-of-Famer Ken Griffey Jr. speed around the bases as he played for our new team.

When the Mariners left, the Single-A Expos took their place; when Montreal's franchise moved to Washington, the Expos became a Washington Nationals farm team and were renamed the Vermont Lake Monsters. Today, the Lake Monsters fill the stands during the summer months, as baseball fans come to watch America's pastime in picturesque surroundings.

It is worth celebrating this quarter-century of baseball in Burlington, as Centennial Field has been called home by some outstanding players and amazing Minor League teams. Apart from those I have already mentioned—many of our players continued their careers in the Big Show. The scenic setting, the welcoming stands, the fan-based promotions, and of course the thrill of professional baseball all combine to make this a great family-friendly arena. Throughout the years, more than 2 million fans have enjoyed rooting for the home team.

As mayor of Burlington, my work was centered on building civic life and creating a vital community. Baseball proved to be an excellent catalyst for bringing people together and helping to foster a greater sense of community. Perhaps Minor League Baseball would be taken for granted in a big State or a big city, but in Burlington, VT, it is cherished by many. It is a source of pride to me that, working with a citizens committee led by local businessmen, I was able to bring Minor League Baseball to Vermont and that it has continued to thrive in the quarter of a century since.

As we look for a new dawn in this time of economic difficulty, the past 25 years of professional baseball in Burlington are a shining example of how important community-based activities are, and how much they can enrich a city and a State.

#### ADDITIONAL STATEMENTS

##### 125TH ANNIVERSARY OF WHITE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the community of White, SD, on reaching the 125th anniversary of its founding.

White was founded in 1884 as a railroad town and named after the original owner of the townsite, W. H. White. The community has a strong, patriotic history, beginning with many original settlers who had served in the Civil War. During World War I, a Red Cross chapter was formed, and children sold Liberty Bonds. World War II saw scrap drives in the town to collect any useful materials for the war effort.

The White Area Historical Society, founded in 1983, owns the Afton Township No. 15 Schoolhouse, a log cabin from Oak Lake Township now on the museum site, and the museum itself, which is the former Methodist Church. It carries on the colorful stories of White for the future generations to reflect on their heritage and strong history.

The citizens of White will be celebrating the town's anniversary during the annual White Pioneer Days with a parade, chili cookoff, arm-wrestling tournament, and entertainment for all ages. I am proud to join with the community members of White in celebrating the last 125 years and look forward to a promising future. •

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 1:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1945. An act to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

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

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 142. Concurrent resolution supporting National Men's Health Week.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1945. An act to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 142. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

#### 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-2282. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Limitation on Procurements on Behalf of Department of Defense (DFARS Case 2008-D005)" (RIN0750-AG24) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC-2283. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Lead System Integrators (DFARS Case 2006-D051)" (RIN0750-AF80) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC-2284. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011)" (RIN0750-AG23) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC-2285. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a Selected Acquisition Report relative to the Average Procurement Unit

Cost for the H-1 Upgrades Program; to the Committee on Armed Services.

EC-2286. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Post 9/11 GI Bill" (RIN0790-AI43) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC-2287. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the Annual Report on the National Guard Challenge Program for Fiscal Year 2008; to the Committee on Armed Services.

EC-2288. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Nancy E. Brown, United States Navy, and her advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

EC-2289. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Authorization Validated End-User: List of Approved End-Users and Respective Eligible Items for India" (RIN0694-AB65) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2290. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2291. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2292. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((74 FR 28627) (Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2293. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2294. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Medicaid Integrity Program Report for Fiscal Year 2008; to the Committee on Finance.

EC-2295. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law the report of a vacancy in the position of Inspector General of the Corporation for National and Community Service and designation of an acting officer for the position; to the Committee on Health, Education, Labor, and Pensions.

EC-2296. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guarantee Program, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2297. A communication from the Director of Legal Affairs and Policy, Office of the Federal Register, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Availability and Official Status of the Compilation of Presidential Documents" (A.G. Order No. 3036-2009) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2298. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of Santa Clara, California, as a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206-AL74) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2299. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, a report relative to the financial condition of The American Legion as of December 31, 2008; to the Committee on the Judiciary.

EC-2300. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Foreign Medical Program of the Department of Veterans Affairs—Hospital Care and Medical Services in Foreign Countries" (RIN2900-AN07) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Veterans' Affairs.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-53. A joint resolution adopted by the General Assembly of the State of Tennessee urging Congress to extend the deadlines for all phases of the States' implementation of the REAL ID Act for at least an additional 2 years, or preferably, repeal the REAL ID Act of 2005 in its entirety; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION NO. 285

Whereas, the federal REAL ID Act of 2005, Public Law 109-12, creates a national identification card by mandating federal standards for state driver's licenses and identification cards and requires states to share their motor vehicle databases; and

Whereas, the REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

Whereas, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens; and

Whereas, in addition to being terrible public policy, the REAL ID Act places a costly,

unfunded mandate on states, with initial estimates for Tennessee of more than one hundred million dollars, plus the additional burden of millions of taxpayers dollars in ongoing annual expenses, and a national estimate of more than eleven billion dollars over the five years following its implementation; and

Whereas, in these dire economic times, the massive costs that will be incurred by Tennessee, and other states, in implementing the REAL ID Act are especially onerous; and

Whereas, by December 1, 2014, Americans who are fifty (50) years of age and younger will be required to present REAL ID-compliant identification to board commercial aircraft and to access certain federal facilities; by December 1, 2017, all state-issued driver's licenses and identification cards must be REAL ID-compliant; and

Whereas, the deadline for the initial implementation of the REAL ID Act has already been extended for all fifty (50) states from May 11, 2008 until December 31, 2009; Now, therefore, be it

*Resolved by the House of Representatives of the One Hundred Sixth General Assembly of the State of Tennessee, the Senate Concurring,* That in light of the recessionary nature of our economy at this time and the many budgetary hardships being faced by state governments, this General Assembly hereby memorializes the United States Congress to extend the deadlines for all phases of the states' implementation of the REAL ID Act for at least an additional two (2) years, or preferably, repeal the REAL ID Act of 2005 in its entirety. Be it further

*Resolved,* That we strongly urge and encourage each member of Tennessee's delegation to the U.S. Congress to exert the full measure of his or her influence to accomplish the actions delineated in the first resolving clause. Be it further

*Resolved,* That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of Tennessee's Congressional delegation.

POM-54. A resolution adopted by the Senate of the State of Louisiana urging Congress to take actions as are necessary to create a national catastrophe fund; to the Committee on Homeland Security and Governmental Affairs.

#### SENATE RESOLUTION NO. 86

Whereas, the hurricane seasons of 2004, 2005, and 2008 were startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause; and

Whereas, creation of a federal catastrophe fund is a comprehensive, integrated approach to help better prepare and protect the nation from natural catastrophes, such as hurricanes, tornadoes, wildfires, snowstorms, and earthquakes; and

Whereas, the current system of responses to catastrophes leaves many people and businesses at risk of being unable to replace what they lost, wastes tax dollars, increases insurance premiums, and leads to shortages of insurance needed to sustain our economy; and

Whereas, creation of a federal catastrophe fund would help stabilize insurance markets following a catastrophe and help stabilize insurance costs for consumers while making it possible for private insurance to be written in catastrophe-prone areas; and

Whereas, a portion of the premium collected by insurance companies could be deposited into such a fund which could be administered by the United States Treasury and grow tax free; and

Whereas, a portion of the interest earnings of the fund could be dedicated to emergency responder efforts and public education and mitigation programs; and

Whereas, the federal catastrophe fund would operate as a “backstop” and could only be accessed when private insurers and state catastrophe funds have paid losses in excess of a defined threshold; and

Whereas, utilizing the capacity of the federal government would help smooth fluctuations which consumers currently experience in insurance prices and availability because of exposure to large catastrophic losses and would provide better protection at a lower price; and

Whereas, when there is a gap between the insurance protection consumers buy and the damage caused by a catastrophe, taxpayers across the country pay much of the difference, as congressional appropriations of billions for the after-the-fact disaster relief in the aftermath of Hurricane Katrina demonstrated; and

Whereas, on November 8, 2007, the United States House of Representatives passed the Homeowners’ Defense Act of 2007 (H.R. 3355) that would help ensure that individuals and communities destroyed by natural catastrophes have the resources necessary to repair, rebuild, and recover in the aftermath of massive hurricanes, earthquakes, or other natural events; and

Whereas, the Homeowners’ Defense Act of 2007 was sponsored by Florida Representatives Ron Klein, Tim Mahoney, and Ginny Brown-Waite and nearly four dozen cosponsors from around the country including then Congressman Bobby Jindal, now governor of the state of Louisiana; and

Whereas, President Barack Obama and members of both political parties have expressed support for a national catastrophe fund. Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to take actions as are necessary to create a national catastrophe fund. Be it further

*Resolved* That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-55. A resolution adopted by the Senate of the State of Louisiana urging Congress to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America’s global competitiveness; to the Committee on Environment and Public Works.

Whereas, there is some scientific belief that greenhouse gases could impact the atmosphere; and

Whereas, the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and have surpassed the greenhouse gas emissions of the United States and other developed countries; and

Whereas, the state of Louisiana accounts for only 0.48 percent of total global greenhouse gas emissions; and

Whereas, any system to regulate greenhouse gas emissions must not eliminate American jobs or diminish the ability of American industry to compete in the global marketplace; and

Whereas, any system to regulate greenhouse gas emissions must not add to the already high costs of power and gasoline; and

Whereas, any system to regulate greenhouse gas emissions must reward, and not punish, early adopters of energy efficient technologies and practice; and

Whereas, any system to regulate greenhouse gas emissions must adopt an international component to prevent “emissions leakage” and ensure that emissions do not simply migrate to another nation; and

Whereas, the only manner to quantify these emissions is through a domestic and international greenhouse gas emissions registry that is uniform, transparent, and verifiable; and

Whereas, any system to regulate greenhouse gases must ensure that the adopted regime does not result in the off-shoring of international trade sensitive industries; and

Whereas, the state of Louisiana has lost over thirty thousand one hundred manufacturing jobs since 1998, which is a sixteen percent decrease; and

Whereas, any system to regulate greenhouse gas emissions must ensure the availability of sufficient and affordable energy, including clean energy, before restricting emissions in a manner that could reduce the volume of energy available to consumers; and

Whereas, any system to regulate greenhouse gas emissions must provide credits or allowances to support operations, such as recycling and other practices, that reduce greenhouse gas emissions; and

Whereas, any action taken by Congress should be structured to:

- (1) Promote American jobs;
- (2) Save American citizens and industry from higher energy prices;
- (3) Reward early adopters of efficient practices and technologies;
- (4) Prevent “emissions leakage”; and
- (5) Champion the global competitiveness of American industry. Therefore, be it

*Resolved* That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America’s global competitiveness. Be it further

*Resolved* That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States

POM-56. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation to prohibit fetal torture and dismemberment; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION NO. 101

Whereas, the United States has ratified the United Nations Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment which recognizes that equal and inalienable rights are afforded to all members of the human family, and are derived from the inherent dignity of the human person; and

Whereas, the United Nations Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment defines torture as any act causing severe pain or suffering, whether physical or mental; and

Whereas, Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment; and

Whereas, the Declaration of Independence of the United States of America affirms, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—

That to secure these rights, Governments are instituted among Men, deriving their just power from the consent of the governed . . . .”; and

Whereas, Amendment No. 5 to the Constitution of the United States provides that no person shall be “. . . deprived of life, liberty, or property, without due process of law . . . .”; and

Whereas, Amendment No. 8 of the federal constitution prohibits the infliction of “. . . cruel and unusual punishments . . . .”; and

Whereas, President Obama has issued executive orders to close secret prisons operated by the Central Intelligence Agency and shut down the Guantanamo Bay detention camp, and he has declared that the United States will not use torture in pursuit of intelligence, announcing, “We must leave these methods where they belong—in the past. They are not who we are. They are not America.”; and

Whereas, in President Barack Obama’s speech on detainee policy and national security at the National Archives Museum, he stated, “I can stand here today, as President of the United States, and say without exception or equivocation that we do not torture. . . . And if we cannot stand for those core values, then we are not keeping faith with the documents that are enshrined in this hall”; and

Whereas, President Obama has acknowledged that in our world “the strong too often dominate the weak” and “find all manner of justification” for injustice and he has talked about health policies grounded “not only in sound science” but in “clear ethics” as well; and

Whereas, the Partial Birth Abortion Act of 2003 does not outlaw the fetal dismemberment procedure to terminate a pregnancy, which causes similar pain and suffering to the fetus, allowing for torture and dismemberment; and

Whereas, at least by twenty weeks after fertilization, an unborn child has the physical structures necessary to experience pain; and

Whereas, there is substantial evidence that by twenty weeks after fertilization, unborn children draw away from certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain; and

Whereas, expert testimony confirms that by twenty weeks after fertilization an unborn child may experience substantial pain even if the woman herself has received local analgesic or general anesthesia; and

Whereas, anesthesia is routinely administered to unborn children who have developed twenty weeks or more after fertilization who undergo prenatal surgery; and

Whereas, there is substantial evidence that the method to terminate pregnancy most commonly used twenty weeks or more after fertilization cause substantial pain to an unborn child, whether by dismemberment, poisoning, penetrating or crushing the skull, or other methods including, but are not limited to, the dilation and evacuation (D and E) method which is commonly performed in the second trimester of pregnancy, in which the unborn child’s body parts are grasped with a long-toothed clamp, the fetal body parts are then torn from the body and pulled out of the vaginal canal, the remaining body parts are grasped and pulled out until only the head remains, and the head is then grasped and crushed in order to remove it from the vaginal canal; and

Whereas, partial-birth abortion is a termination of pregnancy in which the practitioner delivers an unborn child’s body until only the head remains inside the womb, punctures the back of the child’s skull with a sharp instrument, and sucks the child’s brains out before completing the delivery of

the dead infant, and as further defined in federal law; and

Whereas, there is a valid federal government interest in preventing or reducing the infliction of pain on sentient creatures with examples being laws governing the use of laboratory animals and requiring pain-free methods of slaughtering livestock; and

Whereas, there is a valid federal government interest in preventing harm to developing human life at all stages and examples of this include regulations protecting fetal human subjects from risks of "harm or discomfort" in federally funded biomedical research. Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes a the Congress of the United States to enact legislation to prohibit fetal torture and dismemberment. Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-57. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 82

Whereas, before, during and after the events of September 11, 2001, state maritime enforcement agencies have assisted the United States Coast Guard in its maritime and port homeland security mission; and

Whereas, some of the state maritime enforcement agencies have entered into enforcement agreements with the United States Coast Guard to support the security of our nation's ports and waterways; and

Whereas, these enforcement agreements strengthen the close interagency and working relationships between the state maritime enforcement agencies and the United States Coast Guard, and take a major step forward in the creation of a seamless national maritime security blanket; and

Whereas, the supportive role that state maritime enforcement agencies have performed and continue to perform with the United States Coast Guard and other federal agencies is currently funded solely by state monies; and

Whereas, federal legislation and appropriation that provides additional homeland security funding for state maritime enforcement agencies should allow such monies to be used to pay for personnel overtime, use of existing equipment, maintenance and replacement of equipment, fuel, and training; and

Whereas, by adding to the current state-directed homeland security program funding and allowing the United States Coast Guard to administer a partnership program with state maritime enforcement agencies, such additional homeland security funding will help mitigate funding and security gas in national maritime security; and

Whereas, despite the lack of financial support from the federal government, state maritime enforcement agencies are tasked with assignments outside of their core missions in order to ensure the safety and security of the United States of America. Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies. Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the

United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, to the secretary of the United States Department of Homeland Security, to the commandant of the United States Coast Guard, to the secretary of the Louisiana Department of Wildlife and Fisheries, to Louisiana's state boating law administrator, and to the president of the National Association of State Boating Law Administrators.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010" (Rept. No. 111-42).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 1432. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-43).

By Mr. LEAHY, from the Committee on Appropriations, without amendment:

S. 1434. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-44).

By Mr. DORGAN, from the Committee on Appropriations, without amendment:

S. 1436. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-45).

#### 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. VITTER:

S. 1419. A bill to ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 1420. A bill to provide for full and open competition for Federal contracts related to natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. DURBIN, and Ms. STABENOW):

S. 1421. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mr. WEBB, Mr. DODD, Ms. MURKOWSKI, Ms. COLLINS, and Mr. BOND):

S. 1422. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. BEGICH):

S. 1423. A bill to amend title XIX of the Social Security Act to require coverage under

the Medicaid Program for freestanding birth center services; to the Committee on Finance.

By Mrs. BOXER (for herself, Ms. STABENOW, and Mr. LEVIN):

S. 1424. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to increase the number of law enforcement officers on the streets by 5 to 10 percent in areas with high incidences of violent crime; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Ms. COLLINS, Ms. LANDRIEU, Mrs. SHAHEEN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, Mr. JOHNSON, and Mrs. GILLIBRAND):

S. 1425. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

By Mr. WYDEN:

S. 1426. A bill to amend title 10, United States Code, to provide for the retention on active duty after demobilization of members of the reserve components of the Armed Forces following extended deployments in contingency operations or homeland defense mission, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. JOHANNIS):

S. 1427. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs Medical Centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE (for himself, Mr. CARDIN, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 1428. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 1429. A bill to establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health care providers to assist such veterans and members, to ensure such veterans are not discriminated against, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI:

S. 1430. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 1431. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN:

S. 1432. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. NELSON of Florida (for himself and Mr. LEVIN):

S. 1433. A bill to provide for interregional primary elections and caucuses for the selection of delegates to political party Presidential nominating conventions; to the Committee on Rules and Administration.



By Mr. LEAHY:

S. 1434. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BROWNBACK (for himself, Mr. LANDRIEU, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. ENSIGN, Mr. GRAHAM, Mr. INHOFE, Mr. JOHANNES, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. RISCH, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WICKER, and Mr. DEMINT):

S. 1435. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 1436. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HATCH:

S. 1437. A bill to clarify the definition of switchblade knives; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 259

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 373

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 373, a bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anni-

versary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 559

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) 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. 833

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr.

HARKIN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor 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. 941

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1144

At the request of Mr. JOHNSON, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1144, a bill to improve transit services, including in rural States.

S. 1194

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1194, a bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes.

S. 1211

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1211, a bill to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building".

S. 1300

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1300, a bill to amend title XVIII of the Social Security Act to clarify intent regarding the counting of residents in a nonhospital setting under the Medicare program.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from North Carolina (Mr. BURR) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1361

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1380

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1380, 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.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

AMENDMENT NO. 1428

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. SCHUMER) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 1428 proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 1428 proposed to H.R. 2892, supra.

AMENDMENT NO. 1430

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1430 proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1447

At the request of Mr. PRYOR, his name and the name of the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 1447 proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, supra.

At the request of Mr. CORNYN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from South Dakota (Mr. THUNE), the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 1447 proposed to H.R. 2892, supra.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, supra.

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, supra.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. DURBIN, and Ms. STABENOW):

S. 1421. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today I am introducing the Asian Carp Prevention and Control Act to list bighead carp as injurious under the Lacey Act, along with Senators VOINOVICH, SCHUMER, FEINGOLD, GILLIBRAND, DURBIN and STABENOW.

Asian carp are a significant threat to the Great Lakes because they are large, extremely prolific, and consume vast amounts of food. The Bighead carp grow quickly and can grow to over 50 pounds. In addition to the harmful ecological impact that the Bighead carp has had to native fisheries, these fish pose a considerable hazard to boaters and can cause human and property injuries.

The Bighead carp compete with native fish for food and habitat. The Bighead carp, along with the other species of Asian carp, account for the majority of fish in the Missouri River. These fish have little economic or sport value compared to native fish.

The Bighead carp are used in aquaculture ponds in the South to control algae, and because of flooding in the 1990s, the fish escaped the aquaculture ponds and entered into the Mississippi River. They have spread to most of the Mississippi River watershed and the Missouri River. Because the Mississippi River is connected to the Great Lakes through a man-made sanitary and ship canal, the Asian carp are now close to invading the Great Lakes. Fortunately, the Corps of Engineers is operating an electric dispersal barrier to prevent the carp and other non-native fish from moving between the Mississippi River and the Great Lakes.

I want to make sure that all pathways to introduce the Bighead carp are blocked. The legislation that I am introducing today would list the Bighead carp as injurious under the Lacey Act. Listing the Bighead carp as injurious would minimize the risk of intentional introduction by prohibiting the importation and interstate transportation of live Asian carp without a permit. This legislation would not interfere with existing state regulations of the fish, and permits to transport or purchase live Bighead carp may be issued for research or educational purposes. The Fish and Wildlife Service has already listed three other species of Asian carp as injurious through rulemaking procedures.

I urge my colleagues to support this bill. This country is facing a serious challenge as a result of thousands of invasive species, like the Bighead carp, being introduced into this Nation.

By Mrs. MURRAY (for herself, Mr. WEBB, Mr. DOOD, Ms. MURKOWSKI, Ms. COLLINS, and Mr. BOND):

S. 1422. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following colloquy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**FLIGHT CREW TECHNICAL CORRECTIONS ACT**

Mr. ENZI. Mr. President, I would like to engage my friend, the Senator from Washington and the Chairman of the Subcommittee on Employment and Workplace Safety, with whom I have been pleased to work on many initiatives on behalf of America's workforce, in a conversation about the bill she has just introduced. I would like to take this opportunity to clarify the treatment of workers contained in the Flight Crew Technical Corrections Act before us today that pertains to flight crews. Is it the Senator's understanding that her legislation resolves a problem unique to flight crews—meaning flight attendants and pilots—and that no other group of workers is addressed under this bill?

Mrs. MURRAY. Yes, the Senator is correct. This bill is narrowly constructed to address the unique situation faced by flight attendants and pilots in the calculation of the hours they need to qualify for leave under the Family Medical Leave Act, FLMA. The FMLA eligibility calculation does not include paid vacation, sick, medical or personal leave unless otherwise agreed to in a collective bargaining agreement or the employer's manual. This bill reflects the intent of the FMLA's original sponsors to provide an alternative way to include flight crews that addresses the airline industry's unique time-keeping methods. I am proud that the Flight Crew Technical Corrections Act fixes a technical problem that has left many full time flight crew members ineligible for Family Medical Leave for many years due to the unique way their work hours are calculated.

Mr. ENZI. In other words, is it the Senator's understanding that the bill should not be construed to apply to other occupational groups that operate under reserve systems such as health care, railway, and emergency services to seek similar treatment?

Mrs. MURRAY. Correct, this bill narrowly deals with flight crews only. The bill is a technical correction for language that was intended to be in the original Family Medical Leave Act, but for some reason or another was left out. Flight crews were specifically mentioned in the FLMA's legislative history. Thus, I believe that the correction is clearly appropriate for flight crews. If other groups were to attempt an adjustment in their FMLA eligibility requirements, I suggest that their situation and the ramifications of such an adjustment would need to be examined on a case by case basis.

Mr. ENZI. The Senator mentions the FLMA's legislative history. Is it the Senator's further understanding that this is the only group of employees which was intended to be included with an alternative eligibility standard?

Mrs. MURRAY. The Senator is correct. The original authors stated that they did not intend to exclude flight crews in unique circumstances from the bill's protection simply because of the airline industry's "unusual

time keeping methods". They believed that these workers—flight attendants and pilots—were entitled to family and medical leave under the law based upon the situation they specifically faced.

This legislation received overwhelming bipartisan support in the House of Representatives. I am pleased to present it in the Senate with bipartisan support. This language was drafted through a process that included representatives from large and small airline carriers and carrier associations, and organized labor. I need to recognize the work that Senator Clinton did on this bill when she introduced its precursor in the 110th Congress.

Mr. ENZI. I would like to thank the Senator from Washington and the former Senator from New York for the deliberative process you both utilized while drafting this legislation. As you know I am a frequent advocate for following Senate Committee process so as to create the opportunity for all affected stakeholders to be included in the process. In this case, you have done an admirable job of vetting the legislation with most stakeholders and produced a better product.

Mrs. MURRAY. 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. 1422

*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 "Airline Flight Crew Technical Corrections Act".

**SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.**

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

"(D) AIRLINE FLIGHT CREWS.—

"(i) DETERMINATION.—For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

"(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by the employer with respect to whom leave is requested under section 102; and

"(II) the employee has worked or been paid for not less than 504 hours (not counting time spent on vacation leave or medical or sick leave) during the previous 12-month period, for or by that employer.

"(ii) FILE.—Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with such regulations as the Secretary may prescribe) containing information specifying the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.

"(iii) DEFINITION.—In this subparagraph, the term 'applicable monthly guarantee' means—

"(I) for an employee described in clause (i) other than an employee on reserve status, the minimum number of hours for which an employer has agreed to schedule such employee for any given month; and

"(II) for an employee described in clause (i) who is on reserve status, the number of hours for which an employer has agreed to pay such employee on reserve status for any

given month, as established in the applicable collective bargaining agreement or, if none exists, in the employer's policies."

(b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(5) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—The Secretary may provide, by regulation, a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(D)."

By Mrs. BOXER (for herself and Mr. BEGICH):

S. 1423. A bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services; to the Committee on Finance.

Mrs. BOXER. Mr. President, I rise today to introduce the Medicaid Birth Center Reimbursement Act, which would help ensure that birth centers across our country can continue to provide quality and affordable care to thousands of mothers and newborns each year.

There are almost 200 birth centers nationwide that provide quality and cost effective health care services, particularly for low-income families. Since 1987, birth centers have participated in Medicaid, but recently the Centers for Medicare and Medicaid Services, CMS, has begun to cut off access to these providers in several States including Alaska, South Carolina, Texas and Washington State—because the agency lacks clear statutory authority to pay birth centers to care for Medicaid patients.

Although this problem has not yet affected my home State of California, if this policy is not reversed before the State begins to renegotiate its Medicaid plan, the same cuts will be forced on birth centers in California. Without reimbursement from Medicaid, birth centers in all States could be pushed to the brink of closure and thousands of low-income women could lose access to these vital services.

At a time when Congress and the administration are working hard to increase access to health care for all Americans, we cannot afford to close birth centers that provide essential services to thousands of women and newborns every year.

At a time when Congress and the administration are working hard to reduce waste, and cut down on costs in our nation's health care system, we cannot afford to cut off access to such cost-effective maternity care.

The cost of care at birth centers is about \$1,900 per birth, compared to an estimated \$7,400 at hospitals. Right now as much as 27 percent of hospital charges under Medicaid go towards care for mothers and newborn infants. Just imagine how much unnecessary spending could be saved if more women were given the choice of going to a birth center to have their baby.

Cutting off access to birth centers that provide quality, cost-effective care is a step backward.

Taking away choices from pregnant women trying to get essential health care services is a step backward.

As I work with my colleagues to help push for comprehensive health reform, I urge them to join me in cosponsoring the Medicaid Birth Center Reimbursement Act, and taking an important step forward for mothers and newborns across our nation.

I would also like to thank Reps. SUSAN DAVIS and GUS BILIRAKIS, who have championed this legislation in the House. I hope that this important legislation can be included in the health care reform efforts of the 111th Congress.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Ms. COLLINS, Ms. LANDRIEU, Mrs. SHAHEEN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, Mr. JOHNSON, and Mrs. GILLIBRAND):

S. 1425. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; 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. 1425

*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 “Global Resources and Opportunities for Women To Thrive Act of 2009” or the “GROWTH Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and statement of purpose.
- Sec. 3. Microfinance and microenterprise development assistance for women in developing countries.
- Sec. 4. Support for women’s small- and medium-sized enterprises in developing countries.
- Sec. 5. Support for private property rights and land tenure security for women in developing countries.
- Sec. 6. Support for women’s access to employment in developing countries.
- Sec. 7. Trade benefits for women in developing countries.
- Sec. 8. Exchanges between United States entrepreneurs and women entrepreneurs in developing countries.
- Sec. 9. Assistance under the Millennium Challenge Account.
- Sec. 10. GROWTH Fund.
- Sec. 11. Data collection.
- Sec. 12. Support for women’s organizations in developing countries.
- Sec. 13. Report.
- Sec. 14. Authorization of appropriations.

#### SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Women around the world are especially vulnerable to poverty. They tend to work longer hours, are compensated less, and have less income stability and fewer economic opportunities than men.

(2) Women’s share of the labor force is increasing in almost all regions of the world. Women comprise more than 40 percent of the global labor force as well as 40 percent of the labor force in eastern and southeastern Asia, sub-Saharan Africa, and the Caribbean. Women comprise a third of the labor force in Central America and nearly a third of total employment in South Asia. About 250,000,000 young women will enter the labor force worldwide before 2015.

(3) Women are more likely to work in informal employment relationships in poor countries compared to men. In sub-Saharan Africa, 84 percent of women are employed informally compared to 71 percent of men. In the Middle East, 44 percent of women are employed informally compared to 29 percent of men. Informal employment is characterized by lower wages and greater variability of earnings, less stability, absence of labor organization, and fewer social protections than formal employment.

(4) Changes in the economy of a poor country affect women and men differently. Women are disproportionately affected by long-term recessions, crises, and economic restructuring and they often miss out on many of the benefits of growth.

(5) International trade can be an important tool for economic development and poverty reduction. The benefits of international trade should extend to all members of society, particularly the world’s poor women.

(6) Policies that promote fair labor practices for women, and access to information, education, land, credit, physical capital, and social services can be a means of reducing poverty, ensuring food security, and boosting productivity and earnings for the economies of developing countries.

(7) Expanding economic opportunity for women in developing countries can have a positive effect on child nutrition, health, and education, as women often invest their income in their families. Increasing women’s income can also decrease women’s vulnerability to HIV/AIDS, gender-based violence, and trafficking, and make women more resistant to the impact of natural disasters.

(8) Policies that promote economic opportunities for women, including microfinance and microenterprise development and the promotion of women’s small- and medium-sized businesses, can be a means of generating gainful, safe, and dignified employment for the poor.

(9) Women play a vital, but often unrecognized, role in averting violence, resolving conflict, and rebuilding economies in postconflict societies. Women in conflict-affected areas face even greater challenges than men do in accessing employment, training, property rights, credit, and financial and nonfinancial resources for business development. Policies designed to ensure economic opportunity for women in conflict-affected areas play a significant role in economic rehabilitation and consolidation of peace.

(10) Given the important role of women in the economies of poor countries, poverty alleviation programs funded by the United States in poor countries should seek to enhance the level of economic opportunity available to women in those countries.

(b) STATEMENT OF PURPOSE.—The purpose of this Act is to ensure that the policies of the United States actively promote development and economic opportunities for women, including programs and policies that—

(1) promote women’s ability to start micro-, small-, or medium-sized business enterprises, and enable women to grow such enterprises, particularly from micro- to small-sized enterprises and from small- to medium-sized enterprises, or sustain current business capacity;

(2) promote the rights of women to own, manage, and inherit property, including land, encourage the adoption of laws and policies that support women in their efforts to enforce those rights in administrative and judicial tribunals, and address conflicts with country-specific legal regimes or practices (often known as “customary law”) to increase the ability of women to inherit and own real property;

(3) increase women’s access to employment, enable women to access higher quality jobs with better remuneration and working conditions in both informal and formal employment, and improve the quality of jobs in sectors dominated by women by improving the remuneration and working conditions for those jobs; and

(4) bring the benefits of international trade policy to women in developing countries and continue to ensure that trade policies and agreements adequately reflect the respective needs of poor women and men.

#### SEC. 3. MICROFINANCE AND MICROENTERPRISE DEVELOPMENT ASSISTANCE FOR WOMEN IN DEVELOPING COUNTRIES.

(a) AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.—

(1) AUTHORIZATION.—Section 252(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(a)) is amended—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by striking “The President is” and inserting the following:

“(1) IN GENERAL.—The President is”; and

(C) by adding at the end the following:

“(2) ASSISTANCE FOR WOMEN IN DEVELOPING COUNTRIES.—In providing assistance under paragraph (1), the President shall pay special attention to the needs of women in developing countries, including by—

“(A) carrying out specific activities to enhance the empowerment of women in developing countries, such as providing leadership training, basic health and HIV/AIDS education, and assistance with the development of literacy skills;

“(B) carrying out initiatives to eliminate legal and institutional barriers to women’s ownership of assets, access to credit, access to information and communication technologies, and engagement in business activities within or outside of the home;

“(C) providing assistance for capacity building for microfinance and microenterprise institutions to enable such institutions to better meet the credit, savings, insurance, and training needs of women who are microfinance and microenterprise clients; and

“(D) carrying out microfinance and microenterprise development programs that—

“(i) specifically target women with respect to outreach and marketing;

“(ii) provide products specifically designed to address women’s assets and needs and the barriers women encounter with respect to participating in enterprise and financial services; and

“(iii) promote women’s ability to grow micro-enterprises to small- and medium-sized enterprises.”

(2) IMPLEMENTATION.—Section 252(b)(2)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(b)(2)(C)) is amended—

(A) in clause (ii)—

(i) by striking “microenterprise development field” and inserting “microfinance and microenterprise development field”; and

(ii) by striking “and” at the end;

(B) in clause (iii)—

(i) by inserting after “competitive” the following: “, take into consideration the anticipated impact of the proposals on the empowerment of women and men,”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(iv) give preference to proposals from providers of assistance that demonstrate the greatest knowledge of clients’ needs and capabilities, including proposals that ensure that women are involved in the design and implementation of services and programs.”.

(3) TARGETED ASSISTANCE.—Section 252(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(c)) is amended—

(A) in the first sentence, by inserting before the period the following: “and an effort shall be made to target such resources to women”; and

(B) in the second sentence, by striking “2006” and inserting “2011”.

(b) MONITORING SYSTEM.—Section 253(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211b(b)(1)) is amended to read as follows:

“(1) The monitoring system shall include performance goals for the assistance and shall express such goals, to the extent feasible—

“(A) in an objective and quantifiable form;

“(B) in a manner that describes the effects of such goals on women and men, respectively; and

“(C) in a manner that describes the number of women and the number of men benefiting from the assistance.”.

(c) MICROENTERPRISE DEVELOPMENT CREDITS.—Section 256(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2212(b)(2)) is amended by inserting before the semicolon the following: “, especially the needs of clients who are women”.

(d) ADDITIONAL REPORT REQUIREMENTS.—Section 258 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(12) An estimate of the potential global demand for microfinance and microenterprise development for women, determined in collaboration with practitioners in a cost-effective manner, and a description of the Agency’s plan to help meet such demand.”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

“(c) ADDITIONAL REQUIREMENT.—All information in the report required by this section relating to beneficiaries of assistance authorized by this title shall be disaggregated by sex to the maximum extent practicable.”.

#### SEC. 4. SUPPORT FOR WOMEN’S SMALL- AND MEDIUM-SIZED ENTERPRISES IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) where appropriate, carry out programs, projects, and activities that meet the requirements described in subsection (b) for enterprise development for women in developing countries; and

(2) ensure that any programs, projects, and activities for enterprise development for women in developing countries that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) meet the requirements described in subsection (b).

(b) REQUIREMENTS.—A program, project, or activity described in subsection (a) meets the requirements described in this subsection if the program, project, or activity—

(1) in coordination with the governments of developing countries and interested individuals and organizations, promotes the development or enhancement of laws, regulations, or practices (including practices with

respect to the enforcement of such laws or regulations) that improve access to banking and financial services for women-owned small- and medium-sized enterprises;

(2) promotes access to information and communication technologies by providing training with respect to such technologies for women-owned small- and medium-sized enterprises;

(3) provides training, through local associations of women-owned enterprises or nongovernmental organizations, with respect to recordkeeping, financial and personnel management, international trade, business planning, marketing, policy advocacy, leadership development, and other areas relevant to running enterprises;

(4) provides resources to establish and enhance local, national, and international networks and associations of women-owned small- and medium-sized enterprises;

(5) provides incentives for nongovernmental organizations and financial service providers to develop products, services, and marketing and outreach strategies specifically designed to facilitate and promote women’s participation in development programs for small- and medium-sized businesses by addressing women’s assets and needs and the barriers women face to participating in enterprise and financial services; and

(6) seeks to award contracts to qualified small- and medium-sized enterprises owned by women, particularly indigenous women, including—

(A) for postconflict reconstruction; and

(B) to facilitate employment of women, particularly indigenous women in jobs not traditionally undertaken by women.

#### SEC. 5. SUPPORT FOR PRIVATE PROPERTY RIGHTS AND LAND TENURE SECURITY FOR WOMEN IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) where appropriate, carry out programs, projects, and activities to promote private property rights and land tenure security for women in developing countries that—

(A) are implemented by local, indigenous, nongovernmental, and community-based organizations, especially women’s organizations, that are dedicated to addressing the needs of women; and

(B) otherwise meet the requirements described in subsection (b); and

(2) ensure that any programs, projects, and activities to promote private property rights and land tenure security for women in developing countries that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)—

(A) are implemented by local, indigenous, nongovernmental, and community-based organizations, especially women’s organizations, that are dedicated to addressing the needs of women; and

(B) otherwise meet the requirements described in subsection (b).

(b) REQUIREMENTS.—A program, project, or activity described in subsection (a) meets the requirements described in this subsection if the program, project, or activity—

(1) advocates to amend and harmonize statutory and other country-specific legal regimes or practices to give women equal rights to own, use, and inherit property;

(2) promotes legal literacy among women and men about property rights for women and how to exercise such rights;

(3) assists women in making land claims and protecting existing land claims; and

(4) advocates for equitable land titling and registration for women.

(c) AMENDMENT.—Section 103(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(b)(1)) is amended by inserting “, especially for women” after “establishment of more equitable and more secure land tenure arrangements”.

#### SEC. 6. SUPPORT FOR WOMEN’S ACCESS TO EMPLOYMENT IN DEVELOPING COUNTRIES.

The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall, where appropriate—

(1) support activities to increase the access of women in developing countries to employment and to higher quality employment, in informal and formal employment, with better remuneration, working conditions, and benefits (including health insurance and other social safety nets) in accordance with the core labor standards of the International Labour Organization, including—

(A) public education efforts to inform poor women and men of women’s legal rights related to employment;

(B) education and vocational training tailored to enable poor women to access job opportunities, whether for formal or informal employment, in—

(i) sectors in their local economies with the potential for growth; and

(ii) sectors in which women are not traditionally highly represented;

(C) efforts to support self-employed poor women or wage workers to form or join independent unions or other labor associations to increase their incomes and improve their working conditions; and

(D) advocacy efforts to protect the rights of women in the workplace, including—

(i) developing programs with the participation of civil society to eliminate gender-based violence; and

(ii) providing capacity-building assistance to women’s organizations to effectively research and monitor labor rights conditions; and

(2) provide assistance to governments and nongovernmental organizations in developing countries seeking to design and implement laws, regulations, and programs to improve working conditions for women and to facilitate the entry into, and advancement in, the workplace by women.

#### SEC. 7. TRADE BENEFITS FOR WOMEN IN DEVELOPING COUNTRIES.

In order to ensure that poor women in developing countries are able to benefit from international trade, the President, acting through the Secretary of State (acting through the Administrator of the United States Agency for International Development) and the heads of other appropriate departments and agencies of the United States, shall, where appropriate, provide the following training and education in developing countries:

(1) Training women in civil society organizations, including those organizations representing poor women, and women-owned enterprises and associations of such enterprises, on how to respond to economic opportunities created by trade preference programs, trade agreements, or other policies that create or facilitate market access. The training shall include information with respect to requirements and procedures for accessing the United States market.

(2) Training women entrepreneurs, including microentrepreneurs, with respect to production strategies, quality standards, formation of cooperatives, market research, and market development.

(3) Teaching women, including poor women, to promote diversification of products and value-added processing.

(4) Instructing negotiators officially representing the governments of developing

countries in international trade negotiations in order to enhance the ability of the negotiators to formulate trade policy and negotiate agreements that take into account the respective needs and priorities of poor women and men in developing countries.

(5) Educating local groups representing indigenous women in developing countries in order to enhance the ability of those groups to collect information and data, formulate proposals, and inform and impact negotiators described in paragraph (4) with respect to the respective needs and priorities of poor women and men in developing countries.

**SEC. 8. EXCHANGES BETWEEN UNITED STATES ENTREPRENEURS AND WOMEN ENTREPRENEURS IN DEVELOPING COUNTRIES.**

(a) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall, where appropriate, encourage representatives of United States businesses on trade missions to developing countries to—

(1) meet with representatives of women-owned small- and medium-sized enterprises in such countries; and

(2) promote internship opportunities for women owners of small- and medium-sized enterprises in such countries with United States businesses.

(b) DEPARTMENT OF STATE.—The Secretary of State shall promote exchange programs that offer representatives of women-owned small- and medium-sized enterprises in developing countries an opportunity to learn skills appropriate for promoting entrepreneurship by working with representatives of businesses in the United States.

**SEC. 9. ASSISTANCE UNDER THE MILLENNIUM CHALLENGE ACCOUNT.**

The Chief Executive Officer of the Millennium Challenge Corporation shall seek to ensure that contracts and employment opportunities resulting from assistance provided by the Corporation to the governments of developing countries are fairly and equitably distributed to qualified women-owned small- and medium-sized enterprises and other civil society organizations led by women, including nongovernmental and community-based organizations, for projects, including for infrastructure projects, that facilitate employment of women in jobs not traditionally undertaken by women.

**SEC. 10. GROWTH FUND.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall establish the Global Resources and Opportunities for Women to Thrive (GROWTH) Fund (in this section referred to as the “Fund”) for the purpose of enhancing economic opportunities for very poor, poor, and low-income women in developing countries with a focus on—

(A) increasing the development of women-owned enterprises;

(B) increasing property rights for women;

(C) increasing women’s access to financial services;

(D) increasing the number of women in leadership in implementing partner organizations (as defined in section 259(6) of the Foreign Assistance Act of 1961 (22 U.S.C. 2214a(6))), as well as financial service providers;

(E) improving the employment benefits and conditions available to women; and

(F) increasing the benefits of international trade available to women.

(2) APPLICATION FOR FUNDS BY USAID MISSIONS.—

(A) IN GENERAL.—A mission of the United States Agency for International Development may apply for funds from the Fund to

support specific activities, in addition to activities already carried out by that mission, that are described in subsection (b) and enhance economic opportunities for women in developing countries or integrate gender into economic opportunity programs.

(B) SUPPLEMENT NOT SUPPLANT.—Funds provided to a mission of the United States Agency for International Development pursuant to subparagraph (A) shall supplement and not supplant other funds available to that mission.

(b) ACTIVITIES SUPPORTED.—The activities described in this subsection are—

(1) activities described in title VI of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.), as amended by section 3 of this Act;

(2) activities described in sections 4 through 7 of this Act; and

(3) technical assistance to, and capacity building for, civil society organizations, particularly to carry out activities described in paragraphs (1) and (2), for—

(A) local and indigenous women’s organizations to the maximum extent practicable; and

(B) local, indigenous, nongovernmental, and community-based organizations and financial service providers that demonstrate a commitment to gender equity in the leadership of such organizations and intermediaries either through current practice or through specific programs to increase the representation of women in the governance and management of such organizations and intermediaries.

**SEC. 11. DATA COLLECTION.**

The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) provide support for tracking indicators on women’s employment, property rights for women, women’s access to financial services, and women’s enterprise development, including microenterprises, in developing countries;

(2) to the extent practicable, track all foreign assistance funds provided by the United States to local, indigenous, nongovernmental, community-based organizations, and financial service providers in developing countries, including through subcontractors and grantees, disaggregated by the sex of the head of the organization, senior management, and composition of the boards of directors;

(3) encourage agencies of the United States that collect statistical data to provide support to agencies in developing countries that collect statistical data to collect data on the share of women in wage work and self-employment, disaggregated by type of employment; and

(4) provide funding to the International Labour Organization—

(A) to carry out technical assistance activities in developing countries; and

(B) to consolidate data indicators collected in different developing countries into cross-country data sets.

**SEC. 12. SUPPORT FOR WOMEN’S ORGANIZATIONS IN DEVELOPING COUNTRIES.**

(a) AMENDMENTS.—Section 102 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1) is amended—

(1) in subsection (a), by inserting after the ninth sentence the following new sentences: “Because men and women generally occupy different economic niches in poor countries, activities must address those differences in ways that enable both women and men to contribute to and benefit from development. Throughout the world, indigenous, local, nongovernmental and community-based organizations, as well as financial service providers, are essential to addressing many of

the development challenges facing countries and to creating stable, functioning democracies. Investing in the capacity of such organizations, including women’s organizations, and in their roles in the development process shall be an important, cross-cutting objective of United States bilateral development assistance.”; and

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following new sentence: “The principles described in this paragraph shall, among other strategies, be accomplished through partnerships with local, indigenous, nongovernmental, and community-based organizations, as well as financial service providers, that represent the interests of women.”; and

(B) in paragraph (6), by adding at the end the following new sentence: “Such participation and improvement shall be encouraged and promoted by, among other strategies, investing in the capacity of and participation in local, indigenous, nongovernmental, and community-based organizations, especially women’s organizations, dedicated to addressing the needs of women.”.

(b) ASSISTANCE.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall, where appropriate—

(1) ensure project proposals include capacity building and technical assistance for local, indigenous, nongovernmental, organizations and community-based organizations dedicated to addressing the needs of women, especially women’s organizations, to promote the long-term sustainability of projects;

(2) provide information and training to local, indigenous, nongovernmental, and community-based organizations, especially women’s organizations, focused on women’s empowerment in countries in which missions of the United States Agency for International Development are located in order to—

(A) provide technical assistance with respect to United States foreign assistance procurement procedures; and

(B) undertake culturally appropriate outreach measures to contact such organizations;

(3) encourage recipients of United States technical and financial aid to the maximum extent practicable, to provide financial support to local, indigenous, nongovernmental, and community-based organizations that focus on women’s empowerment, including women’s organizations and other organizations that may not have previously worked with the United States or a partner of the United States, in fulfilling project objectives;

(4) work with local governments to conduct outreach campaigns to register, as required by local laws and regulations, unofficial local, indigenous, nongovernmental, and community-based organizations, especially women’s organizations; and

(5) support efforts of indigenous organizations, especially women’s organizations, focused on women’s empowerment to network with other indigenous women’s groups to collectively access funding opportunities to implement United States foreign assistance programs.

**SEC. 13. REPORT.**

(a) REPORT REQUIRED.—Not later than June 30, 2011, the Secretary of State, acting through the Administrator of the United States Agency for International Development, shall submit to Congress a report on the implementation of this Act and the amendments made by this Act.

(b) UPDATE.—Not later than June 30, 2012, the Secretary of State, acting through the



Administrator of the United States Agency for International Development, shall submit to Congress an update of the report required by subsection (a).

(c) AVAILABILITY TO PUBLIC.—The report required by subsection (a) and the update required by subsection (b) shall be made available to the public on the Internet websites of the Department of State and the United States Agency for International Development.

#### SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of State to carry out sections 10 and 11—

(1) \$40,000,000 for fiscal year 2011; and  
(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) are authorized to remain available until expended; and

(2) shall supplement and not supplant any other amounts available for the purposes described in sections 10 and 11.

By Ms. MURKOWSKI:

S. 1430. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise today to introduce the School Accountability Improvements Act.

As you know, the 2001 reauthorization of the Elementary and Secondary Education Act, also known as the No Child Left Behind Act, or NCLB, made significant changes to Federal requirements for schools, school districts, and States. Many of these changes have been good, and were necessary.

Because of NCLB, there is more national attention being paid to ensuring that schools, districts, and States are held accountable for the achievement of students with disabilities, those who are economically disadvantaged, and minority students. In my own State of Alaska this has meant, for example, that our more urban school districts are paying more attention than ever to Alaska Native students' needs.

People across the nation are also more aware that a teacher's knowledge of the subject matter and his or her ability to teach that subject are the most important factors in ensuring a child's achievement in school.

Teachers, parents, administrators, and communities have more data than ever about the achievement of individual students, subgroups of students, and schools. With that data, changes are being made to school policies and procedures and more students are getting the help they need to succeed in schools.

While these are just a few of the positive effects of the No Child Left Behind Act, there have been problems. This is not surprising, as it is difficult to write one law that will work well for both New York City and Nuiqsut, AK.

My bill, the School Accountability Improvements Act is meant to address

6 issues that are of particular concern in Alaska and in other States around the nation.

First, my legislation would give flexibility to states regarding NCLB's "Highly Qualified Teacher" requirements. In very small, rural schools, it is common for one teacher to teach multiple core academic subjects in the middle and high school grades. NCLB requires that this teacher be "Highly Qualified" in each of those subjects.

While it is vital that teachers know the subjects they teach, it is also unreasonable to expect teachers in very tiny schools to meet the current requirements in every single subject. It is almost impossible for tiny, remote school districts to find and hire such teachers. Yet, students deserve to have teachers who know the subjects they teach.

My legislation would provide flexibility by allowing instruction to be provided by Highly Qualified teachers by distance delivery if they are assisted by teachers on site who are Highly Qualified in a different subject. This provision is offered as a compromise in those limited situations.

Second, my legislation would give credit to schools, rather than punish them, if students are improving but have not yet reached the State's proficiency goals by requiring the U.S. Department of Education to allow States to determine schools' success based on individual students' growth in proficiency. While it can be useful to teachers and administrators to know how one group of third graders compares to the next year's class, it is much more useful for educators, students, and parents to know how each child is progressing—is the child proficient, on track to be proficient, or falling behind? Many States now have the robust data systems that will allow them to track this information; NCLB should allow them to use the statistical model that will be most useful.

My bill also improves NCLB's requirements for school choice and tutoring. No Child Left Behind gave parents an opportunity to move their children out of dysfunctional schools. I support that. But the law requires school districts offer school choice, and to set aside funds to pay for transportation, in Year Two of Improvement Status. Schools do not have to tutor the students until the following year. This is backwards logic. Schools should be given the opportunity to help students learn first before transporting them all over town. I think most parents agree, and that is one reason why we are seeing fewer than 2 percent of parents choose to transfer their children to another school. My bill would require schools to offer tutoring first before providing school choice.

Mr. President, NCLB also requires schools to tutor and offer choice to students who are doing well at their neighborhood school. Schools should not be forced to set aside desperately needed funds to serve students who

don't need those services. My bill would require schools to provide tutoring and choice only to those students who are not proficient. In addition, it would allow school districts to provide tutoring to students even if the district is in Improvement Status. While school districts may need improvement overall, those same districts employ teachers who are fully capable of providing effective tutoring.

Many educators and parents also have concerns about NCLB's requirements for Corrective Action and Restructuring. These are very significant requirements that can include firing staff and closing schools that don't meet the law's AYP requirements. They are even more significant if the actions are not based on reliable information.

As you know, assessing whether a child is proficient on state standards in a reliable and valid way is difficult. It is even more difficult when the child has a disability or has limited English proficiency. Some question whether or not the tests we are giving these two groups of students are valid and reliable. Yet, NCLB requires districts and States to impose significant corrective actions or restructure a school completely if a school or district does not make AYP for any subgroup repeatedly. For truly dysfunctional schools and districts, that may be appropriate.

But, how do we justify taking over a school, firing its teachers, turning its governance over to another entity, or other drastic measures if the students are learning but have not yet met the State's proficiency benchmarks? We can not.

That is why my bill would not allow a school or school district to be restructured if the school missed AYP for one or both of those subgroups alone and the school can show through a growth model that the students in those two subgroups are on track to be proficient in a reasonable amount of time. Schools that are improving student learning should not be dismantled based on potentially invalid test results.

In Alaska, Hawaii, and several other States, Native Americans are working hard to keep their indigenous languages and cultures alive. Teachers will tell you, and research supports them, that Alaska Native, Native Hawaiian, and American Indian students learn better when their heritage is a respected and vibrant part of their education. This is true of any child, but particularly true for these groups of Americans.

Many schools around the country that serve these students have incorporated indigenous language programs into their curriculum. The problem is that in many instances, there is no valid and reliable way to assess whether or not the students have learned the state standards in that language. Neither is it valid to test what a student knows in a language they do not speak

well. Research also tells us that students who are learning in a full language immersion program do not test well initially, but by 7th grade they do as well or better on State tests and they can speak two languages.

My legislation would allow schools with Native American language programs in States where there is no assessment in that language to calculate Adequate Yearly Progress for third graders by participation rate only. It would then allow the school to make AYP if those students are proficient or on track to be proficient in grades 4 through 7.

Finally, I know as a parent how important it is to my boys that their father and I have always been involved in their education. NCLB recognizes, in many ways, how important parents are in a child's education, but improvements can still be made. My bill would amend Title II of NCLB—which authorizes subgrants for preparing, training, and recruiting teachers and principals—to allow, but not mandate, more parental involvement in our schools. This section of my bill would allow parent-teacher associations and organizations to be members of federally funded partnerships formed to improve low-performing schools and to provide training to teachers and principals to improve parental engagement and school-parent communication.

I can tell you that as wonderful as our Nation's teachers are, very few of them graduate from college having had a course in how to effectively communicate with parents. Teachers are very busy people, and when a parent shows up at the classroom door and says, "Hi, I'm here to help" teachers often do not know how to react. Many teachers have difficulty communicating with parents who may be working two jobs, or who have a different cultural background or language. In my view, parents should be a part of improving their children's schools, and have insights into how communication between school and home can be improved.

I know that these 6 issues are not the only issues that my colleagues, Alaskans, and Americans may have with the No Child Left Behind Act. I have been talking with Alaskans about NCLB since I came to the Senate, and I look forward to working hard on the reauthorization of the law this year.

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. 1430

*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 "School Accountability Improvements Act".

#### SEC. 2. HIGHLY QUALIFIED TEACHERS IN SMALL, RURAL, OR REMOTE SCHOOLS.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that local educational agencies have flexibility in the ways in which the local educational agencies may provide instruction in core academic subjects;

(2) to provide relief to teachers who are assigned to teach more than two core academic subjects in small, rural, or remote schools; and

(3) to provide assurances to students that their instructors will have appropriate knowledge of the core academic subjects the instructors teach.

(b) HIGHLY QUALIFIED TEACHERS OF MULTIPLE CORE ACADEMIC SUBJECTS IN SMALL SCHOOLS.—Section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)) is amended by adding at the end the following:

"(4) SPECIAL RULE FOR SMALL, RURAL, OR REMOTE SCHOOLS.—In the case of a local educational agency that is unable to provide a highly qualified teacher to serve as an on-site classroom teacher for a core academic subject in a small, rural, or remote school, the local educational agency may meet the requirements of this section by using distance learning to provide such instruction by a teacher who is highly qualified in the core academic subject, as long as—

"(A) the teacher who is highly qualified in the core academic subject—

"(i) is responsible for providing at least 50 percent of the direct instruction in the core academic subject through distance learning;

"(ii) is responsible for monitoring student progress; and

"(iii) is the teacher who assigns the students their grades; and

"(B) an on-site teacher who is highly qualified in a subject other than the core academic subject taught through distance learning is present in the classroom throughout the period of distance learning and provides supporting instruction and assistance to the students."

(c) SMALL, RURAL, OR REMOTE SCHOOLS.—Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by redesignating paragraphs (41) through (43) as paragraphs (42) through (44), respectively;

(2) in the undesignated paragraph following paragraph (39), by striking "STATE.—The" and inserting the following

"(41) STATE.—The"; and

(3) by inserting after paragraph (39) the following:

"(40) SMALL, RURAL, OR REMOTE SCHOOL.—The term 'small, rural, or remote school' means a school that—

"(A)(i) is served by a local educational agency that meets the eligibility requirements of section 6211(b) or 6221(b)(1)(B);

"(ii) has an average daily student membership of fewer than 500 students for grades kindergarten through grade 12, inclusive, for the full school year preceding the school year for which the determination is being made under this paragraph; or

"(iii) has an average daily membership of fewer than 100 students in grades 7 through 12, inclusive, for such preceding full school year; and

"(B) has been unable, despite reasonable efforts to do so, to recruit, hire, or retain a sufficient number of teachers who are highly qualified in the core academic subjects for the school year for which the determination is being made under this paragraph."

#### SEC. 3. GROWTH MODELS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended by adding at the end the following:

"(L) GROWTH MODELS.—

"(i) IN GENERAL.—In the case of a State that desires to satisfy the requirements of a

single, statewide State accountability system under subparagraph (A) through the use of a growth model, the Secretary shall approve such State's use of the growth model if—

"(I) the State plan ensures that 100 percent of students in each group described in subparagraph (C)(v)—

"(aa) meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3) by the 2013–2014 school year; or

"(bb) are making sufficient progress to enable each student to meet or exceed the State's proficient level on such assessments for the student's corresponding grade level not later than the student's final year in secondary school;

"(II) the State plan complies with all of the requirements of this paragraph, except as provided in clause (i);

"(III) the growth model is based on a fully approved assessment system;

"(IV) the growth model calculates growth in student proficiency for the purposes of determining adequate yearly progress either by individual students or by cohorts of students, and may use methodologies, such as confidence intervals and the State-approved minimum designations, that will yield statistically reliable data;

"(V) the growth model includes all students; and

"(VI) the State has the capacity to track and manage the data for the growth model efficiently and effectively.

"(ii) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of any provision that requires the calculation of a number or percentage of students who meet or exceed the proficient level of academic achievement on a State assessment under paragraph (3), a State using a growth model approved under clause (i) shall calculate such number or percentage by counting—

"(I) the students who meet or exceed the proficient level of academic achievement on the State assessment; and

"(II) the students who, as demonstrated through the growth model, are making sufficient progress to enable each student to meet or exceed the proficient level on the State assessment for the student's corresponding grade level not later than the student's final year in secondary school."

#### SEC. 4. SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.

(a) SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.—Section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (E) and inserting the following:

"(E) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, make supplemental educational services available consistent with subsection (e)."; and

(B) by striking subparagraph (F);

(2) by striking paragraph (5) and inserting the following:

"(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—

"(A) IN GENERAL.—In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State's plan under section 1111(b)(2), not later than the first day of the second school year following identification under paragraph (1), the local educational agency serving such school shall—

"(i) provide students in grades 3 through 12 who are enrolled in the school and who did not meet or exceed the proficient level on

the most recent State assessment in mathematics or in reading or language arts with the option to transfer to another public school served by the local educational agency in accordance with subparagraph (B);

“(ii) continue to make supplemental educational services available consistent with subsection (e)(1); and

“(iii) continue to provide technical assistance.

“(B) PUBLIC SCHOOL CHOICE.—In carrying out subparagraph (A)(i) with respect to a school, the local educational agency serving such school shall, not later than the first day of the school year following such identification, provide all students described in subparagraph (A)(i) with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

“(C) TRANSFER.—Students who use the option to transfer under subparagraph (A)(i), paragraph (7)(C)(i) or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.”;

(3) in paragraph (7)(C)(i), by striking “all”; and

(4) in paragraph (8)(A)(i), by striking “all”.

(b) SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.—Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) by redesignating paragraph (12) as paragraph (13);

(2) by inserting after paragraph (11) the following:

“(12) RULE REGARDING PROVIDERS.—Notwithstanding paragraph (13)(B), a local educational agency identified under subsection (c) that is required to arrange for the provision of supplemental educational services under this subsection may serve as a provider of such services in accordance with this subsection.”; and

(3) in paragraph (13)(A) (as redesignated by paragraph (1)), by inserting “, who is in any of grades 3 through 12 and who did not meet or exceed the proficient level on the most recent State assessment in mathematics or in reading or language arts” before the semicolon.

**SEC. 5. CALCULATING ADEQUATE YEARLY PROGRESS FOR STUDENTS WITH DISABILITIES AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY.**

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by section 4) (20 U.S.C. 6316) is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

“(h) PARTIAL SATISFACTION OF AYP.—

“(1) SCHOOLS.—Notwithstanding this section or any other provision of law, in the case of a school that failed to make adequate yearly progress under section 1111(b)(2) solely because the school did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

“(A) if such school is identified for school improvement under subsection (b)(1), such school shall only be required to develop or revise and implement a school plan under subsection (b)(3) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

“(B) if such school is identified for corrective action or restructuring under paragraph

(7) or (8) of subsection (b), respectively, the local educational agency serving such school shall not be required to implement subsection (b)(7)(C)(iv) or subsection (b)(8)(B), respectively, if the local educational agency demonstrates to the State educational agency that the school would have made adequate yearly progress for each assessment and for each such subgroup for the most recent school year if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

“(i) the students who met or exceeded such proficient level; and

“(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student’s corresponding grade level not later than the student’s final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).

“(2) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding this section or any other provision of law, in the case of a local educational agency that failed to make adequately yearly progress under subsection (c)(1) solely because the local educational agency did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

“(A) if the local educational agency is identified for improvement under subsection (c)(3), the local educational agency shall only be required to develop or revise and implement a local educational agency plan under subsection (c)(7) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

“(B) if the local educational agency is identified for corrective action under subsection (c)(10), the State educational agency shall not be required to implement such subsection if the State educational agency demonstrates to the Secretary that the local educational agency would have made adequate yearly progress for each assessment and for each such subgroup if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

“(i) the students who meet or exceed such proficient level; and

“(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student’s corresponding grade level not later than the student’s final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).”.

**SEC. 6. NATIVE AMERICAN LANGUAGE PROGRAMS.**

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (as amended by section 3) (20 U.S.C. 6311(b)(2)) is further amended by adding at the end the following:

“(M) NATIVE AMERICAN LANGUAGE PROGRAMS.—Notwithstanding subparagraph (I) or any other provision of law—

“(i) a school serving students who receive not less than a half day of daily Native language instruction in an American Indian language, an Alaska Native language, or Hawaiian in at least grades kindergarten through grade 2 for a school year that does not have State assessments under paragraph (3) available in the Native American language taught at the school as provided for in paragraph (3)(C)(ix)(III)—

“(I) shall assess students in grade 3 as required under paragraph (3), and such students shall be included in determining if the school met the participation requirements for all groups of students as required under subparagraph (I)(ii) for such school year; and

“(II) shall not include such assessment results for students in grade 3 in determining if the school met or exceeded the annual measurable objectives for all groups of students as required under subparagraph (I)(i) for such school year; and

“(ii) in the case of a school serving students in any of grades 4 through 8 who received such Native American language instruction, such school shall count for purposes of calculating the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment—

“(I) the students who met or exceeded such proficient level; and

“(II) the students who are making sufficient progress to enable each such student to meet or exceed such proficient level on the assessment for the student’s corresponding grade level by the time the student enters grade 7, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of subparagraph (L)(i).”.

**SEC. 7. IMPROVING EFFECTIVE PARENTAL INVOLVEMENT.**

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) in section 2131(1)(B) (20 U.S.C. 6631(1)(B)), by inserting “one or more parent teacher associations or organizations,” after “another local educational agency.”; and

(2) in section 2134 (20 U.S.C. 6634)—

(A) in subsection (a)(2)(C), by inserting “one or more parent teacher associations or organizations,” after “such local educational agencies.”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) OPTIONAL USE OF FUNDS.—An eligible partnership that receives a subgrant under this section may use subgrant funds remaining after carrying out all of the activities described in subsection (a) for—

“(1) developing parental engagement strategies, with accountability goals, as a key part of the ongoing school improvement plan under section 1116(b)(3)(A) for a school identified for improvement under section 1116(b)(1); or

“(2) providing training to teachers, principals, and parents in skills that will enhance effective communication, which training shall—

“(A) include the research-based standards and methodologies of effective parent or family involvement programs; and

“(B) to the greatest extent possible, involve the members of the local and State parent teacher association or organization in such training activities and in the implementation of school improvement plans under section 1116(b)(3)(A).”.

**SEC. 8. CONFORMING AMENDMENTS.**

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by sections 4 and 5) (20 U.S.C. 6316) is further amended—

(1) in subsection (b)—

(A) in paragraph (6)(F), by striking “(1)(E).”;

(B) in paragraph (7)(C)(i), by striking “paragraph (1)(E) and (F)” and inserting “subparagraphs (B) and (C) of paragraph (5)”;

(C) in paragraph (8)(A)(i), by striking “paragraph (1)(E) and (F)” and inserting “subparagraphs (B) and (C) of paragraph (5)”;

(D) in paragraph (9)—

(i) by striking “paragraph (1)(E)” and inserting “paragraph (5)(B)”;

(ii) by striking “(1)(A), (5),” and inserting “(5)(A),”; and

(E) in paragraph (11), by striking “(1)(E),”;

(2) in subsection (c)(10)(C)(vii), by striking “subsections (b)(1)(E) and (F),” and inserting “subparagraphs (B) and (C) of subsection (b)(5)”;

(3) in subsection (e)(1), by inserting “(1),” after “described in paragraph”;

(4) in subsection (f)(1)(A)(ii), by inserting “(A)” after “(b)(5)”;

(5) in subsection (g)(3)(A), by striking “subsection (b)(1)(E)” and inserting “subsection (b)(5)(B)”.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1448. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1449. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1450. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1451. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1452. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1453. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1454. Mr. SANDERS (for himself, Mr. LEAHY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1455. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1456. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1457. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1458. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1459. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1460. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1461. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1462. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 1461 submitted by Ms. MURKOWSKI and intended to be proposed to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1463. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1464. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1465. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1466. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1467. Mr. VITTER proposed an amendment to amendment SA 1458 submitted by Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1468. Mrs. MURRAY proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

#### TEXT OF AMENDMENTS

SA 1448. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ . DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.

(a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—

(1) SHORT TITLE.—This subsection may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term “covered record” means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after Sep-

tember 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification submitted under subparagraph (A) and a renewal of a certification submitted under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary’s certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the “OPEN FOIA Act of 2009”.

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

SA 1449. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, using

funds made available under the heading "U.S. CUSTOMS AND BORDER PROTECTION" and under the subheading "SALARIES AND EXPENSES", implement a demonstration program that is consistent with the technology acquisition and dissemination plan submitted under section 7201(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3810) to test the feasibility of using existing automated document authentication technology at select immigration benefit offices and ports of entry to determine the effectiveness of such technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) If the demonstration program described in subsection (a) is carried out by a contractor, the Secretary of Homeland Security shall select such contractor on a competitive basis.

(c) Not later than 90 days after the date on which the demonstration program described in subsection (a) is completed, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) a report on the results of the demonstration program.

**SA 1450.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ LOCAL DISASTER CONTRACTING FAIRNESS.**

(a) **SHORT TITLE.**—This section may be cited as the "Local Disaster Contracting Fairness Act of 2009".

(b) **DEFINITIONS.**—In this section:

(1) The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term "local subcontractor" means, with respect to a contract, a subcontractor who has a principal place of business or regularly conducts operations in the area in which work is to be performed under the contract by the subcontractor.

(3) The term "natural disaster reconstruction efforts" means reconstruction efforts undertaken in an area subject to a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) **FEDERAL CONTRACTING REQUIREMENTS.**—

(1) **IN GENERAL.**—The head of an executive agency may not enter into an agreement for debris removal or demolition services in connection with natural disaster reconstruction efforts unless the agreement specifies that—

(A) all of the work under the contract will be performed by the prime contractor or 1 or more subcontractors at 1 tier under the contract;

(B) any work performed under the contract by subcontractors will be performed by local subcontractors, except to the extent that local subcontractors are not available to perform such work;

(C) the prime contractor will act as the project manager or construction manager for the contract; and

(D) the prime contractor—

(i) has primary responsibility for managing all work under the contract; and

(ii) is to be paid a certain percentage of the overall value of the contract as sole com-

ensation for assuming the risk associated with such responsibility.

(2) **PREFERENCE FOR SUBCONTRACTORS AFFECTED BY NATURAL DISASTERS.**—In entering into an agreement for debris removal or demolition services in connection with natural disaster reconstruction efforts, the head of an executive agency shall give a preference in the source selection process to each offeror who certifies that any work that is to be performed under the contract by subcontractors will be performed by local subcontractors.

(d) **APPLICABILITY.**—The requirements under subsection (c) shall apply to agreements entered into on or after the date of the enactment of this Act.

**SA 1451.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NATURAL DISASTER FAIRNESS IN CONTRACTING.**

(a) **SHORT TITLE.**—This section may be cited as the "Natural Disaster Fairness in Contracting Act of 2009".

(b) **DEFINITIONS.**—In this section:

(1) **EXECUTIVE AGENCY.**—The term "executive agency" has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) **FULL AND OPEN COMPETITIVE PROCEDURES.**—The term "full and open competitive procedures" has the meaning given the term "full and open competition" in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(3) **NATURAL DISASTER RECONSTRUCTION EFFORTS.**—The term "natural disaster reconstruction efforts" means reconstruction efforts undertaken in an area subject to a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) **COMPETITION REQUIREMENTS.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), the head of an executive agency, in entering into a contract to procure property or services in connection with natural disaster reconstruction efforts, shall comply with the requirements under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(2) **EXCEPTIONS.**—The exceptions to the requirement for competitive procedures provided under paragraphs (3), (4), and (7) of section 303(c) of such Act shall not apply to a contract described in paragraph (1).

(d) **WRITTEN APPROVAL FOR USE OF NON-COMPETITIVE PROCEDURES REQUIRED FOR CERTAIN CONTRACTS.**—

(1) **APPROVAL REQUIRED.**—The head of an executive agency may enter into a contract to procure property or services in connection with natural disaster reconstruction efforts using other than full and open competition only upon the written approval of the President or the President's designee.

(2) **CONGRESSIONAL NOTIFICATION REQUIRED.**—

(A) **IN GENERAL.**—If procedures other than full and open competitive procedures are to be used to enter into a contract described in paragraph (1), the head of the executive agency negotiating such contract shall notify the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the stand-

ing committees of the Senate and the House of Representatives that have jurisdiction over the executive agency not later than 7 calendar days before the award of the contract.

(B) **JUSTIFICATION.**—The notification under subparagraph (A) shall include—

(i) the justification for the use of other than full and open competitive procedures;

(ii) a brief description of the contract's scope;

(iii) the amount of the contract;

(iv) a discussion of how the contracting agency identified and solicited offers from contractors;

(v) a list of the contractors solicited; and

(vi) the justification and approval documents, required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)), upon which the determination of use of procedures other than full and open competitive procedures was based.

(3) **SCOPE OF REQUIREMENTS.**—

(A) **SIZE OF CONTRACTS.**—This subsection shall not apply to contracts of less than \$5,000,000.

(B) **APPLICABILITY.**—This subsection shall apply to any extension, amendment, or modification of a contract for the procurement of property or services in connection with natural disaster reconstruction efforts entered into before the date of the enactment of this Act using other than full and open competitive procedures.

(C) **SMALL BUSINESS EXCEPTION.**—This subsection shall not apply to contracts authorized under the Small Business Act (15 U.S.C. 631 et seq.).

(e) **DISCLOSURE REQUIRED.**—

(1) **PUBLICATION AND PUBLIC AVAILABILITY.**—

(A) **IN GENERAL.**—The head of an executive agency that enters into a contract for the procurement of property or services in connection with natural disaster reconstruction efforts through the use of other than full and open competitive procedures shall publish in the Federal Register or Federal Business Opportunities, and otherwise make available to the public not later than 7 calendar days before the date on which the contract is finalized—

(i) the amount of the contract;

(ii) a brief description of the scope of the contract;

(iii) an explanation of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, and a list of the potential contractors that were issued solicitations for the offers; and

(iv) the justification and approval documents, required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)), on which was based the determination to use procedures other than competitive procedures.

(B) **SCOPE OF REQUIREMENTS.**—

(i) **SIZE OF CONTRACTS.**—This subsection shall not apply to contracts of less than \$5,000,000.

(ii) **APPLICABILITY.**—This subsection shall apply to any extension, amendment, or modification of a contract entered into before the date of the enactment of this Act using other than full and open competitive procedures.

(iii) **SMALL BUSINESS EXCEPTION.**—This subsection shall not apply to contracts authorized under the Small Business Act (15 U.S.C. 631 et seq.).

(2) **RELATIONSHIP TO OTHER DISCLOSURE LAWS.**—Nothing in this subsection may be construed as affecting obligations to disclose United States Government information under any other provision of law.

(f) CONTRACTS ENTERED INTO UNDER UNUSUAL AND COMPELLING URGENCY EXCEPTION.—

(1) REQUIREMENT FOR PERFORMANCE WITHIN 6-MONTH PERIOD.—The head of an executive agency may not rely on the exception under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) to enter into a contract to procure property or services in connection with natural disaster reconstruction efforts using procedures other than competitive procedures unless the contract will be performed within a 6-month period.

(2) EXTENDED NOTIFICATION AND DISCLOSURE DEADLINES.—The notification and disclosure deadlines under subsections (d)(2) and (e)(1)(A), respectively, shall be 7 calendar days after the date on which a contract described in paragraph (1) is finalized.

**SA 1452.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to prohibit the use of a passport card issued to a national of the United States to serve as proof of identity and citizenship for the purpose of international travel by such national through all air ports of entry between the United States and Canada.

**SA 1453.** Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, before the “.” insert:

*Provided*, That none of the funds made available for financial systems consolidation shall be obligated until the Secretary satisfies the recommendations of the Government Accountability Office (GAO-07-536) and the Office of Inspector General (OIG-08-47), including an independent cost benefit analysis and comprehensive review of alternatives

**SA 1454.** Mr. SANDERS (for himself, Mr. LEAHY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the entities specified in subsection (c), submit to Congress a report on improving cross-border inspection processes in an effort to reduce the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an evaluation of potential cross-border inspection processes and methods that comply with Department of Homeland Security requirements that would—

(A) reduce the time to travel on routes between locations in the United States and locations in Ontario and Quebec by intercity passenger rail; and

(B) increase the frequency of on-time arrivals by intercity passenger trains traveling on those routes;

(2) an assessment of the extent to which improving or expanding infrastructure and increasing staffing could increase the efficiency with which intercity rail passengers are screened at border crossings without decreasing security;

(3) an updated evaluation of the potential for pre-clearance by the Department of Homeland Security of intercity rail passengers at locations along routes between locations in the United States and locations in Ontario and Quebec, including through the joint use of inspection facilities with the Canada Border Services Agency, based on the report required by section 1523 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 121 Stat. 450);

(4) an estimate of the timeline for implementing the methods for reducing the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail based on the evaluations and assessments described in paragraphs (1), (2), and (3); and

(5) a description of how such evaluations and assessments would apply with respect to—

(A) all existing intercity passenger rail routes between locations in the United States and locations in Ontario and Quebec, including designated high-speed rail corridors;

(B) any intercity passenger rail routes between such locations that have been used over the past 20 years and on which cross-border passenger rail service does not exist as of the date of the enactment of this Act; and

(C) any potential future rail routes between such locations.

(c) ENTITIES SPECIFIED.—The entities to be consulted in the development of the report required by subsection (a) are—

(1) the Government of Canada, including the Canada Border Services Agency and Transport Canada and other agencies of the Government of Canada with responsibility for providing border services;

(2) the Provinces of Ontario and Quebec;

(3) the States of Maine, Massachusetts, New Hampshire, New York, and Vermont;

(4) the National Railroad Passenger Corporation; and

(5) the Federal Railroad Administration.

**SA 1455.** Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Administrative Office of the United States

Courts, shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security, the Department of Justice, and the Judiciary, to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

**SA 1456.** Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.

(a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—

(1) SHORT TITLE.—This subsection may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term “covered record” means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall issue a certification, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger —

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification under subparagraph (A) and a renewal of a certification under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is made.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.



(D) NOTICE TO CONGRESS.—A timely notice of the Secretary's certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the "OPEN FOIA Act of 2009".

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

"(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

"(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph."

**SA 1457.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, insert "Provided, That of the total amount made available under this heading, \$5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report # OIG-09-72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010" before the period.

**SA 1458.** Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. \_\_\_\_ (a) The amount appropriated under the heading "firefighter assistance grants" under the heading "Federal Emergency Management Agency" under by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 is increased by \$10,000,000 for necessary expenses to carry out the programs authorized under section 33 of that Act (15 U.S.C. 2229).

(b) The total amount of appropriations under the heading "Aviation Security" under the heading "Transportation Security Administration" under title II, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading, and the amount for the purchase and installation of explosives detection systems under the second proviso under that heading are reduced by \$4,500,000.

(c) From the unobligated balances of amounts appropriated before the date of enactment of this Act for the appropriations account under the heading "state and local programs" under the heading "Federal Emergency Management Agency" for "Trucking Industry Security Grants", \$5,500,000 are rescinded.

**SA 1459.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 5 \_\_\_\_ None of the funds made available under this Act may be obligated for the construction of the National Bio and Agro-defense Facility on the United States mainland until 90 days after the later of—

(1) the date on which the Secretary of Homeland Security completes a site-specific bio-safety and bio-security mitigation assessment to determine the requirements necessary to ensure safe operation of the National Bio and Agro-defense Facility at the preferred site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 111;

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110-246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

**SA 1460.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. EMERGENCY SHELTERS.**

(a) RESCISSION.—Of amounts made available before the date of enactment of this Act from the appropriations account under the heading "DISASTER RELIEF" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" to the State of Louisiana pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, \$150,000,000 are rescinded.

(b) APPROPRIATION.—There is appropriated for the fiscal year ending September 30, 2009, out of any money in the Treasury not otherwise appropriated, \$150,000,000, to remain available until expended, for the appropriations account under the heading "STATE AND LOCAL PROGRAMS" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" for a grant to the State of Louisiana for the construction of emergency shelters or modification of facilities to serve as emergency shelters. For purposes of Senate enforcement, the amount made available under this subsection 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.

**SA 1461.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. CERTAIN DISASTER RELIEF.**

Notwithstanding section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency shall reimburse the Cordova Electric Cooperative, Incorporated, for not less than 75 percent of the cost of the reconstruction of the Humpback Creek Hydroelectric Project in Cordova, Alaska, pursuant to major disaster declaration FEMA-1669-DR (71 Fed. Reg. 75969), in accordance with the proposed reconstruction concept as described in Federal Energy Regulatory Commission, Cordova Electric Cooperative, Incorporated, Project No. 8889-046, Order Amending License, Approving Revised Exhibits And Revising Project Boundary (issued March 31, 2009, as corrected April 3, 2009).

**SA 1462.** Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 1461 submitted by Ms. MURKOWSKI and intended to be proposed to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following: "Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall reimburse the Bay St. Louis-Waveland School District under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for 100 percent of the costs to replace all buildings located on the campus of Second Street Elementary, Bay St. Louis, Mississippi damaged by Hurricane Katrina of 2005."

**SA 1463.** Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill

H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17 insert the following:

**SEC. 556. FEDERAL DEPOSIT INSURANCE ACT TECHNICAL CORRECTION.**

(a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “(or in the case of a governmental entity located in such State, paid)” after “received, or reserved”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking “nondepository institution operating in such State” and inserting “governmental entity located in such State and any person that is not a depository institution described in subparagraph (A) doing business in such State”;

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding “and” at the end;

(II) in item (bb), by striking “, to facilitate” and all that follows through “2009”; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

“(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;”;

(D) by inserting after clause (i) the following:

“(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and”.

(b) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

**SA 1464.** Mr. GREGG submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROPER DISPOSAL OF PERSONAL INFORMATION COLLECTED THROUGH THE REGISTERED TRAVELER PROGRAM.**

(a) IN GENERAL.—Any company that collects or retains personal information from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled “Risk Management Guide for Information Technology Systems”; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations;”;

(3) any supplemental standards established by the Assistant Secretary, Transportation

Security Administration (referred to in this section as the “Assistant Secretary”).

(b) CERTIFICATION.—The Assistant Secretary shall—

(1) review the procedures used to safeguard and dispose of such information; and

(2) require any company described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring aircraft operator or airport operator that such procedures are consistent with the minimum standards established under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by the Assistant Secretary.

**SA 1465.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

**SEC. 556. ADMINISTRATIVE LAW JUDGES.**

The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary re-employment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

**SA 1466.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 39, line 9, after “spending:” insert the following: “Provided further, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that includes (1) a plan for the acquisition of alternative temporary housing units, and (2) procedures for expanding repair of existing multi-family rental housing units authorized under section 6891(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 776(a)), semi-permanent, or permanent housing options.”.

**SA 1467.** Mr. VITTER proposed an amendment to amendment SA 1458 submitted by Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) to the amendment SA 1373 proposed by Mr.

REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end add the following:

SEC. \_\_\_\_ . None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

**SA 1468.** Mrs. MURRAY proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place insert the following:

None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

**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 hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, July 22, 2009, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 635, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System;

S. 715, to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses;

S. 742, to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes;

S. 1270, to modify the boundary of the Oregon Caves National Monument, and for other purposes;

S.1418 and H.R. 2330, to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; and

H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [anna\\_fox@energy.senate.gov](mailto:anna_fox@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Anna Fox at (202) 224-1219.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 10 a.m. to conduct a hearing entitled "Healthcare Reform:

The Concerns and Priorities from the Perspective of Small Businesses."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTES TO SENATOR COLEMAN

Mrs. MURRAY. Mr. President, I ask unanimous consent that the tributes to Senator Coleman in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion until Friday, August 7, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR FRIDAY, JULY 10, 2009

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Friday, July 10; 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 then be 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.

#### PROGRAM

Mrs. MURRAY. As the majority leader announced earlier tonight, there will be no rollcall votes tomorrow. The next vote is expected to occur around 5:30 p.m. on Monday.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. MURRAY. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 10:08 p.m., adjourned until Friday, July 10, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF TRANSPORTATION

CHRISTOPHER P. BERTRAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE PHYLLIS F. SCHEINBERG, RESIGNED.

##### DEPARTMENT OF STATE

PHILIP D. MURPHY, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

FRANCIS S. COLLINS, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, VICE ELIAS ADAM ZERHOUNI.

SHERRY GLIED, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE BENJAMIN ERIC SASSE, RESIGNED.

##### NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, VICE DENNIS P. WALSH.

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014. (REAPPOINTMENT)

BRIAN HAYES, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2012, VICE ROBERT J. BATTISTA, TERM EXPIRED.

MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2013, VICE PETER N. KIRSANOW.

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES A. LEACH, OF IOWA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS, VICE BRUCE COLE.

ROLENA KLAHN ADORNO, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE ELIZABETH FOX-GENOVESE, TERM EXPIRED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. DANIEL L. YORK

#### DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/09 and the nomination was placed on the Executive Calendar:

\*GORDON S. HEDDELL, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

## EXTENSIONS OF REMARKS

IN HONOR OF THE 95TH BIRTHDAY  
OF FRANK WEINMAN

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to a great American, Frank Weinman, on the occasion of his 95th birthday.

Born in 1914 in Vienna, Austria, Frank has overcome great hardships and adversity on life's path, escaping the terror of Hitler's Europe to settle with his family in the United States.

Working in his father's paint factory in Bratislava, Czechoslovakia, Frank fell in love with his future wife, Teri, a Hungarian citizen. When the Germans occupied Austria, Frank was left stateless, because, as a Jew, he could not return to Vienna, and was forced to flee to Prague. In Prague, Frank assisted Jews immigrating illegally to Palestine, undoubtedly saving many lives.

On the run from the Nazis, Frank and Teri were secretly married on October 25, 1939 in Prague. Separated often over the next 18 months, Frank received word that his brother Charles, who had emigrated to America, had procured visas for them, and Frank made a daring journey by foot over mountainous terrain to Hungary, where Teri was staying with her family. While waiting for exit visas in Kosice, Hungary, Frank and Teri were arrested and sent to Hungarian concentration camps, before being released due to their American visas.

Forced to leave behind family, Frank and Teri made a harrowing journey across Austria and Germany to Spain, where they found passage across the Atlantic on a small Spanish ship. They arrived to the New World, free from the fear and oppression they had narrowly escaped, on October 12, 1941, Columbus Day.

Frank and Teri lived together until Teri's passing in 1975, having raised a family of two daughters in Illinois. Frank married Frances Alt in 1977, and they moved to the Great State of California in 1988.

Though Frances has since passed away, Frank Weinman celebrates his 95th birthday in Walnut Creek, California today with daughters Francie and Linda, and their husbands, Stuart and Alex, along with four loving grandchildren.

He is also blessed to have a devoted stepdaughter, Judy, and her husband Maynard, and stepson George and his wife Maureen. Thanks to them, Frank has three more adoring grandchildren and six great-grandchildren.

Frank's story is an inspiration to us all, and we are reminded of the importance of family, perseverance, and faith. I encourage all Members of Congress to join me in wishing Frank a happy birthday, and may he celebrate many more.

ENHANCING SMALL BUSINESS RE-  
SEARCH AND INNOVATION ACT  
OF 2009

SPEECH OF

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes:

Mr. KUCINICH. Mr. Chair, I rise today in opposition to H.R. 2965, the Enhancing Small Business Research and Innovation Act. This legislation undermines the very reason for the creation of the Small Business Innovation Research (SBIR) program and squanders the opportunity to provide vital resources to our country's small business community.

The Small Business Innovation Research program was created by Congress with the recognition that small businesses could not compete with their larger corporate competitors in the federal grantmaking process. This grant program provides small, innovative businesses across the nation with the necessary resources to significantly contribute to the federal government's research and development efforts. With the enactment of the SBIR program, Congress made clear its commitment to support the ingenuity and entrepreneurial spirit of small businesses.

Section 102 of H.R. 2965 would alter the ownership rule provision by providing venture capital firms and venture capital subsidiaries of large corporations the space to increase their ownership in small businesses applying for SBIR grants. Relaxing the venture capital standards for SBIR and STTR grant eligibility undermines the ability of the SBIR program to ensure that small business can address the disproportionate competitive advantages that large business have.

In a time of economic crisis, maintaining the integrity of the SBIR program could not be of more importance. We must recognize the significant contributions that small business makes to our economy and preserve the programs that drive their success.

### PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Ms. WOOLSEY. Madam Speaker, on July 8, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 495–496.

Had I been present I would have voted: rollcall No. 495—“yes”—Supporting National Men's Health Week; rollcall No. 496—“no”—On Motion to Adjourn.

### EARMARK DECLARATION

**HON. C.W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding a project that was included at my request in Fiscal Year 2010 Military Construction—Veterans Affairs Appropriations Bill (H.R. 3082).

#### CONSOLIDATE COMMUNICATIONS FACILITY

Account: Military Construction, U.S. Air Force

Legal name and address of requesting entity: MacDill Air Force Base, Tampa, Florida.

Description of request: \$21,000,000 for a Consolidated Communication Facility (Project Number NVZR033702). MacDill Air Force Base, Tampa, Florida does not have an adequate Consolidated Communication Facility for the Joint Components of USSOCOM and USCENCOM forces. This Consolidated Communication Facility would provide for all communication circuits (both digital and analog) entering and exiting MacDill AFB. The Department of Defense Unified Facilities Criteria Anti-Terrorism and Force Protection guidance requires that essential communication equipment be located in a secure environment. Base Network Control Center functions currently located in Bldg 260 will be relocated to the new secure facility.

### EARMARK DECLARATION

**HON. ROB BISHOP**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following earmark disclosure information regarding project funding I had requested and which was included within the legislation H.R. 3082, as reported. To the best of my knowledge, funding for this project: (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds. I further certify that neither my spouse, nor I, have any personal financial interests in this request.

Project Title: PCC Apron NW End Taxiway A

Amount: \$5.1 million  
Requesting Member: ROB BISHOP (UT)  
Bill Number: H.R. 3082  
Account: Air Force Military Construction  
Address of Requesting Entity: Hill Air Force Base, Utah

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Location: 75th Air Base Wing, 7285 4th Street, Hill AFB, UT 84056.

Matching Funds: Not Applicable

Detailed Spending Plan: Not Applicable.

Description and Justification: Project funding is needed to construct additional taxiway space for the flight preparation of fighter aircraft using the Utah Test and Training Range, to increase flight efficiency and safety by accommodating additional aircraft at the same time on the ramp which will also reduce jet fuel costs.

CONGRATULATING GEORGE GASCON ON BEING SELECTED AS SAN FRANCISCO'S NEW CHIEF OF POLICE

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate George Gascon, who will soon take over as the Chief of Police in San Francisco after three years of extraordinary service as the City of Mesa's Police Chief. The city of Mesa has seen tremendous growth and innovation in its public safety programs under Chief Gascon, and he has earned him the respect and admiration of that community during his tenure.

Chief Gascon's distinguished service began long before he joined the Mesa Police Department. He honorably served for nearly 29 years in the Los Angeles Police Department, overseeing police operations and working as the Assistant Police Chief for the department.

After taking over the Department in Mesa, Chief Gascon was instrumental in reducing the city's crime rate and fostering a culture of respect for diversity within the department. He was also involved in the implementation of a new police accountability and training program, COMPSTAT, which has raised the standard of excellence for the department's management accountability system.

The fortunate citizens of San Francisco will learn that Chief Gascon is just as dedicated to the community in his private life as he is while wearing a badge. He has volunteered his time and talents to the MARC Center of Mesa, the East Valley Crime and Gang Information Fusion Center, the M.E.S.A. Program, among many others.

I would like to wish Chief Gascon all the best as he embarks on a new chapter in his life. I am confident that the city of San Francisco will come to see the same benefits from his knowledge, leadership and dedication to the community that Mesa has experienced.

### EARMARK DECLARATION

### HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service/CSREES

Legal Name of Requesting Entity: The Ohio State University, College of Food, Agriculture, and Environmental Studies

Address of Requesting Entity: 100 N. Agricultural Administration Building, 2120 Fyfe Road, Columbus, OH 43210

Description of Request: Provide an earmark of \$105,000 for the Center for Farmland Policy Innovation in carrying out its work with local communities to develop locally-driven farmland protection policy demonstrations. This project will continue to develop policies and initiatives throughout the State of Ohio, including the valuable nursery and farmland areas in Lake, Geauga and Ashtabula counties.

### EARMARK DECLARATION

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON.

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010.

Account: Military Construction, Air National Guard.

Legal Name of Requesting Entity: South Carolina Air National Guard, McEntire JNGB.

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044.

Description of Request: I have secured \$1,300,000 for the Joint Use Headquarters Building at McEntire Joint National Guard Base. This is the SC Air National Guard portion of the construction money for the SCNG Joint Use Headquarters Building currently funded as part of the fiscal year 2010 FYDP. Number One on the Chief of the National Guard Bureau's "Essential 10" capabilities list, the Joint Forces Headquarters is the most critical transformation the National Guard has undergone since 2001. What used to be the State Area Command (STARCOM) and Air Guard State Headquarters, administrative organizations for peacetime control of units, has developed into a sophisticated headquarters and communications node capable of assuming command and control of units from all services and components when responding to a domestic emergency. Tested and proven during multiple National Security Events in 2004, these headquarters were further validated by hurricanes Katrina and Rita. However, the ANG and ARNG State headquarters functions and the TAG Joint Staff are inefficiently dispersed currently. Consolidation in one location will optimize operations and ensure critical Operational and Communications Security. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

HONORING THE MEMORY OF ARTHUR "LU" CAMPBELL

### HON. RALPH M. HALL

TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. HALL of Texas. Madam Speaker, I rise today to pay tribute to the life of a true American hero, Arthur "Lu" Campbell of Rockwall, Texas, who passed away earlier this year on February 18, 2009 at the age of 89.

Born August 21, 1919 in Rigby, Idaho, Mr. Campbell was the son of Herbert and Effie Campbell. He proudly served his country in the United States Army Air Corps during World War II and was a prisoner of war. His unit was captured in April of 1942. Mr. Campbell was a POW first in the Philippines before being moved to Manchuria where the Japanese subjected him to extreme torture for medical experiments. When he was rescued by the Soviets who liberated the POW camp three and a half years later, Mr. Campbell weighed just 94 pounds.

Following his military service, Mr. Campbell worked in El Centro, California before retiring to Rockwall, TX in 1975. He was a member of the Church of Christ of Latter-Day Saints, but also attended the Presbyterian Church of Rockwall with his wife, Frances, who preceded him in death in 2005. He was involved in the Kiwanis Club, the Elk Club, Veterans of Foreign Wars, and was a member of the American Defenders of Bataan and Corregidor.

Mr. Campbell is a true patriot who demonstrated bravery and strength of will in the most difficult of circumstances. He received the Presidential Citation for Valor, the Purple Heart on three separate occasions, a Bronze Star, and a Silver Star.

Madam Speaker, I ask my colleagues to join me in celebrating the life and service of this American hero, Mr. Arthur Campbell.

### REVEREND RICHARDSON ARMSTRONG LIBBY

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. SARBANES. Madam Speaker, I rise today to recognize the Reverend Richardson Armstrong Libby, a community leader in Annapolis, MD, that is highly regarded for his dedication toward historic preservation—a natural pastime in our State's capital. He has become rather famous locally because of an important discovery he recently made concerning the history of the United States Flag.

A navigator and intercept controller for the U.S. Air Force during the Korean war, Rev. Libby has spent the past 40 years in service to the Episcopal Church. Throughout this time, he has maintained a strong interest in U.S. History, especially in the flags of the Revolutionary War.

Following his retirement from the Episcopal Diocese of Connecticut, Rev. Libby and his wife Kathryn moved to Annapolis in 1999, where he reconnected with his passion for historic preservation. He is a member of the Maryland Historical Society, the Historic Annapolis Foundation, and Board of Trustees for

the Hammond-Harwood House. While following that passion, he managed to correct the history of one of Annapolis's proudest moments.

In 1783, Maryland's governor commissioned the "Shaw Flag," designed by a local cabinet maker named John Shaw, to fly over the State House when it served as the home to the U.S. Congress. This flag flew over the building when General George Washington resigned his commission as commander of the Continental Army—an unprecedented act of selfless leadership and enduring symbol of democratic government. It was also atop the State House during the signing of the Treaty of Paris. After the Revolutionary War ended and the Congress moved to Trenton, the Shaw Flag was lowered and virtually lost to the history books with no replicas available.

In 1983, a reproduction of the Shaw Flag was designed to celebrate the bicentennial of Annapolis' time as our Nation's capital. The flag had 13 red and white stripes and 13 stars in a blue field in the upper left corner of the flag. Later, Rev. Libby was enjoying a watercolor painting by Cotton Millbourne from 1794 that hangs in the Hammond-Harwood House in Annapolis when he made a surprising discovery. The painting depicted the State House during the same era but the flag in the painting contained a blue field running vertically the entire length of the flag. This discovery prompted Rev. Libby to conduct more thorough research on the Shaw Flag and ultimately resulted in a correction of the reproduction. It was this corrected flag that hung in our State's capitol this Flag Day, June 14.

Madam Speaker, it is an honor to represent Rev. Libby in the U.S. House of Representatives. I appreciate his service to our Nation and the State of Maryland, as well as his keen interest in historic preservation and our national symbols.

HONORING ADMIRAL JAMES G.  
STAVRIDIS OF THE UNITED  
STATES NAVY

**HON. KENDRICK B. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MEEK of Florida. Madam Speaker, I would like to take this opportunity to recognize and commend ADM James G. Stavridis of the United States Navy for his leadership of U.S. Southern Command. It has been a privilege to work so closely with Admiral Stavridis over these past few years and I know that many of my colleagues join me in congratulating him on a job well done and in wishing him well as he moves on to his new position as the Commander of U.S. European Command, USEUCOM, and NATO's Supreme Allied Commander Europe, SACEUR.

Admiral Stavridis served as the Commander of SOUTHCOM from October 19, 2006, until June 25, 2009, with distinction. His efforts in SOUTHCOM's area of focus have paid rich dividends in how the United States is viewed by nations in that area, it has greatly enhanced our relationships with military partners in the nations of that region and in how we intertwine our diplomatic, humanitarian, economic and military means to achieve our strategic goals.

As his official biography states, Admiral Stavridis is a 1976 distinguished graduate of the U.S. Naval Academy and a native of south Florida. A Surface Warfare Officer, Admiral Stavridis commanded the Destroyer *USS Barry* DDG-52 from 1993-1995, completing deployments to Haiti, Bosnia, and the Persian Gulf. Barry won the Battenberg Cup as the top ship in the Atlantic Fleet under his command. In 1998, he commanded Destroyer Squadron 21 and deployed to the Persian Gulf, winning the Navy League's John Paul Jones Award for Inspirational Leadership. From 2002-2004, Admiral Stavridis commanded Enterprise Carrier Strike Group, conducting combat operations in the Persian Gulf in support of both Operation Iraqi Freedom and Operation Enduring Freedom. Ashore, Admiral Stavridis has served as a strategic and long-range planner on the staffs of the Chief of Naval Operations and the Chairman of the Joint Chiefs of Staff. At the start of the Global War on Terror, he was selected as the director of the Navy Operations Group, Deep Blue. He has also served as the executive assistant to the Secretary of the Navy and the senior military assistant to the Secretary of Defense. Admiral Stavridis earned a doctorate and a masters degree from the Fletcher School of Law and Diplomacy at Tufts University in International Relations in 1984, where he won the Gullion Prize as outstanding student. He is also a distinguished graduate of both the National and Naval War Colleges.

His background is tailor made for the challenges we currently face and his long record of admirable service and his distinguished command of U.S. Southern Command augur well on the success he will have in his new billet. I believe that at this sensitive juncture in our Nation's history, Admiral Stavridis is just the sort of individual that we should have in place at EUCOM and heading NATO. He is a firm believer in the juxtaposition of military power, economic power and diplomacy that will help implement a more intelligent future and application of 'smart power.'

On a personal note, I have enjoyed tremendously working with Admiral Stavridis especially on our trips to Haiti together, drug interdiction in the Caribbean and also for the efforts he put forth to assisting hurricane victims in Florida. Despite the monumental task of pursuing the strategic goals of the Command, he continually made himself accessible to me and my staff by whatever means were available to him. I am thankful for the support he has offered to me and my staff on these and so many other occasions and I wish him and his family fair winds and following seas as he leaves south Florida.

ENHANCING SMALL BUSINESS RE-  
SEARCH AND INNOVATION ACT  
OF 2009

SPEECH OF

**HON. HARRY TEAGUE**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Pro-

gram and the Small Business Technology Transfer Program, and for other purposes:

Mr. TEAGUE. Mr. Chair, I rise today to express serious concerns with H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. H.R. 2965 is a reauthorization of the Small Business Innovation Research (SBIR) program. SBIR provides \$26 million in research and development funding for companies in my home state of New Mexico every year. Over the past six years, that amounts to over \$160 million in funding, creating jobs and wealth across the state.

Rather than extending a successful program and changing it to fit the shifting needs of American small businesses, however, I worry that the reauthorization proposed in this bill will open the program to businesses that aren't actually so small or actually in need of capital. I hesitate to change a law that is meant to provide an opportunity for small businesses to grow and prosper in such a way that would allow big venture capital firms access to our precious tax dollars. Small businesses are the foundation of our economy, and we should not jeopardize their access to this valuable program.

When this bill was being considered by the Rules Committee, an amendment was offered that would have ensured that the focus of the Small Business Innovation Research (SBIR) program remained on assisting small businesses. The amendment struck a sensible balance between the need to modernize eligibility guidelines for the program and protecting the participation of small businesses. The amendment, however, was not made in order.

Without setting these limits on the participation of venture capital in the SBIR program, small businesses without significant or any venture capital participation could potentially be crowded out of the program. We need to keep the "small business" in SBIR.

HONORING THE LIFE AND ACCOM-  
PLISHMENTS OF ALONZO JOHN  
WEMPLE

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. HALL of Texas. Madam Speaker, I rise today to honor the life and accomplishments of Alonzo John Wemple, who enjoyed a long and memorable career as a railroad engineer and fireman, much of which was spent in Bonham, Texas.

Alonzo J. Wemple was born in Schenectady, New York on October 1, 1833. He spent his entire professional life as a railroad man, which allowed him to witness some of the most important events of his time. He got his first taste of the railroad at the age of 17, and later became known as one of the "oldest locomotive engineers in America."

One of the most significant events Mr. Wemple witnessed was the funeral procession of President Abraham Lincoln. He was one of the engineers who transported Lincoln's body from Washington D.C., through Maryland, Pennsylvania, New York, Ohio, Indiana, Chicago, and then on to its final resting place in Springfield, Illinois. In addition, he was working as a switch engineer in Chicago when the great fire broke out on October 8, 1871, and



while working for the Central Railroad, he transported captured Confederate soldiers to Union Prison Camps during the Civil War.

After the Civil War, Mr. Wemple moved to Bonham, Texas, where he worked for the Texas and Pacific Railroad as a switch engineer in the Bonham Railroad yards until he retired in 1927. After he retired, he went to live with his son Judie Newton Wemple in Fort Worth, Texas. Mr. Wemple died on January 21, 1929, at the age of 95.

Alonzo J. Wemple's first wife was Charlotte Pennington and their children included Frances, Minnie, Frederick, Mary, Charles, and Charlotte. After Charlotte passed away in 1892, Alonzo Wemple married Pearly Williams, and they had one son, Judie.

Madam Speaker, I rise today to commemorate the life of Alonzo John Wemple and his role in the history of our nation. A perfect way to sum up the life of Alonzo John Wemple is a statement made in the resolution passed by the Texas State Legislature last month: "History is made not only by the deeds of the famous but also by the accumulated experience of countless individuals, and although Alonzo Wemple played only a small part, he was a witness to some of the most important events of his time."

COMMEMORATING THE GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM'S 50TH ANNIVERSARY

**HON. JOHN M. McHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MCHUGH. Madam Speaker, I am proud to rise today to ask my colleagues to join me in commemorating the 50th anniversary of one of the world's great waterways, built and operated by the United States and Canada: the Great Lakes Saint Lawrence Seaway System. On June 26, 1959 in Montreal, President Dwight E. Eisenhower and Her Majesty Queen Elizabeth II officially opened the Seaway, followed the next day by the dedication on U.S. soil in Massena, New York, of the two U.S. locks, Snell and Eisenhower. At that ceremony in Northern New York, Vice President Richard M. Nixon and Queen Elizabeth presided to celebrate the completion of these last two of the seven Montreal-Lake Ontario locks.

This historic anniversary year provides a perfect opportunity to celebrate the beneficial impacts the Seaway System, and its many users, have had on the Great Lakes region. The Seaway links the many cities of North America's heartland to the Atlantic Ocean and to ports across the world, providing a vital trade corridor for business and industry. It directly serves an eight-state, two-province region that accounts for 29 percent of the U.S. gross domestic product (GDP), 60 percent of Canada's GDP, 55 percent of North America's manufacturing and services industries, and is home to one-quarter of the continent's population. At age 50, the Seaway has facilitated the movement of over 2.5 billion metric tons of cargo, valued in excess of \$375 billion. Maritime commerce on the Great Lakes Seaway System impacts 150,000 U.S. jobs, \$12 million per day in wages, \$9 million per day in business revenues, and provides approximately

\$3.6 billion in annual transportation cost savings compared to the next least costly mode of transportation.

At its height, the massive Seaway construction project employed 22,000 workers on both sides of the St. Lawrence River. The undertaking required 210 million cubic yards of excavation, 6.1 million cubic yards of concrete, 45 miles of dikes, 69 miles of channels, the relocation of 9,000 people, the rerouting of 47 miles of highway and 40 miles of double-track railroad. The engineering challenges and magnitude of the work was staggering, not only for its time, but by today's standards as well. The St. Lawrence Seaway/Power project was subsequently recognized as one of the top ten public works projects of the century by the American Public Works Association.

The Seaway has been a shining example of how two nations, the U.S. and Canada, can work together cooperatively to achieve a common goal. The U.S. Saint Lawrence Seaway Development Corporation coordinates its activities with its Canadian counterpart, the St. Lawrence Seaway Management Corporation, particularly with respect to rules and regulations, overall day-to-day operations, traffic management, navigation aids, safety, environmental issues, and trade development programs. The unique binational nature of the Seaway System requires 24-hour, year-round coordination and the two Seaway agencies work hand-in-hand to provide seamless operation and management of this vital U.S. and Canadian asset.

While a lot has changed in 50 years, the Great Lakes Saint Lawrence Seaway System remains the safest, most efficient, environmentally-friendly mode of transportation available for moving cargo in and out of North America's heartland. It has been a model of performance and dependability, achieving a 99 percent reliability rate over its history. It is truly a cornerstone of the region's economy and culture.

This year's 50th anniversary opening ceremony will be held at the Eisenhower Lock Visitors' Center in Massena, New York on Friday, July 10. A number of U.S. and Canadian dignitaries will be speaking at the event, including U.S. Secretary of Transportation Ray LaHood; Canadian Consul General Georges Rioux; Congressman JAMES OBERSTAR (D-MN); Congresswoman MARCY KAPTUR (D-OH); U.S. Seaway Administrator Collister Johnson, Jr.; Canadian Seaway President Dick Corfe; Susan Eisenhower, granddaughter of President Dwight D. Eisenhower and President of the Eisenhower Group; Richard Kessel, President of the New York Power Authority; Karl Weissenbach, Eisenhower Presidential Library and Museum Director; and John B. Adams, former U.S. Army Corps of Engineers Seaway construction project engineer.

Madam Speaker, please join me in congratulating the Seaway on this milestone anniversary and wishing them a memorable celebration weekend and an enduring future.

HONORING MAYOR ED BABBITT

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. TERRY. Madam Speaker, I rise today to pay tribute to a great public servant—Belle-

vue, Nebraska Mayor Ed Babbitt. Ed passed away suddenly this week.

Ed was born on a farm near Elliot, Iowa and earned a degree in business administration from what is now the University of Nebraska at Omaha. He received a master's in business administration from Creighton University.

He has four wonderful children and has been married to his devoted wife Barbara since 1962. Robyn and I have Barbara and the family in our thoughts and prayers.

Ed was elected to the Bellevue City Council in 1974; he served for eight years and then returned to the council in 1992. He was elected Mayor in 2006 by defeating a two-term incumbent in one of the year's biggest upsets.

As mayor of Nebraska's third largest city his love for his family, community and the people around him was always evident. He was a dedicated public servant who had big dreams for Bellevue's future.

Over the years he worked hard to make the city of Bellevue what it is today—a city of growth, suburb quality of life and pro business. His work will not be forgotten and his memory shall live on forever. Ed, thanks for your tireless work, Bellevue and all your friends will miss you.

EARMARK DECLARATION

**HON. CATHY McMORRIS RODGERS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082, Military Construction and Veterans Affairs Appropriations Act FY2010.

Requesting Member: Congresswoman CATHY McMORRIS RODGERS

Bill Number: H.R. 3082

Account: Air Force

Legal Name of Requesting Entity: Fairchild Air Force Base, Washington

Address of Requesting Entity: Spokane, WA

Description of Request: The addition of \$4,150,000 for the Refueling Vehicle Maintenance Facility will provide more space, closer proximity, and indoor maintenance for those who service and repair the refueling vehicle fleet in support of the flying mission. Right now, the Fuels Management Flight of 100 personnel rely heavily on 15 maintenance people who service and repair the refueling vehicle fleet in support of the flying mission. These people work in undersized, substandard, environmentally deficient facilities separated from each other. This new facility is a multi-bay, 5,005 square foot building that will accommodate Associate 92d & 141st Air Refueling Wings under Total Force Integration (TFI).

EARMARK DECLARATION

**HON. ED WHITFIELD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on

earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Military Construction and Veterans Affairs Appropriations Act.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Ft. Campbell, KY

Address of Requesting Entity: Fort Campbell, 39 Normandy Ave, Ft. Campbell, KY 42223

Description of Request: The money (\$900,000) will be used to construct a standard design Medium Physical Fitness Complex. The Physical Fitness Facility is composed of multipurpose physical training and equipment center. Sustainable Design and Development (SDD) and Energy Policy Act of 2005 (EPA05) features will be provided. An upgrade to an existing transformer station is required. Measures in accordance with the Department of Defense (DoD) Minimum Antiterrorism for Buildings standards will be provided. Access for individuals with disabilities will be available. Comprehensive building and furnishings related interior design services are required.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Ft. Campbell, KY

Address of Requesting Entity: Fort Campbell, 39 Normandy Ave, Ft. Campbell, KY 42223

Description of Request: The money (\$14,400,000) will be used to construct a 1,200-seat (32,900 SF) chapel/family life multipurpose facility which includes a worship center, activity/fellowship center, chaplain family life and pastoral care center, resource center, multimedia center, multi-purpose education classrooms, kitchen, storage areas, restrooms, and circulation area.

HONORING THE LIFE AND ACCOMPLISHMENTS OF LLOYD FRANKLIN PITTS

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. HALL of Texas. Madam Speaker, I rise today to honor the distinguished and productive life of independent oilman Lloyd Franklin Pitts, a dear friend who passed away in March at the age of 98.

Born on October 7, 1910 to Addie Mae Sandifer and John Loyd Pitts in Wesson, Mississippi, Frank graduated from Copiah-Lincoln Community College in Wesson, Mississippi in 1930, and attended Northwestern University in Evanston, Illinois. In 1935, he married Mary Martha McCann of Brookhaven, Mississippi. Married for 58 years, she was Frank's companion, confidante and "sweetheart." She died in 1993.

Recognized by his peers and the major trade organizations in the oil and gas industry

for his leadership over 68 years, Frank began his business career in Chicago with Nu-Enamel Paint Company. He lived in Europe from 1934-37, where he opened paint stores throughout the Continent. His close observation of the rise of fascism in Italy and Germany engendered an intense patriotism and appreciation for the American democratic way of life. At the age of 29, he was elected President of the International Company. Involved in politics from an early age, he was Chairman of Young Democrats for Roosevelt in 1932, and campaigned in seven states on his behalf for President. He maintained a keen interest in current affairs throughout his life.

Frank appreciated his business associates at Pitts Oil Company, where he was actively involved until recently. An independent oil and natural gas producer for almost seven decades, Frank participated in the drilling of more than 3,000 wells in exploration for oil and natural gas. For 12 years, he was Chief Executive Officer of an international geophysical company. Frank was actively involved in a wide range of industry associations and political action groups. He served two terms as President of Texas Independent Producers and Royalty Owners Association (TIPRO). He was a member of the National Petroleum Council, an advisory group to the Secretary of the Department of Energy, and served under every Secretary since the inception of the Department in 1977. He served on the Natural Gas Committee of the Independent Petroleum Association of America (IPAA). He was the 1978-1979 Chairman of the Industry Forum of the American Petroleum Institute. In 1984, Texas Governor Mark White appointed Frank to the Interstate Oil and Gas Compact Commission, an organization headed by the governors of 29 oil and gas producing states, and continuously served under appointment of all the subsequent Texas Governors. In 1988, he became one of the first independent oilmen to serve on the Board of Directors of Gas Research Institute in Chicago, where he served for 10 years. He served as a Trustee of the Southwest Research Institute from 1989 to 2003, and was a founding Trustee of the American Gas Foundation. In 1991, Frank was selected to become a member of All-American Wildcatters.

The many honors awarded him by industry associates include the Chief Roughneck Award presented at the IPAA Annual Meeting in 1979; the 2001 Pioneer of the Year Award presented by the Texas Railroad Commission; the 1993 IPAA Karney Cochran Award to honor a lifetime of distinguished service to community, industry, and country; the 1989 Texas Independent Producers and Royalty Owners' highest honor, the Mr. TIPRO Award; the 1998 Texas Oil & Gas Association's Distinguished Service Award; American Association of Petroleum Landmen's Distinguished Service Award and Special Award for Industry Leadership; and the 1996 Southwestern Legal Foundation's John Rogers Award. In 2006, the Interstate Oil and Gas Compact Commission presented him with the Warwick Downing Award, and on April 25th, Frank was honored with the 2009 Hero of Industry Award presented by the National Stripper Well Association. As a dynamic spokesman for the energy industry in the United States, he was a frequent expert witness and conferee in Washington with members of the Senate, the House of Representatives, and Executive leadership

concerned with oil and natural gas policy. Frank was also active with state government leaders in Austin. In 2003, the Texas Alliance of Energy Producers named Frank as a Legend Award recipient and he was recognized by Governor Rick Perry.

While he was an activist in his industry, Frank also made time for involvement in a significant number of community organizations. He helped found the Dallas Council on World Affairs (now the World Affairs Council of Dallas/Fort Worth) and served as Chairman of the Board and Chairman Emeritus. In 1994 he received the Council's H. Neil Mallon Award for Distinguished Civic Service. He also helped in the formation of the Dallas Opera, serving on various committees and remained a Trustee. He worked with the Baylor University Medical Foundation, serving as Chairman of the Board and a member of the Executive Committee. Frank was a member and past President of Park Cities Rotary Club, a member of Dallas Citizens Council and a lifetime Deacon of Park Cities Baptist Church, where he was a member for 60 years. Copiah-Lincoln Community College honored him as Alumnus of the Year in 1973, and again in 2003, with the Distinguished Alumni Leadership Award. At SMU, where he was a member of the Board of Advisors of the Maguire Energy Institute, he established four endowed Presidential Scholarships, a Scholars Fund and an endowed lecture series in oil and gas.

Known as "Papa" by his family, his wisdom, discipline, perseverance and judgment have been a source of inspiration and guidance in each of their lives. Lloyd is survived by his daughter, Linda, and her husband, William A. Custard, three grandchildren: W. Allen Custard III and his wife, Mason, Martha E. Custard, Laura Custard Hurt and her husband, G. Ellison Hurt III, and four great-grandchildren, all of Dallas; a brother, Troy N. Pitts of Wesson, Mississippi, a sister-in-law, Ida M. Olson of Alexandria, Virginia, a cousin, Dr. Charles L. Lloyd, Jr. and his wife, Sandy, of Dallas and numerous nieces, nephews and cousins. He was preceded in death by his beloved wife, Mary Martha, young son, Lloyd Franklin Pitts, Jr., his great-grandson, Elijah Christian Noel Hurt, and his brother, Shelby D. Pitts, of Dallas.

I count it an honor to have been friends with this great public servant and his wonderful family. What our world needs today are a few more Lloyd Franklin Pitts. Please join me as we honor his memory and celebrate his 98 years of life.

ENHANCING SMALL BUSINESS RESEARCH AND INNOVATION ACT OF 2009

SPEECH OF

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes:

Mr. DINGELL. Mr. Chair, I rise today in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009.

Since 1982 the Small Business Innovative Research (SBIR) and the Small Business Technology Transfer (STTR) programs have assisted thousands of innovative, cutting-edge small businesses in successfully getting their products to the marketplace.

The SBIR and STTR programs provide small businesses the ability to compete for federal funding, thus ensuring the best companies are getting their products to the market. Firms across all fields, from alternative energy and biotechnology to national defense, have benefited from the ability to get seed money from the government to fully develop and market their products and technology. The modest investments the government makes in these firms have provided tremendous rewards, allowing 1500 new companies each year to get off the ground. In my home state of Michigan, the SBIR/STTR programs have invested \$534 million, \$215 million of which Michigan has received since 2003. Overall, 450 Michigan companies have benefited from SBIR/STTR, including two thriving firms in Michigan's 15th Congressional District, Adaptive Materials and AI23Systems.

Not only does H.R. 2965 reauthorize the SBIR/STTR programs which are set to expire on July 31, 2009, it also modernizes them, placing an emphasis on commercialization, expanding access for minority-owned and rural business, and creating a more efficient and streamlined process for participating companies.

The SBIR program is designed so that technology-driven firms have the chance to advance their ideas, develop them, and ultimately commercialize their products. This legislation is critically important for companies in Michigan, and across the country, as it gives them the ability to continue to get their products to the market, especially at a time when the economy is so badly hurting. I urge all my colleagues to vote for this important legislation.

#### EARMARK DECLARATION

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. LAMBORN. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding member requests I received as part of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, 2010:

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 3082

Account: MCAF

Legal Name of the Requesting Entity: Peterson Air Force Base

Legal Address of the Requesting Entity: Peterson Air Force Base, Colorado Springs, CO 80914

Description of the Request: Requesting \$7.2 million funding for the East Gate realignment at Peterson Air Force Base. This project demolishes the existing gate house and road system at the East Gate of Peterson AFB and constructs a new, realigned entry road, gate house, check stations, vehicle inspection buildings and anti-terrorism/force protection measures.

#### EARMARK DECLARATION

### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2997

Agency/Account: Animal and Plant Health Inspection Service, Salaries and Expenses

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured \$259,000 for The National Agricultural Biosecurity Center (NABC) at Kansas State University. NABC was established to help protect the U.S. agricultural infrastructure and economy from endemic and emerging biological threats. Funding will be used for Phase III efforts for the development, enhancement, and delivery of a targeted National Animal Health Laboratories Network (NAHLN) technical training support program. The funding is required to: (1) build and populate a lessons learned/best practices from NAHLN lab exercises and events; (2) expand animal health diagnostic screening capabilities regionally, including endemic and emerging pathogens (viruses, bacteria, and parasites) as well as prions such as BSE; (3) increase the testing capability and capacity of the Kansas State Veterinary Diagnostic Laboratory (KSVDL) in support of the NAHLN mission by conducting research on new methodologies and standardized operating procedures for enhancing and improving the efficiency of NAHLN equipment and laboratories; and (4) develop a training strategy framework for NAHLN laboratories. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2997

Agency/Account: National Institute for Food and Agriculture/SRG

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$515,000 Great Plains Sorghum Improvement and Utilization Center. Kansas State University, along with Texas Tech University and Texas A&M University, initiated the GPSIUC in 2006. The focus of the center is on genetic improvement; production systems to enhance water and nutrient use; innovative strategies to provide improved weed control; utilization of sorghum in human food products, animal feed, and as a bioenergy and industrial feedstock; plus marketing and policy analysis in support of the U.S. sorghum industry. Sorghum seed companies are rapidly integrating new technology released by the GPSIUC into their seed offerings, with the first commercial hybrids expected to be available in 2011. Fund-

ing will be used for GPSIUC to expand existing research and educational programs, particularly in genetic improvement and sorghum utilization. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2997

Agency/Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$142,000 for Preharvest Food Safety and Security program. Kansas State University has an ongoing USDA special project on the ecology of E. coli O157:H7 in beef cattle and the environment. This bacterial organism is a major cause of food-borne illnesses in humans. Funding will be used to expand its investigations into (1) the ecology of Salmonella in beef cattle, (2) antimicrobial resistance in cattle, and (3) agroinformatics and animal health diagnostics. These four areas of research have great overlap and synergy and will allow Kansas State University to better identify emerging threats of food-borne and zoonotic diseases associated with food-producing animals. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2997

Agency/Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$69,000 to study water conservation in the Ogallala Region of Kansas. This effort is critical to the economic viability of western Kansas. In many parts of western Kansas, freshwater from both surface and groundwater is increasingly in short supply. Drought, aquifer and surface water depletion, and population shifts have stretched community and regional water supplies to their limits. As groundwater supplies decline or become cost prohibitive, better management of water through conservation, recycling, and treatment of poor quality water for use becomes even more important. Funding for this project will be used to help: (1) agricultural producers, both crop and livestock; (2) rural communities in water-short areas; and (3) state agencies to implement economical technologies and policies that will result in water conservation and prolonged life of the Ogallala aquifer in the face of increasing competition for declining aquifers and over-allocated surface waters. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$240,000 for Wheat Genetic Research. Wheat

is the world's most important grain for human nutrition, but genomics and biotechnology research have lagged behind. The WGGRC is leading an international effort to map and sequence the wheat genome. The WGGRC gene bank currently maintains 12,000 lines and these collections are continuously expanding as the Center acquires, develops, and distributes new genetic and genomic resources to facilitate wheat genetics, genomics, and breeding research. Kansas State University and Kansas wheat producers have already made an investment of almost \$1.0 million towards the purchase of a DNA sequencer and a robot for arraying and printing of DNA filters. Funding will be used collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach. I certify that neither I nor my spouse has any financial interest in this project.

HONORING THE LIFE OF MARY  
ALICE TERRY SKAGGS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. HALL of Texas. Madam Speaker, I rise today to honor the memory and accomplishments of a woman who dedicated more than fifty years of her life to educate and help others, Mary Alice Terry Skaggs of Plano Texas, who passed away this past March.

Mrs. Mary Skaggs was born in Celina, Texas on April 22, 1908. She attended high school at Gunter Bible College and Kidd-Key College in Sherman. Mary received both her bachelor's and master's degrees from Austin College in Sherman, leading her later become the first Independent School District teacher to hold a master's degree.

Mary Skaggs taught English, economics, and journalism in Plano where her expertise in educating others did not go unnoticed. The Texas Federation of Women's Clubs acknowledged Mary as Teacher of the Year in 1958, and the Plano Business and Professional Women's Club honored her with the Career Achievement Award in 1968.

Mary's legacy to better educate, mentor, and improve young lives in the community at large are immortalized in a 2006 No Child Left Behind Ribbon School, the Mary Alice Skaggs Elementary, established by the Plano school district. In recognition of her 30 years as a Plano teacher, the school has been a source of exemplary education since its opening in 1996.

Mary was preceded in death by her husband James Harold Skaggs. She will be missed by her two sisters Addie Lee Cox and Benny Cox, and her niece, and the countless lives that were touched and influenced by her years as an outstanding educator.

Madam Speaker, I commend Mary Alice Terry Skaggs for her lifelong devotion to education and her community.

COMMODITY SUPPLEMENTAL  
FOOD PROGRAM

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. LEVIN. Madam Speaker, last Thursday I attended an event back home in Michigan where a coalition of community organizations came together and committed to delivering 575,000 meals to those in need this summer in southeast Michigan. The Ford Foundation and two Ford dealerships provided new mobile pantries. Gleaners Community Food Bank, Forgotten Harvest, and the United Way are partnering to ensure that the pantries will be fully stocked and sent to the areas which need it the most.

The need for assistance in our country is staggering. In southeast Michigan 600,000 people are at risk of hunger. Food banks and pantries nationwide are seeing a 30 percent increase in demand for emergency food assistance, with some food banks reporting as high as a 65 percent increase in need, according to Feeding America. An astonishing 72 percent of food banks report that they are not able to adequately meet the needs of their communities without adjusting the amount of food distributed due to rising unemployment and food prices.

The federal government has a vital role to play in providing emergency food assistance. We provided some relief in the Recovery Act earlier this year. The Agriculture Appropriation bill before the House continues this investment by providing a 10 percent increase to the Women, Infants and Children (WIC) food aid program as well as a \$19.6 million increase for the Commodity Supplemental Food Program.

I want to highlight the Commodity Supplemental Food Program because it reaches out to low-income seniors—a group of people who too often fall through the cracks of our food safety net. The program, which has 41,000 monthly participants in southeast Michigan, comes from a partnership between the government and local community organizations. Ninety-three percent of CSFP participants are seniors and many who receive delivery of their food packages are unable to leave their homes. The food packages, as well as the visit from the volunteer, are important in assisting them to maintain their independence and a healthier lifestyle.

Under this bill, the CSFP will be able to increase the number of eligible individuals who participate for the first time since 2003. The program, which currently operates in only 32 states, will expand to six new states, some of which have programs and seniors that have been waiting for six years. The program will grow in Michigan and overall expand from 475,000 participants to 622,000.

Much more must be done. I will introduce legislation soon that will provide an additional incentive for farmers, ranchers, small businesses, and restaurateurs to donate wholesome food to food banks and pantries to replenish the shelves for hungry Americans.

According to a report released by USDA last November, 36.2 million Americans, including 12.4 million children, are food insecure. The report paints a stark picture of the pervasiveness of hunger in our nation, a picture that

has only grown worse as the recession has deepened since the report data was collected in 2007. Hunger puts our children's health, learning, and development at risk; hunger causes unnecessary pain and suffering on already stressed working poor families, and hunger causes our elderly to make difficult choices between buying food or medicine. I applaud the work of the community organizations who work tirelessly to alleviate hunger, and the Appropriations Committee for providing them with more resources. Hunger poses a real threat to our children, seniors, and everyone in our communities. Our progress is important, but we cannot stop here.

ASSESSING THE OBAMA ADMINISTRATION  
ON HUMAN RIGHTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WOLF. Madam Speaker, a May 5 Washington Post article opened with these words: "The Obama administration has backed away from overt expressions of support for human rights and democracy in favor of a more subtle approach, worrying advocates who say that the issues are being given short shrift as President Obama seeks to rebuild relations with allies and reach out to adversaries."

I join the ranks of those who are deeply troubled by the trajectory of this administration on human rights.

In a February visit to Asia, Secretary of State Clinton plainly indicated that human rights would not be a priority in her engagement with China. She said, "We pretty much know what they [the Chinese government] are going to say" on human rights issues.

With that logic, the administration will rarely find it advisable to raise human rights concerns with any country, particularly the worst offenders.

Clinton went on, "We have to continue to press them. But our pressing on those issues can't interfere with the global economic crisis, the global climate change crisis, and the security crisis."

Human rights organizations were dismayed. How had impassioned advocacy for the dignity of every person been relegated to a position of mere interference? And this in spite of Obama campaign promises to "be frank with the Chinese" and "press them to respect human rights."

Following Secretary Clinton's Asia comments and subsequent remarks during a visit to the Middle East where she indicated that Egypt's abuses would not negatively affect our bilateral relations, the Washington Post editorialized on March 11, "Ms. Clinton is doing a disservice to her own department—and sending the wrong message to rulers around the world that their abuses won't be taken seriously by this U.S. administration."

Against this backdrop, President Obama in April moved to lift restrictions on travel and remittances for Cuban Americans absent any commitment by the Castro brothers to release even one of the hundreds of political prisoners who languish in jails.

Frank Calzon of the Center for a Free Cuba cautioned, "Lifting the travel ban means the

most hostile elements of the Cuban government will get an injection of our currency . . . The tourist industry is controlled and staffed by the Cuban government. If Washington wants to transfer dollars to the Cuban military, that's one way of doing it."

Cuba is still characterized by our own State Department as a "totalitarian state." This year's National Endowment for Democracy's (NED) annual Democracy Award recently went to five courageous leaders of Cuba's pro-democracy movement. The Washington Post editorial page on June 25 pointed out that in both the Bush and Clinton administrations, NED awardees were given either an audience with the president or a statement of support. Not so this year.

According to the Post, the White House issued a "hastily drafted statement" only after the paper inquired about the president's silence. These brave Cuban democracy activists are, in the words of the Post's editorial page, "hoping that the American president will focus his policy on supporting them. Yet for now, Mr. Obama's diplomacy is clearly centered on their oppressors."

Or consider Sudan. During the campaign, when asked about Darfur, Barack Obama said, "We can't say 'never again' and then allow it to happen again. And, as President of the United States, I don't intend to . . . turn a blind eye to slaughter." He also spoke of "ratcheting up sanctions."

Now, almost six months into the administration, the State Department is still conducting a much vaunted "comprehensive review" of U.S.-Sudan policy. Nothing concrete has emerged. The little that has leaked out in press reports is disturbing.

The administration appears divided at the highest levels over whether genocide is even still taking place in Darfur. Furthermore, they are making overtures to Khartoum which are, at best, naive.

As recently as June 18, The Post reported that Special Envoy Gration "has advocated easing some American sanctions and upgrading U.S. diplomatic relations with Sudan's government to induce cooperation."

And more recently on the Iranian elections, while the president's tone has toughened a bit in the face of increased pressure and bloodshed, his initial response was painfully muted. Asked about whether there was "any red line" his administration wouldn't cross where the "offer [to talk to Iran's leaders] will be shut off," the president simply replied, "We're waiting to see how it plays itself out."

A July 6 National Review Online posting on the plight of seven imprisoned Baha'i leaders set to go on trial later this week, pointed out that a "restrained approach" to human rights advocacy "may not work for the seven imprisoned Baha'i in Iran, who face trial on July 11. The Iranian regime needs to understand that such blatant religious persecution has consequences. Silence may convince the Iranian leadership that they can get away with murder."

The Baha'is are not the only minority faith in the region under duress. In the president's much anticipated Cairo speech, he only made fleeting reference to Egypt's Coptic Christians, saying that "religious diversity must be upheld." But far more than diversity is at stake.

A June 26 press release by the bipartisan U.S. Commission on International Religious

Freedom following recent reported attacks on Egyptian Copts describes the pattern of persecution endured by this community. The commission indicated that "initial reports say that state security services did little to prevent the violence from occurring. This repeats the established pattern that security services do not adequately protect Christian citizens in many localities. For all Christians in Egypt, government permission is required to build a new church or repair an existing one, and the approval process for church construction is time-consuming and inflexible. Even some permits that have been approved cannot be acted upon because of interference by the state security services at both the local and national levels."

A May 7 Washington Post editorial described the Obama administration as rushing to "embrace Egypt's 81-year-old strongman," in reference to Egyptian President Hosni Mubarak. The editorial went on to say that the administration is retreating from raising human rights abuses and that "the pullback is not only rhetorical." Funding for democracy promotion in Egypt, reportedly at the request of the U.S. ambassador to Egypt, was initially cut from \$50 million to \$20 million this year. That number has since been bumped by \$5 million as the funding bill has moved through the committee process—but even with that increase, the funding amounts to half of the previous year's figure. Given that millions of dollars in unconditioned foreign aid has gone to the Egyptian government in the years following the Camp David accords, this slash in civil society funding is an embarrassment.

One of the darkest places on the globe is North Korea. More than 200,000 North Koreans—including children—are being held in political prison camps. It is estimated that between 400,000 and one million people have died in these camps, having been worked to death or starved to death.

A June 16 op-ed in the Wall Street Journal featured a quote from a North Korean refugee woman who said, "If I had a chance to meet with President Obama, I would first like to tell him how North Korean women are being sold like livestock in China and, second, to know that North Korean labor camps are hell on earth."

Even in the face of North Korea's nuclear ambitions it is inexcusable for their abhorrent human rights record to not just be relegated to the back burner, but seemingly removed from the agenda altogether. Unlike past administrations, this administration had nothing to say, no public statement, acknowledging North Korea Human Rights Week this April, and Secretary Clinton, who was in town, could not find time in her schedule to meet with any of the 30 brave North Korean defectors in the nation's capital to mark the occasion.

Or consider Vietnam. In its 2009 annual report, the U.S. Commission on International Religious Freedom found that, "Individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; police and government officials are not held fully accountable for abuses; independent religious activity remains illegal; and legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors." The commission recommended that Vietnam be placed back on the State Department's

Countries of Particular Concern (CPC) list, a list reserved for the world's worst offenders of religious freedom.

But a June 25 Washington Times article reported that "U.S. Ambassador to Vietnam Michael W. Michalak recently rejected calls by the U.S. Commission on International Religious Freedom (USCIRF) to put Vietnam back on the CPC watch list. He cited that there was not enough evidence of religious persecution."

This is the same ambassador who recently gave a 4th of July speech in which he cited the timeless words of our own Declaration of Independence, but then had nothing to say about the oppression and lack of freedom in Vietnam. It is worth noting that Ambassador Michalak is a career foreign service officer who has been in his current position since the last years of the Bush administration. He is well acquainted with my concerns regarding his apparent disregard for human rights in Vietnam and his failure to make the U.S. embassy an island of freedom.

I was quick to criticize the Bush administration when it seemed that they were missing opportunities to be a voice for the voiceless. Too often in the previous administration the public rhetoric failed to match action. But in this new, young administration, even the rhetoric is absent.

Reports of the President's trip to Russia quote a top National Security Council adviser as saying the Obama administration "came to the conclusion that us waving our fingers around the world is a strategy that hasn't worked very well in the past." This same adviser later conceded to Politico that human rights were never raised in Obama's meeting with Russian President Putin.

It seems this administration could learn a lesson from history . . . from another Russian in fact.

The year was 1975. Famed Soviet dissident Aleksandr Solzhenitsyn was set to visit Washington. The city's foreign policy establishment, among them Henry Kissinger, sought to obstruct him at every turn. He was refused a meeting with President Ford, who declined to meet with him fearing it would sour an upcoming meeting with Soviet leader Brezhnev. When Solzhenitsyn delivered a major speech at the AFL-CIO, State Department employees were forbidden from attending.

Ronald Reagan, former governor of California, was angered at the snub and wrote a column which appeared in papers across the country exposing the White House's motives for refusing an audience with this renowned dissident, author of *Gulag Archipelago*. Reagan wrote, "the real reason for the snub surfaced: a visit with Solzhenitsyn would violate the 'spirit of détente.'"

Fast forward eight years. Now president, Mr. Reagan delivers an electrifying speech where he refers to the Soviet Union as the "evil empire."

Another Soviet dissident, Natan Sharansky, wrote in his book of how word of that speech penetrated the gulag. "Tapping on walls and talking through toilets, word of Reagan's 'provocation' quickly spread through the prison. The dissidents were ecstatic. Finally the leader of the free world had spoken the truth—a truth that burned inside the heart of each and every one of us."

Nearly 30 years later, much has changed, but much remains the same. Speaking truth to power will always place America on the right

side of history. Speaking out for those who have no voice will always be a source of hope for people in the darkest corners of the globe.

This President and this Secretary of State need to remember that the surest way to accomplish their stated goal of bolstering America's standing in the world is to find common cause not with oppressors, but with those they repress.

HONORING THE LEGACY OF PAUL  
M. WEYRICH

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. HALL of Texas. Madam Speaker, it is with deep respect that I rise today to pay tribute to an outstanding American, a great champion of conservative values, and my good friend, Paul M. Weyrich, who passed away last December 18, 2008. His contributions to American conservative politics over the past 35 years have been tremendous. Paul co-founded the Heritage Foundation in 1973, and in 1974 organized the Committee for the Survival of Free Congress, which later reorganized into the Free Congress Foundation on which he served as Chairman and CEO. By 1977, both the Heritage Foundation and Free Congress Foundation were ranked in the top 5 most influential and best funded conservative think tanks. Paul also held the highest honorary position in the Council for National Policy.

Born in Racine, Washington to Ignatius and Virginia Weyrich, Paul began his interest in politics while attending the University of Wisconsin-Madison. At the age of 19, he joined the Racine County Young Republicans where he was active for the next three years until 1964, when he chose to take part in Barry Goldwater's presidential campaign. In 1966 he became the press secretary to Republican U.S. Senator Gordon L. Allott of Colorado. While there he became acquainted with Jack Wilson, an aide to Joseph Coors of the Coors Brewing family. This contact spurred a series of events, which resulted in the formation of the Heritage Foundation.

The Free Congress Foundation, established shortly after the formation of the Heritage Foundation, and where Mr. Weyrich served as President from 1977 until 2002, is yet another milestone in his long list of achievements. The FCF served as a format to train and mobilize conservative activists, recruit conservative candidates, as well as raise funds for conservative causes. To raise funds, the FCF became one of the first organizations to utilize evangelical churches for recruiting support for conservative politics.

A titan in the world of conservative politics, Mr. Weyrich worked ceaselessly. His contributions include co-founding the Christian Voice with Robert Grant in 1977; co-founding the Moral Majority with Jerry Falwell in 1979; founding the American Legislative Exchange Council; founding the Council for National Policy; co-publishing the magazine *Conservative Digest*; serving as the National Chairman of Coalitions for America; founding the Washington, D.C. based satellite television station "National Empowerment Television (NET)", which later re-launched as "America's Voice";

serving as President of the Kriebel Institute from 1989 to 1996, a unit of FCF which trained activists to support democracy movements and establish small businesses in Eastern Europe and the former Soviet Union. Mr. Weyrich was also an ardent supporter of rail mass transit; his expertise in this area was utilized while he served as an AMTRAK Director and a National Surface Transportation Policy and Revenue Study Commissioner. In and after 1989, Mr. Weyrich traveled to the former Communist Soviet Union where he organized training courses for the promotion of democracy and individual rights. In 2005 Mr. Weyrich won the Heritage Foundation's prestigious Clare Booth Luce Award.

These accomplishments are a testament to his unwavering commitment and passion for conservatism. A leader in his faith, as well as in the political realm, Paul was ordained in 1990 as a deacon in the Melkite Greek Eparchy, a conservative Catholic Church.

A few years ago he was diagnosed with a spinal injury, arachnoiditis, and as his illness progressed over the years, he was confined to a wheelchair. Despite these limitations, Paul persisted in his pursuit to better the nation and world through conservatism. He continued to play key roles as a political advisor and speaker, even finding time to organize summit meetings on the future of conservatism, and write opinion pieces for his own foundation and for news organizations.

On December 18, 2008, Paul passed away in Fairfax, Virginia, and our country lost one of its strongest champions for conservatism. He is survived by his wife of 45 years, Joyce, their five children and thirteen grandchildren.

Revered Louis P. Sheldon commented on the life of his friend, stating "Paul Weyrich was a pioneer of the conservative movement and a staunch defender of traditional values. He was a brilliant strategist, an aggressive defender of the faith, and a determined foe against the failed philosophy of liberalism. Most of all, he was a good friend, confidante and someone who could be relied upon to do the right thing for our nation and for the Christian faith, which he embraced. We will miss him—and the conservative movement has lost a giant whose influence will be felt for years to come."

Though Paul is no longer with us, he leaves a powerful legacy that will be remembered for generations to come. Madam Speaker, I ask those here today to join me in remembering and celebrating the life and achievements of this great American, Mr. Paul M. Weyrich.

AGRICULTURE RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

SPEECH OF

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal

year ending September 30, 2010, and for other purposes:

Mr. KUCINICH. Mr Chair, I rise in support of H.R. 2997, the Agriculture Appropriations bill. This bill wisely devotes half of the total appropriations in the entire bill to the Supplemental Nutrition Assistance Program (SNAP), formerly called the Food Stamp Program.

The face of hunger takes many forms. This week while driving in my district I saw a homeless woman who suffered from chronic hunger, begging on the street corner. When the most basic need for food goes unmet, the most basic functions of living that so many of us take for granted become difficult, if not impossible. It threatens the economic and social well-being of the affected person, and sometimes the entire family. And while this homeless and hungry soul is an apt example of the face of hunger, the truth is that food insecurity is hurting far more than just the severely disadvantaged. Food insecurity is hurting our middle class, our children and our seniors among others. During difficult economic times like these, hunger's invisibility belies its startling prevalence.

In the United States 1 in 8 or approximately 36 million Americans struggle with hunger, 13 million of which are children. According to the USDA 1 in 6 American children are food insecure. One out of every five children under five years of age is living at risk of hunger in 13 states around our nation.

In my home state of Ohio, 12.7 percent of Ohioans are food insecure; 18.7 percent of Ohio's children are food insecure; and 23.3 percent of children under the age of five are food insecure. Ohio has recently been reported to have the third highest rate of food insecure children under the age of 5 in the nation.

Uncertain times in our country and economy are even more uncertain for these children as their malnutrition will have a long-lasting impact on their future development. Proper nutrition throughout life is important but research tells us that for children three and under it is particularly important as this is the time that children build a foundation for the rest of their life. It is precisely the time when their brains and central nervous systems are growing the fastest. A good foundation is essential to a child's future health, including mental health, educational accomplishment and economic viability.

Recent reports indicate that across our nation, 33.8 million people were enrolled in SNAP in April 2009. This is a new record and an increase of 20 percent over last year. It is expected that SNAP will serve approximately 35 million Americans in Fiscal Year 2010. According to a study from the Center for Community Solutions, portions of my district, including Lakewood, Fairview Park and Parma, have experienced a 74 percent increase in participation in the Food Stamp Program (now called SNAP) between 2002 and 2007. Furthermore, our local food bank, the Cleveland Food Bank, has significantly increased distribution since the start of the current fiscal year. Already they have distributed three million more pounds of food in the current fiscal year than was distributed in the entire prior year. By October 2009 it is expected that this number will increase to four million pounds. In Northeast Ohio local food pantries have experienced a 35 percent increase in clients. Many of these clients are first time users of the food bank.



Policy Matters Ohio released a report in February 2009 that found that over 2.8 million Ohioans—roughly 25 percent—are not earning enough income to meet their basic needs. The latest unemployment statistics for the State of Ohio show that unemployment is still on the rise at 10.8 percent. The national unemployment rate is 9.5 percent. These numbers are expected to increase in the coming weeks and months.

The resources that are allocated to SNAP by this bill are desperately needed. I support this bill and urge its passage.

RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

SPEECH OF

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 7, 2009*

Ms. CLARKE. Mr. Speaker, I rise today in support of H. Con. Res. 127, Recognizing the Significance of National Caribbean-American Heritage Month. I thank my friend The Gentle lady from California, BARBARA LEE for her hard work on this very important resolution. This resolution ensures that every June, we recognize the many contributions of Caribbean-Americans and highlight the issues facing the Caribbean community.

I have the distinct honor and privilege of representing New York's 11<sup>th</sup> Congressional District, located in central Brooklyn. And as a child of Jamaican immigrants, I have experienced first hand the impact Caribbean Americans can have on a community, let alone a nation. That is why I have been a staunch advocate for Caribbean issues my entire public life; fighting to ensure that the agenda of Caribbean Americans are visible on the national stage.

From the various Caribbean Associations dedicated to helping Caribbean Americans with myriad issues, to the West-Indian American Day Carnival on Eastern Parkway, the influence and impact of Caribbean descendants is undeniable.

Caribbean Americans have contributed greatly to our nation as a whole. Some prominent Caribbean Americans include: My predecessor and role model, Former U.S. Representative Shirley Chisholm, the first African American female Member of Congress, who was of Caribbean descent; Former Secretary of State Collin Powell, both the first African American to be Chairman of the Joint Chiefs of Staff and Secretary of State of Jamaica lineage; Jamaica Kincaid, an American novelist; social activists Stokely Carmichael and Malcolm X; and dancer Pearl Primus, to name a few.

In Brooklyn, there have been many who have influenced my advocacy for the Caribbean community. People like my mother Dr. Una Clarke, who was the first Caribbean born woman elected to the New York City's Legislature; Lemuel Stanislaus of Grenada; Dr. Henry Frank of Haiti; and Carlos Rosada of Grenada, chairman of the West-Indian American Day Carnival Association, continue to remind me of the fight for equality, not only for the Caribbean community and their countries of origin, but for all.

While Caribbean Americans have made great strides, there are still lingering issues affecting Caribbean Americans in this country. Caribbean immigrants often have little money or access to practical information when making their transition to the United States, making them the targets of immigration fraud. As a result, earlier this year, I introduced H.R. 1992, the Immigration Fraud Prevention Act of 2009, which makes it a federal crime to willfully misrepresent the immigration process through fraud or false representation.

I also introduced H.R. 2071, which directs the Secretary of Commerce to include Caribbean descent as an option on census questionnaires. This will finally bring recognition to the broad diversity of Caribbean natives that call our country home and ensure an accurate count and proper representation.

Our nation's "third border", shared with the Caribbean community, links the security of the U.S. with our island neighbors. In 2007, a joint-report by the United Nations Office of Drug and Crime and the World Bank linked rising crime rates in Caribbean nations to an increase in drug-trafficking. In the 110<sup>th</sup> Congress, I introduced H. Res. 1504 which calls for increased cooperation between U.S. and Caribbean officials to combat this problem. Last week, I came to this floor to express my support for provisions within H.R. 2410, the Foreign Relations Authorization Act of 2009 that added the Caribbean community (CARICOM), to the Merida Initiative. This initiative is a multi-year program that works in partnership with governments in Mexico, the nations of Central America, the Dominican Republic and Haiti to confront criminal organizations whose illicit actions undermine public safety, erode the rule of law, and threaten the national security of the United States.

I also expressed my appreciation for the Shirley A. Chisholm Educational Exchange Program authorized in the bill. These provisions promote security and education within the Caribbean community, fostering social and economic development abroad and keeping us safe at home.

Again it is my honor as a child of the Caribbean and my duty as the Representative of the 11<sup>th</sup> Congressional District of New York, to urge my colleagues to stand with me in supporting this Resolution. I thank Congresswoman LEE for leading the charge on this and for yielding time.

VOTE CLARIFICATION ON ROLL-CALL NO. 503 THE HENSARLING AMENDMENT NO. 6 TO H.R. 2997, THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

**HON. JERRY MORAN**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MORAN of Kansas. Madam speaker, I submit a clarification of my vote on Rollcall No. 503 the Hensarling Amendment No. 6, to H.R. 2997. I mistakenly voted "nay" when I intended to vote "yea". The amendment would have Prohibited funds from the Animal and Plant Health Inspection Service from being

used for an earmark for the National Biodiversity Conservation Strategy project, Kiski Basin, Pennsylvania, and reduces the overall amount of the appropriations in the bill by \$200,000.

I had mistakenly believed that I had voted yea and it was not until after the vote had closed that I realized that I had pressed the wrong button and voted nay. My vote against the Hensarling amendment was purely accidental and I regret my error and appreciate the opportunity for clarification.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MARY SUE ALEXANDER

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. HALL of Texas. Madam Speaker, I rise today to celebrate the life of Mary Sue Alexander, a lifelong resident of Greenville, Texas, who passed away earlier this year at the age of 90.

Born in Greenville, Texas to Ed. B. Williams Sr. and Susie Lee Joiner, Mrs. Alexander found meaning in her family, her community, and her faith. She married her husband of 38 years, Sam Reeves Alexander, on June 5, 1937, and they had two daughters.

In her community, Mrs. Alexander was a member of the Junior Palace Club and the Dirdobbers Garden Club. She enjoyed entertaining, cooking, and participated in two bridge clubs. Mrs. Alexander was a loyal member of Wesley United Methodist Church in Greenville for 79 years.

She is survived by her two daughters, Patricia DeVeny and Sue Ann Harting, former mayor of Greenville; three grandchildren, Dianne DeVeny, David DeVeny, and Alexandra Alexander; one great-granddaughter, Shannon Nicole DeVeny; one sister, Rosabel Warren; and many nieces and nephews.

Mrs. Alexander was beloved by her family and many friends, and I join them today in paying our last respects to this wonderful woman, Mrs. Mary Sue Alexander.

CELEBRATING 100TH BIRTHDAY OF MR. HENRY E. BAUER

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. ELLISON. Madam Speaker, I rise today to honor a World War II veteran from Minneapolis, Minnesota, Mr. Henry E. Bauer, who will celebrate his 100th birthday on July 15, 2009. Every American who served in the military during World War II has a unique story, and Mr. Bauer is no exception.

He joined the Army Air Corps on June 5, 1942, at the age of 33. The desire of our country's youth to serve in the war was unprecedented and like so many others, Mr. Bauer answered the call of service to protect our nation at a time of great need. Henry landed at Omaha Beach on D-Day, June 6, 1944, little more than a month away from his 35th birthday. He was discharged as a Staff Sergeant after the war and returned to his family and friends on November 21, 1945.

At the age of 100 years, his life is a testament to the fact that we can all accomplish amazing feats regardless of age or station.

On behalf of myself and the residents of Minnesota's Fifth Congressional District, I want to offer Mr. Henry E. Bauer the thanks of a grateful country and community and the best wishes for a very happy 100th birthday.

IN HONOR AND RECOGNITION OF  
THE WEST PARK UNITED  
CHURCH OF CHRIST

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the West Park United Church of Christ, as they celebrate one hundred and fifty years of faith, hope and community service throughout the neighborhoods of Kamm's Corners on Cleveland's west side.

West Park United Church of Christ was founded in 1859 by nine individuals, including Charter members and community leaders Benjamin Mastick and Lavinia Trisket. The Church was established to serve as a haven of faith and a center for community outreach, through which diversity is embraced and social programs and community groups expand and thrive. The Church quickly became and continues to serve as an anchor of strength for the Kamm's Corner community.

Since 1859, the members of the West Park United Church of Christ have strengthened the community by encouraging diversity and reaching out as messengers of hope, peace and comfort. Since its founding, the church has witnessed major renovations and expansion over the years and today, the church has 320 members, all of whom are active community volunteers. Members have volunteered as aides at Fairview Hospital, tutors at local schools, and workers at homeless shelters, emergency food pantries, and the Meals on Wheels program.

Madam Speaker and Colleagues, please join me in honor and recognition of the West Park United Church of Christ of Cleveland and their members as they celebrate 150 years of faith, community and public service throughout Cleveland's Kamm's Corners neighborhood.

PERSONAL EXPLANATION

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. CARNAHAN. Madam Speaker, due to being unavoidably delayed, I missed the vote on final passage on H.R. 2647 (Roll No. 460). I would have voted in favor of H.R. 2647, had I been present to record my vote. I was present for votes on the previous question, the rule, and amendments; each of which reflect my strong support for this bill.

EARMARK DECLARATION

**HON. FRANK A. LOBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2997:

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: Rutgers University Marucci Center for Blueberry and Cranberry Research and Extension

Address of Requesting Entity: 125A Oswego Road, Chatsworth, NJ 08019.

Description of Request: Provide an earmark of \$451,000 for the Cranberry/Blueberry Disease Project for research on breeding and pest management will provide continued support for the \$50 million a year industry. Past research has found bacterial anti-adherence mechanisms helping to fight urinary tract infection and dental caries, and other antioxidant properties. A major effort within the breeding program aims to enhance these health beneficial properties.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: State of New Jersey, Department of Agriculture

Address of Requesting Entity: 369 S. Warren Street, P.O. Box 330, Trenton, NJ 08625

Description of Request: Provide an earmark of \$500,000 for the New Jersey Gypsy Moth Pest Management Program to support and enhance gypsy moth control on affected communities and public lands. Funds will be used to cost share aerial treatments borne by local municipalities; for outreach in developing a Web-based interactive online map showing the distribution of gypsy moth in New Jersey and proposed treatment areas; and for technical support for salaries for field scouts and vehicle operation.

CONGRATULATING JEFF OLSEN

**HON. BILL FOSTER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. FOSTER. Madam Speaker, I rise today to congratulate and record my strong and enthusiastic support for Jeff Olsen, a constituent of mine who is being recognized by the American Legion for his patriotism.

Olsen, a resident of South Elgin and local sanitation worker, collected discarded American flags along his route to properly dispose of them. He would fold and carefully package each flag before giving them to the local American Legion to destroy them in the traditional ceremony.

To date, Olsen has saved and donated over 250 American flags to the American Legion. Many of his colleagues at the Elgin Waste Management office also work to ensure that

American flags which are improperly disposed of are treated with the utmost respect; however, the number of flags discovered by Olsen is nothing short of remarkable.

Olsen was honored by both the local American Legion and Elks Lodge with an Americanism Award in recognition of his actions on June 14, 2009, Flag Day. His actions should be recognized as not only a caring act of patriotism, but also as an effort to raise awareness to the general public on how to properly dispose of an American flag. As a lasting symbol of freedom and democracy, the American flag should be treated with nothing less than great care and respect.

I would like to congratulate Mr. Olsen on his award, and extend my deepest gratitude for his efforts. I can only hope that his story will inspire others to take similar action.

HONORING THE 350TH ANNIVERSARY OF QUOGUE, NEW YORK

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. BISHOP of New York. Madam Speaker, in these fast-moving times, it is a comfort to know that some wonderful places are in no hurry to change. I rise today to celebrate the 350th anniversary of the community of Quogue, a picturesque village on the South Shore of Long Island.

European settlement in Quogue began in 1649 when Englishman John Ogden purchased a large tract on Shinnecock Bay from Chief Wiandance Sachem to establish farming and grazing lands. By the 1800s, residents of New York City had begun to discover Eastern Long Island's rustic natural beauty and pleasant climate, establishing summer communities and boarding houses.

While Quogue prospered with the arrival of seasonal visitors, it retained a quaint charm and family atmosphere that is still recognizable today. In fact, Quogue is known as the "Quiet Hampton" to distinguish it from its more famous—and hectic—neighbors to the east.

Madam Speaker, small towns like Quogue represent the best of the American community spirit. I am happy to offer its citizens my best wishes for a successful anniversary celebration and for a long future as a true American original.

IN HONOR OF THE THOMAS F. MCCAFFERTY HEALTH CENTER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Thomas F. McCafferty Health Center and in recognition of the staff and volunteer's commitment to providing quality health care services continues to serve the needs of the residents of Cleveland's west side for nearly four decades.

The McCafferty Health Center opened in 1971 and was named for well-known physician, Dr. Thomas F. McCafferty. The Center continues the mission of Dr. McCafferty in tailoring medical services to meet the needs of

those in the surrounding communities who may not otherwise have access to quality health care services.

The McCafferty Center, a bilingual clinic, provides health care in the areas of family practice, pulmonary, obstetrics and gynecology, pediatrics, and cardiology, as well as social work and nutrition services. Within these areas are clinics for women's health, veterans, TB testing, testing and counseling for STD and HIV/AIDS and free vaccinations for infants, children, and teens.

The Center serves over 32,000 patients a year, over half of whom are Hispanic. Evident in their programs and clinics, the Center has a legacy of embracing the community's vibrant diversity, including a concerted effort in outreach and service to Cleveland's lesbian, gay, bisexual, and transgendered community. Additionally, the Center's Community Advocacy Program works to remove legal barriers that may exist to improve the health outcomes of their patients.

Madam Speaker and Colleagues, please join me in honor of the staff and volunteers of the Thomas F. McCafferty Health Center, whose collective and individual commitment to providing quality health care continues to uplift the lives of countless individuals and families throughout Cleveland's west side community.

HONORING THE LIFE OF MR.  
BRUCE PHILLIPS DAVIS

**HON. THADDEUS G. McCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. McCOTTER. Madam Speaker, today I rise to honor Bruce Phillips Davis, a devoted husband, father, and Veteran; and to mourn him upon his passing at age 44.

Bruce was born on March 18, 1965. He attended Lincoln Elementary School, Frost Junior High, Bentley High School and Cleary University, where he earned a Bachelor's degree in Business. He became a consultant with DTE Energy, a position in which Bruce excelled for twenty years. Following in his father's and brother's courageous footsteps, Bruce heeded a higher call of service and joined our United States military; and nobly served us and defended human freedom during Operation Desert Storm. A lover of life whose company brought joy to all he knew, Bruce enjoyed numerous outdoor activities and giving back to his community through his memberships in the Fraternal Order of Eagles and American Legion.

On July 6, 2009, Bruce succumbed in his ongoing struggle with pulmonary hypertension. He will be remembered as a father devoted to his family, especially his wife, Penny, and daughter, and to his many nieces and nephews. Bruce was a wonderful man, kind to all he encountered; and he will be truly, and sorrowfully missed.

Madam Speaker, during his lifetime, Bruce Phillips Davis enriched the lives of everyone around him. As we bid farewell to this wonderful individual, I ask my colleagues to join me in mourning his passing and honoring his years of loyal service to our community and country.

Goodbye and God Bless, "Tiger!"

EARMARK DECLARATION

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Rodale Institute, Kutztown PA—\$349,000 for crop-rotation research to improve air, soil and water quality.

EARMARK DECLARATION

**REP. DENNY REHBERG**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010:

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3082

Account: Army NG

Name and Address: Montana Army National Guard, 1956 Mt Majo Street, Fort Harrison, Helena, MT 59636-4789

Description: An increased number of Periodic Health Assessments has led to serious overcrowding of waiting areas, exam rooms, treatment facilities and administrative areas at the Fort Harrison Troop Medical Facility in Helena, Montana. This overcrowding presents both a risk to patient safety and patient privacy as required by HIPAA. The \$1.75 million in funding will be used to expand and renovate the current facility to handle the increased patient load and improve both safety and patient privacy.

EARMARK DECLARATION

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. KINGSTON. Madam Speaker, I submit the following:

City of Kingsland, Kingsland, GA

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2996, FY2010 Interior and Environment Appropriations

Account: EPA-STAG

Legal Name of Requesting Entity: City of Kingsland, GA

Address of Requesting Entity: 107 South Lee Street P.O. Box 250 Kingsland, GA 31548

Description of Request: expand water and sewer infrastructure for the purposes of a new affordable housing development. Project would spur economic development in an underserved area.

Metropolitan North Georgia Water Planning District, Atlanta, GA

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2996, FY2010 Interior and Environment Appropriations Account: EPA-STAG

Proposed Recipient: Metropolitan North Georgia Water Planning District

Address of Recipient: 40 Courtland Street, NE Atlanta, Georgia 30303

Description of Request: funding received would be used to help local governments meet water resource plan requirements and be used for various stages of design and construction for several water projects including watershed management, wastewater treatment and water conservation.

COMMENDING THE SERVICE OF  
REAR ADMIRAL GARY T. BLORE  
AS ASSISTANT COMMANDANT OF  
THE UNITED STATES COAST  
GUARD

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. CUMMINGS. Madam Speaker, as Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise to recognize Rear Admiral Gary T. Blore for his distinguished service as the Assistant Commandant for Acquisition and Chief Acquisition Officer for the United States Coast Guard. Having completed his tour at Coast Guard Headquarters, he has now assumed command of the Coast Guard's 13th District, located in the Pacific Northwest.

Admiral Blore took the helm of Coast Guard acquisition programs at a time when these programs were facing significant challenges. Early procurements in the Deepwater program—a multi-billion dollar program intended to repair or replace the Coast Guard's air and surface assets—had failed.

Additionally, the decision made years earlier to manage the Deepwater procurements outside the service's existing acquisition management structure had created serious oversight and even morale challenges.

The Coast Guard needed to completely revamp its acquisition management systems to create a structure equal to the size of its acquisition initiatives and capable of effectively overseeing its contractors and obtaining best value for the expenditure of taxpayer resources.

Admiral Blore has ably led that change and, working closely with the Subcommittee on Coast Guard and Maritime Transportation, has modernized the Coast Guard's acquisition management systems.

His leadership guided the reorganization of several stalled projects that have now produced an unprecedented number of urgently needed capital assets for the Coast Guard, including modern helicopters, airplanes, boats, large cutters, and sophisticated shore, air and sea-based command and control systems.

Responding to the extensive criticisms of the early Deepwater effort and the Rescue-21 program, Admiral Blore led the organization of a new Acquisition Directorate. He issued and updated a Blueprint for Acquisition Reform, which continues to guide the creation of acquisition management systems within the new Directorate. Further, he oversaw the successful

extraction of the Deepwater procurements from the Integrated Coast Guard System team and brought the Lead Systems Integration functions back in-house.

Additionally, Admiral Blore updated the Coast Guard's Major Systems Acquisition Manual, published an Acquisition Human Capital Strategic Plan, and developed 30-year air and surface asset recapitalization plans that will guide the service's ongoing effort to effectively plan future capital needs.

I believe that under the leadership of Commandant Thad Allen and Admiral Blore, the Coast Guard has positioned itself to more effectively manage its acquisition efforts and to produce assets that will significantly enhance the Coast Guard's mission readiness.

To ensure that these and other needed acquisition management reforms are solidly established, I introduced legislation during this Congress—the Coast Guard Acquisition Reform Act of 2009, H.R. 1665—which builds on and institutionalizes the many reforms that Admiral Blore has introduced.

This measure will strengthen the Coast Guard's ability to manage complex acquisition projects and I look forward to its full consideration and passage by the House.

Admiral Blore has had a long and distinguished career in service to our Nation. He is an accomplished Coast Guard aviator; this fall, he will relieve Vice Admiral Vivien Crea as the Coast Guard's Ancient Albatross—the service's longest-serving active duty aviator.

I know Admiral Blore to be a man of unyielding integrity who has forthrightly presented to me and to the Congress the full extent of the problems he has confronted. I also know him to be an effective and deliberate manager who has diligently addressed the problems he faced and who leaves a modern acquisition organization that reflects his dedication to excellence.

I am honored to pay tribute to Admiral Blore in the United States Congress and on behalf of the Representatives and staff who have been fortunate enough to work with him. I wish him, his wife Vera, his son David, and his daughter Anna the very best.

RECOGNIZING THE CONGREGATION OF THE ST. JOHN MISSIONARY BAPTIST CHURCH FOR ITS DEDICATION TO OUR COMMUNITY

**HON. JOHN S. TANNER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. TANNER. Madam Speaker, I rise today to congratulate the St. John Missionary Baptist Church congregation on the recent dedication of its rebuilt church, restored following a fire that tragically destroyed the building shortly after the church's 100th anniversary celebration in January of 2006.

At the beginning of the 20th century a group of men and women, former slaves and sons and daughters of slaves, began to congregate and conduct church services in Haywood County, Tennessee, which I am honored to represent in this chamber. The first church building of St. John Missionary Baptist Church was a small log building erected on land given to the congregation by Deacon Charlie Wilkerson and was known as simply St. John's "across the river."

On November 16, 1904, papers were drawn up to purchase 33 acres of land from W.H. Ford approximately one and a half miles from Dancyville, Tennessee. The deed was filed on January 20, 1906, with the church paying \$425 for the land. Marion Sweet and William Graves served as master carpenters for the new structure, and they, along with the tireless effort of countless others, laid the foundation and built a frame structure that served as a place of worship for numerous years.

Throughout the 20th century, the congregation continued to grow in number as well as in presence within West Tennessee and became known throughout the area for its leadership, dedication to God and love of fellow man. The congregation continued to improve the structure of St. John Missionary Baptist Church with expanding facilities to aid in worship and assist with the growing number of congregants. The frame church was bricked in the late 1950's with additions and renovations through the latter portion of the 20th century.

Tragedy struck on September 20, 2006, when the building was destroyed by fire. Undeterred, the congregation held meetings at Raul's Funeral Home in Brownsville and soon began the process of rebuilding their historic church.

The congregation's ability to rebuild the church is both a testament to their dedication to worship as well as their commitment to what the church has represented to our community for more than 100 years. From their humble beginnings in a small log church building near the corner of Highway 76 South and the Qualls Road intersection to the beautiful church they have just restored, St. John Missionary Baptist Church has served as a symbol of hope, faith and devotion. We know that tradition will continue under the leadership of my friend and an outstanding public servant, Reverend Johnny W. Shaw.

Madam Speaker, we hope you and our colleagues will join me as we congratulate the St. John Missionary Baptist Church on the dedication of its new church, and thank members of the congregation for all they do to help West Tennessee.

CONGRATULATING SERGEANT FIRST CLASS BLAKE SIMMS AND SERGEANT FIRST CLASS CHAD STACKPOLE

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WESTMORELAND. Madam Speaker, I rise today to congratulate Sergeant First Class Blake Simms and Sergeant First Class Chad Stackpole, winners of the 2009 Best Ranger Competition, a rigorous contest at Fort Benning, Ga., between elite two-man teams.

Simms and Stackpole won a home-court victory, as they hail from Benning's 4th Ranger Training Battalion.

The Best Ranger Competition started out as a contest between the best two-man teams at Fort Benning in the early 1980s but quickly expanded Army-wide. It easily rates as one of the toughest, most physically demanding competitions in the world. Contestants endure extreme demands of their physical, mental and technical abilities as Rangers, and they must

deliver at levels that far exceed the expectations of average soldiers.

Today, the competition pits the best of the best against each other. It's an honor to simply win a spot in the contest, making Simms and Stackpole's accomplishment all the more extraordinary. The event lasts three days and teams face elimination unless they complete all events, which include marksmanship, climbing a 60-foot rope and long, wet hikes. It's easy to see why of the 49 teams that entered only 24 finished all courses.

Both Sergeant First Class Blake Simms and Sergeant First Class Chad Stackpole have been awarded many medals, including the Army Commendation Medal, the Army Achievement Medal, the Valorous Unit Award and many others.

Simms, from Columbus, GA, joined the service after high school in 1999. He has served one tour in Iraq and also participated in the humanitarian aid to New Orleans following the aftermath of Hurricane Katrina. Simms had competed in the Best Ranger Competition twice before. He is married with two children.

Stackpole, from Bowling Green, KY, has served since 1998 and has deployed to Iraq twice. He and his wife Andrea have two children. Stackpole has competed in the competition twice with a 5th place finish last year.

Sergeant First Class Blake Simms and Sergeant First Class Chad Stackpole have dedicated their lives to the service of this nation and have dedicated years of their lives to fighting on the front lines of the war on terrorism in Afghanistan and Iraq. With a combination of hard work, dedication and talent, they have proven on the field of battle and on the field of competition that they rank amongst the best soldiers in the U.S. Army—the greatest fighting force in the history of the world.

Madam Speaker, I call on the U.S. House of Representatives to join me and the people of Georgia's 3rd Congressional District in honoring the service and applauding the stellar achievements of Sergeant First Class Blake Simms and Sergeant First Class Chad Stackpole. They are a tribute to Fort Benning, the U.S. Army Rangers, and the United States.

EARMARK DECLARATION

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 2997

Account: Natural Resources Conservation Service, Conservation Operations

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: P.O. Box 20895, Fountain Valley, California 92728  
Funding Secured: \$134,000

Description of Request: In the arid climate of Southern California, it is critically important to provide a coordinated effort to conserve water resources by controlling water usage. In particular, Orange County's growing population requires extensive conservation measures to adequately provide sufficient water resources for its residents. Funding for the Irrigation Controller Installation Program would allow for the installation of a smart irrigation controller system that uses innovative technology to regulate the amount of water that is delivered based on weather conditions, soil, slope, and type of landscape. Supported by local government entities and the Natural Resources Conservation Service, this computerized landscape sprinkler system will save the residents of Orange County 30,000 acre-feet of water every year, directly benefiting more than two million Orange County residents. This program has direct national significance by relieving pressure from imported water sources such as the Colorado River Aqueduct and the San Francisco Bay Delta. In addition, its implementation will help reduce urban runoff, preventing pollutants from reaching natural waterways and the ocean.

CONGRATULATING ARJUN  
KANDASWAMY

**HON. DAVID WU**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WU. Madam Speaker, I rise today to offer my congratulations to Arjun Kandaswamy for his accomplishments in the Oregon State Geography Bee and in the National Geographic 21st Annual Geography Bee.

Arjun is an exceptional middle school student who participates in Oregon's Summa Program for gifted students. After winning the State of Oregon Geography Bee, Arjun represented Oregon in the National Geographic Bee, one of the most difficult in the nation. At the age of fourteen, Arjun topped 53 students from across the nation and earned second place and an accompanying college scholarship.

I, therefore, again gladly extend my congratulations to Arjun and wish him a bright academic future and continued success in all his endeavors.

CONGRATULATING THE CLARKSON  
UNIVERSITY RACQUETBALL  
TEAM UPON WINNING THE 2009  
NATIONAL INTERCOLLEGIATE  
RACQUETBALL CHAMPIONSHIP

**HON. JOHN M. MCHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MCHUGH. Madam Speaker, I rise today to congratulate the Clarkson University Golden Knights upon winning the 2009 NCAA Division II Racquetball National Championship, their second national championship since 2005. I am proud to represent Clarkson University and the community of Potsdam.

In April, Clarkson University won the Division II National Championship in Tempe, Ari-

zona, which involved 330 players representing more than 50 colleges and universities. The Golden Knights did so by having the highest combined total of the men's and women's team points, which were attained by defeating competing players in individual matches.

The Clarkson men's team included Marco B. Fontana, Joseph V. Kapas, Justin A. Konopaske, Brian C. Robertshaw, Brian T. Straub, and Joseph E. Tabor of Nicholville, New York, which is located in New York's 23rd Congressional District. The women's team was comprised of Michelle E. Turk and Rachel D. Weiss, captain of the combined teams. Professor Norbert Ackermann has served as the team's advisor for more than a decade.

Madam Speaker, it takes a tremendous amount of dedication, hard work, perseverance, and teamwork to win a national collegiate championship. Thus, I am pleased to extend my congratulations to these young men and women, and I ask my colleagues to join me in recognizing the entire Clarkson University Golden Knights racquetball team for this very significant accomplishment.

PERSONAL EXPLANATION

**HON. PAUL C. BROUN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. BROUN of Georgia. Madam Speaker, on Wednesday, July 8, 2009, I missed the following votes: rollcall Nos. 480, 481, 482, 483, 484, 485, 486, 487, and 488. If I had been able to make these votes, I would have voted "aye" on rollcall votes 481 and 488. I would have voted "nay" on rollcall votes 480, 482, 483, 484, 485, 486, 487.

PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, due to unforeseen circumstances, I unfortunately missed two recorded votes on the House floor on Wednesday, July 8, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 480 (On agreeing to H. Res. 610) and "aye" on rollcall vote No. 481 (on motion to suspend the rules and pass H.R. 1275).

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

SPEECH OF

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2997) making ap-

ropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes:

Ms. HIRONO. Mr. Chair, I rise in strong support of H.R. 2997, the FY2010 Agriculture Appropriations bill, which makes important investments in agricultural research; conservation, rural development, and nutrition programs; as well as a number of other programs that support agriculture and rural communities in our nation.

I am very grateful to the Committee, and especially to Chair ROSA DELAURO, for support of many of my high-priority requests and for recognizing the special challenges faced by Hawaii farmers.

Yesterday as we were getting ready to begin debate, I was surprised to learn that another member had filed an amendment to eliminate funding for one of my Hawaii requests included in the final bill. The amendment would have eliminated a \$153,000 earmark, titled Agricultural Diversification in Hawaii, to assist Hawaii farmers succeed in growing and marketing new crops to replace sugarcane and pineapple. It was a bit disappointing because the amendment was drafted by a member from Texas, a state that enjoys far more substantial federal support for its farmers in the form of direct payments and other agricultural services than Hawaii.

Ultimately, the member from Texas decided not to offer his amendment. If he had, I would have offered the following defense for this important program.

Hawaii is the most geographically isolated state.

Hawaii imports 85 percent of the food consumed by residents and visitors and is estimated to have a 4–7 day food supply in the event of a shipping disruption of any kind.

Our major agricultural industries of sugar and pineapple production have declined precipitously in the last 15 years. Of our last two sugar companies, one announced it was going out of business last year. Our longstanding leaders in pineapple production have moved their fruit production operations out of the state. As a result, Hawaii has been making a difficult transition from plantation to diversified agriculture.

Increased food production for local and export markets is a key component to addressing food security in Hawaii.

Most of the research done in mainland university and research institutions does not have much relevance in Hawaii. We grow different crops and have a year-round growing season, which means year-round pest and disease issues.

There are no large national agricultural organizations to lobby for the interests of papaya, pineapple, banana, or coffee farmers. Rice and cotton growers in Texas can find support from growers in other states who will make sure that their needs are understood and met.

The Hawaii Agricultural Diversification program has evolved over time from identifying alternative crops to replace sugarcane and pineapple, to assessments on aquaculture crops, to the current emphasis on tropical fruits.

The overall tropical fruit industry in Hawaii comprises nearly 1300 farmers who produce crops for tropical fruit markets with an annual farm gate value of more than \$30 million.

Included in this agricultural industry are banana, guava, papaya, avocados, and wide range of tropical specialty fruits such as rambutan, lychee, and longan.

While the total acreage and the total number of farms increased in 2007, these growers are small farmers, averaging less than 5 acres per farm in production. These farmers have limited resources and do not have the means to conduct the R & D to support their industry. This funding provides means for stakeholder-driven research and development in support of the industry.

The main problems faced by Hawaii tropical fruit growers include pest management strategies, phytosanitary export protocols, and refined market information to guide production.

For example, two major Hawaii Tropical Specialty Fruits, rambutan and longan, are grown for export to the U.S. mainland but face stiff competition with foreign countries, such as from Thailand, where labor and other input costs are much lower. Research funds have been devoted to finding best management practices for post-harvest handling of rambutan and longan to identify the fungal diseases that damage fruit and accelerate spoilage during shipment. Research, done collaboratively with USDA Agricultural Research Service, has identified methods to extend rambutan and longan shelf-life and to maintain higher quality fruit during shipment, giving Hawaii growers a competitive advantage over cheap foreign competition.

Hawaii has an image of being a paradise. Hawaii is beautiful, but at the same time we are also very vulnerable to any downturn in the U.S. or international economies. Our biggest industry, tourism, has been hit hard by the recession. Our geographic isolation means that everything is more expensive, including inputs for agriculture.

My district, which includes all of Hawaii (7 inhabited islands) except for the city of Honolulu, is largely rural and most of our residents would like it to stay that way. We have a long agricultural tradition and history and are struggling to adjust to changing markets without the safety net that most states that grow program crops (like cotton, rice, and corn) enjoy. Despite the fact that Hawaii farmers are not able to take advantage of many of the programs that benefit mainland farmers, I have consistently supported farmers throughout the country and simply ask that my fellow members also support Hawaii's hard-working farmers.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010.

SPEECH OF

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes:

Mr. ETHERIDGE. Mr. Chair, I rise tonight in reluctant support of this legislation. While H.R.

2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010 provides critical funding for the United States Department of Agriculture, including important initiatives that I helped put in the 2008 Farm Bill, it falls short for some rural Americans.

USDA funding is critical to our nation, and H.R. 2997 ensures USDA can continue its good work. This bill provides more than \$2.8 billion for rural development, 4 percent more than in 2009, for investments such as rural housing, water projects, community facilities and economic development efforts. These rural initiatives not only sustain our rural communities, but also create new opportunities for growth and development in our nation's small towns. At a time when our rural economies are suffering, this funding provides a desperately needed hand up, and a way to spur continued growth and maintenance for existing infrastructure.

To protect American agriculture, the safety of our nation's food supply, and to spur the continued research that makes our land grant universities the pinnacle of the world's agriculture research centers, the bill provides nearly \$1.2 billion for the Agricultural Research Service \$1.3 billion for important agricultural research at the National Institute for Food and Agriculture, and \$881 million to fund programs that protect American agriculture against animal and plant diseases. As the representative of the district that contains the main campus of North Carolina State University, one of our nation's finest land grant and agricultural research institutions, I am proud that the research funds within the bill will continue to allow these students and researchers to do their good work for American agriculture and the consumers who eat the healthy food American farmers produce, here at home and across the globe.

Conservation efforts were sadly diminished under the last Administration, but this bill provides \$980 million for conservation programs at USDA, 8 percent above the President's request and 1 percent above 2009. Funding provided in H.R. 2997 for the Natural Resources Conservation Service will improve service in the field, and deliver conservation to protect the environment. The bill rejects \$267 million in proposed cuts to farm bill conservation priorities, including the Wetlands Reserve Program, Farmland Protection Program, and Wildlife Habitat Incentives Program. These initiatives ensure that our children inherit the legacy of a clean environment and a healthy rural America. They deserve no less than what we enjoyed growing up.

To help the most needy in our society, H.R. 2997 provides more than \$7.5 billion to provide proper nutrition to mothers and their children, supporting healthy food for up to an additional 700,000 women, infants, and children. The funds provided in this bill will help bring needed WIC assistance to more than ten million people. It also sets aside \$125 million for the upcoming WIC reauthorization, including a number of program improvements such as increasing fruit and vegetable vouchers, implementing the electronic benefit transfer system, and expanding the breast feeding peer counseling program.

There are many good things in this bill. But while the bill provides basic support for our nation's farmers, it leaves out some of the farmers most in need and may harm many of our livestock and poultry producers.

Mr. Chair, the people who live in my district are suffering. With double digit unemployment in every county in my district, we are experiencing some of the worst economic conditions in the nation. My farmers are suffering as well. I have poultry growers and livestock producers who are on the verge of losing their homes. This bill should include Section 32 funding, that I requested, for economic disaster assistance for these producers, producers who work hard to raise thousands of birds for our family tables but are not eligible for any traditional assistance at USDA. This provision would have helped nearly a thousand poultry producers in a dozen states who have lost their contracts. These folks have nowhere else to turn for a bridge that will allow them to keep their farms. When we are giving bailouts to Wall Street and the auto industry, we owe it to rural America to lend a hand to those who reside on Main Street. But, unfortunately, the committee did not include this provision.

I am also concerned about a provision put into this bill that extends a ban on imports of processed poultry meat from China. This is already threatening to hurt not only U.S. poultry producers, but also pork and beef producers who depend on the Chinese market. While I share Chairwoman DELAURO's desire to make sure that our food is safe, arbitrary restrictions do not forward our goals. Congress should rely on the food safety efforts of USDA and FDA, and insist on continued oversight of these agencies. We must work to improve Chinese food safety in a manner that protects U.S. consumers, but that is also consistent with our international obligations on fair trade. Singling out our largest trading partner may lead to retaliation that would threaten an already suffering industry. It is my hope that this provision will be removed from the bill during conference.

Mr. Chair, I will vote for H.R. 2997, and I urge my colleagues to do the same. But I also urge those in Leadership, and the Chair of this committee, to think of North Carolina's poultry farmers, and livestock producers across the country, as this bill goes to conference. I hope to work together in the future to ensure that future legislation is more inclusive of all of our farmers and people in need.

PERSONAL EXPLANATION

**HON. BRAD ELLSWORTH**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. ELLSWORTH. Madam Speaker, on Tuesday, July 7, 2009, I missed rollcall votes Nos. 478 and 479 and on Wednesday, July 8, 2009, I missed rollcall votes Nos. 480, 481, 482, 483, 484, and 488. I missed these rollcall votes due to having the flu.

Had I been present for rollcall 478, on motion to suspend the rules and agree to H. Con. Res. 135, I would have voted "aye."

Had I been present for rollcall 479, on motion to suspend the rules and pass H.R. 1129, I would have voted "aye."

Had I been present for rollcall 480, on agreeing to the resolution H. Res. 610 providing for consideration of H.R. 2965, I would have voted "aye."

Had I been present for rollcall 481, on motion to suspend the rules and pass, as amended H.R. 1278, I would have voted "aye."



Had I been present for rollcall 482, on motion to suspend the rules and pass H.R. 1945, I would have voted "aye."

Had I been present for rollcall 483, on agreeing to the Kosmas Amendment to H.R. 2965, I would have voted "aye."

Had I been present for rollcall 484, on agreeing to the Amendment in the Nature of a Substitute to H.R. 2965, I would have voted "aye."

Had I been present for rollcall 488, on motion to adjourn, I would have voted "no."

INTRODUCTION OF THE  
FOREWARN ACT (H.R. 3042)

**HON. JOHN M. MCHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MCHUGH. Madam Speaker, I rise today regarding the Forewarn Act (H.R. 3042), which was introduced on June 25, 2009, in an effort to help American workers by updating and improving the Worker Adjustment and Retraining Notification (WARN) Act (P.L. 100-379). I am pleased to have had the opportunity to work with the Gentleman from California, Mr. MILLER, the Chairman of the House Committee on Education and Labor, to craft this important legislation.

Congress enacted the WARN Act over two decades ago in August 1988 in an effort to help American workers better prepare for, and overcome the difficulties resulting from the loss of a job due to a mass layoff or plant closure. Specifically, through the WARN Act, Congress required that employers give workers 60 days advance notice of mass-layoffs to facilitate their efforts to find a new job, obtain retraining, or otherwise prepare for the significant consequences of lost employment. Simultaneously, to maximize the assistance provided to workers under such difficult circumstances, Congress also required the same 60-day notice be provided to state dislocated worker entities and the chief elected official of the pertinent local government.

Last Congress, I was prompted to closely review the WARN Act and its requirements in the wake of a decision by the General Motors (GM) Corporation to phase out 500 jobs and close its Powertrain facility in Massena, New York, which I represent. As a result of this examination, on September 25, 2007, I introduced the Forewarn Act of 2007 (H.R. 3662) to strengthen the WARN Act by expanding its scope and increasing its notice requirements to 90 days. Additionally, H.R. 3662 sought to enhance compliance by increasing the back pay penalty, clarifying that the notice period should be determined by the use of "calendar" rather than "business" days, and giving the Secretary of Labor or appropriate state attorney general the ability to enforce the law. I was later pleased to vote for similar provisions when the House considered the Trade and Globalization Assistance Act of 2007 (H.R. 3920) authored by Mr. MILLER to reauthorize the Trade Adjustment Assistance Act. Unfortunately, H.R. 3920 did not become law before the conclusion of the 110th Congress.

Since that time, economic circumstances have reinforced the need to modernize and expand the WARN Act. From December 2007 through May 2009, seven million Americans

have become unemployed and in the 11 counties encompassed by New York's 23rd Congressional District, over 34,000 people are without work. Moreover, during that timeframe, there have been 37,059 mass layoffs across the nation involving over 3.8 million workers. In the face of such circumstances, it is incumbent upon Congress to ensure that American workers have as much notice as practicable and that the law providing such notice and associated rights is understandable and enforceable.

Thus, as the Gentleman from California and I reviewed the WARN Act, one of our goals was to clarify provisions that had caused confusion and resulted in litigation. For example, the question of whether the notice period required under the Act was to be determined by counting "calendar" days or "business" days has long been litigated. In our recently introduced bill (H.R. 3042), we seek to clarify that "calendar" days are indeed to be used when calculating the notice period. Likewise, there has been confusion as to whether or not an employer's "good faith" could be used as a complete defense to liability under the Act. When Congress enacted the WARN Act, it clearly intended that an employer's good faith should only be used by a court to reduce the damages owed—not to entirely eliminate liability—and we have sought to reinforce Congress' original intent through Section 2(c)(3) of this proposal.

As in the legislation (H.R. 3920) passed by the House in the 110th Congress, the current Forewarn Act (H.R. 3042) would require employers to give 90 days, rather than 60 days, notice of mass-layoffs and plant closures to employees. However, H.R. 3042 would expand the bill's reach to those employers who have 75 or more employees, including those who are new or part-time, and lower the threshold number of affected employees from 50 to 25 employees. In addition, our measure would require employers to give notice to the Governor of the pertinent state, as well as to the U.S. Secretary of Labor, who in turn would be required to give notice to the appropriate Senators and Members of the House of Representatives.

To better ensure compliance, as H.R. 3662 and H.R. 3920 would have done last Congress, the current Forewarn Act (H.R. 3042) would increase the remedies available to employees in instances where proper notice was not given. For example, employees could receive damages in the amount of double back pay for each calendar day they were not provided with the requisite notice and the Secretary of Labor could initiate an enforcement action on their behalf. The bill (H.R. 3042) would make clear that the appropriate statute of limitations is two years and provide further protections to workers by precluding waivers of their rights under the law unless they were made by the Secretary of Labor, an attorney general, or with the assistance of counsel. We have also clarified that parent companies are ultimately responsible for the actions or inactions of their subsidiaries.

Finally, to increase assistance to workers, our bill (H.R. 3042) requires employers to post notices regarding worker rights under the WARN Act and to permit on-site access to rapid response teams. Likewise, it requires the Secretary of Labor to prepare a guide of benefits and services that may be available to unemployed workers.

Madam Speaker, as Congress continues its efforts to address our nation's current economic circumstances, it should favorably consider the Forewarn Act.

ANNIVERSARY OF THE IMPRISONMENT OF THE SEVEN-MEMBER NATIONAL COMMITTEE OF THE IRANIAN BAHÁ'IS

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WOLF. Madam Speaker, May 14 marked the one-year anniversary of the imprisonment of the seven-member national committee of the Iranian Baha'is. They have been unjustly held for over a year without formal charges or access to their attorneys.

According to The New York Times, the seven Baha'is are scheduled to face trial this Saturday, July 11.

They will reportedly be charged with "espionage for Israel," a crime which is punishable by death.

The United States Commission on International Religious Freedom recently released their 2009 report which recommends that the State Department designate Iran a country of particular concern due to its gross violations of religious freedom.

Such violations include the execution of over 200 Baha'i leaders since 1979, the desecration of Baha'i cemeteries and places of worship and the violent arrest and harassment of members of the Baha'i faith.

As the administration seeks diplomatic engagement with Iran, I urge them to make human rights and religious freedom, including the persecuted Baha'is, an integral part of the dialogue.

Human dignity and freedom must not be relegated to the sidelines.

EXPRESSING APPRECIATION FOR  
KELLY HOLMES' SERVICE TO  
WEST TENNESSEE

**HON. JOHN S. TANNER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. TANNER. Madam Speaker, I rise today to honor Kelly Holmes, a long-time public servant who retired June 30 after many years as Madison County Fire Chief alongside his wife Willadene. Under Chief Homes' leadership, the Madison County Fire Department grew from a volunteer force with Army surplus equipment to 16 stations with 162 firefighters.

Kelly Holmes is a native of Bemis, Tennessee, and was raised in Madison County, which I am honored to represent in this chamber. After serving in the United States Army during the Korean War, Kelly returned home in 1955 to work at Consolidated Aluminum Corporation, where he worked for more than 20 years.

During that time, in 1958, Kelly helped organize the all-volunteer Madison County Fire Department to help protect our community. The following year, he was promoted to the rank of Captain, and in 1963 assumed the role of Fire

Chief. He served in that position as a volunteer for 13 years; in 1976, the needs of Madison County had grown so much that the position of Fire Chief became a full-time, paid position.

In his more than 50 years with the Madison County Fire Department, Chief Holmes has served on the Board of Directors for the Tennessee Fire Chiefs Association and served from 1978 to 1980 as President of that association. He has received many awards, including the Good Conduct Medal, the Army's National Defense Service Medal, the Jackson Exchange Club's "Man of the Year" Award in 1975, and the First American Red Cross Humanitarian Service Award in 2005. In 1965, he appeared in "Outstanding Young Men of America." Chief Holmes has also held various leadership roles at the Bemis United Methodist Church, to which he and his family belong.

Fire protection service to our community is important to the entire Holmes family. Kelly says "his number one assistant" is his wife, Willadene, who has also served the Madison County Fire Department for 50 years as a dispatcher and secretary. For 30 years, his son Ralph served the Jackson Fire Department, from which he retired as Battalion Chief, and spent his off days as Head of Maintenance and Captain of the Madison County Fire Department. Chief Holmes' grandson Joe has served 4 years with the Madison County Fire Department as a firefighter.

Among Chief Holmes' greatest moments of service was his leadership in responding to a 1978 train derailment and propane explosion in Waverly, Tennessee, that had killed several, including the local police and fire chiefs, and destroyed several city blocks. Chief Holmes and the firefighters serving with him put their lives on the line in a very precarious situation, knowing that a second propane car at the center of the fire could have exploded at any time. Tennesseans were grateful for the courage and dedication displayed by Chief Holmes and other responders.

Madam Speaker, I have long been proud to call Chief Kelly Holmes my friend. I thank you and our colleagues for joining me in expressing gratitude for his service protecting West Tennessee families and congratulating him on his retirement, which will allow him to spend time with his family and—in his words—"enjoy the country life." We wish him all the best.

THE NATIONAL EXCHANGE CLUB'S  
FIGHT AGAINST CHILD ABUSE

**HON. ANDER CRENSHAW**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. CRENSHAW. Madam Speaker, I rise to commend the National Exchange Club and the Jacksonville and Jacksonville Beaches Exchange clubs on their continuing commitment to fight child abuse and to recognize those in our communities who fight against it on a daily basis. Members remind me that "These are America's children and this is America's responsibility."

From July 14–18, 2009, local and national leaders and concerned citizens will gather at Metropolitan Park for a Healing Field flag memorial. At that time, 1530 American flags will be flying. Each flag will be in honor of a child

abuse victim. 146 of the flags represent children of Florida. The display will be a colorful reminder that child abuse is a national problem, and we all must work to prevent it.

During this weeklong event, flags will also fly to honor Jacksonville's fallen military in the current conflict, and fallen police and fire officers.

Also at this time, the 91st annual convention of the National Exchange Club will be hosted in Jacksonville. Club members will erect the display and maintain this awe-inspiring memorial during the convention. This patriotic display was established by the Healing Field Foundation to shine light on an ugly subject—child abuse in America.

Recently, at one of my local Exchange Clubs, I congratulated those who work in the field to prevent child abuse on their commitment to children from families who often are in fragile situations. Talk about unsung heroes! For every child who finds a sanctuary, hundreds are living day-to-day in often precarious situations. The flags represent those who paid a terrible price for something they did not do. These children depend on you and me to become aware and help extend them a lifeline.

My wife Kitty and I are concerned about the growing problem of child abuse not only in America but across the globe. As the economic situation worsens, it is our fear that more children will become victims. I hope that families in Jacksonville will go to Metropolitan Park with their children and experience this moving and patriotic display. None of us can do this alone but there is tremendous strength in our combined actions. It is too late for those memorialized in the Healing Field but for more of our children life is a risky business.

The National Exchange Club and its local clubs are willing to step forward to illuminate a growing problem in our nation. I hope that the Healing Field will move us to action. I thank the Speaker for the time to address the House on this important issue.

EARMARK DECLARATION

**HON. JOHN FLEMING**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. FLEMING. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082, the "Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2010."

I have requested funding for the Multi-Purpose Machine Gun Range project in Fiscal Year 2010. The entity to receive the funding for this project is the United States Army, located at Fort Polk/Joint Readiness Training Center, Louisiana. FY10 funds would provide for the construction of a standard design Multi-Purpose Machine Gun Range, required to train and test soldiers on the skills necessary to detect, identify, engage and defeat targets in a tactical environment. Fort Polk does not currently have a suitable training area that meets the requirements needed for machine gunnery. Without this facility, the soldiers of Fort Polk, Reserve, and National Guard units will not be able to maintain efficiency for live fire training for machine gun engagements.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge, this request: (1) is not directed to an entity or program that will be named after a sitting Member of Congress, (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark, and (3) meets or exceeds all statutory requirements for matching funds where applicable. I also hereby certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, Fiscal Year 2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, Fiscal Year 2010

Account: Military Construction—Army  
Legal Name of Requesting Entity:  
SOUTHCOM Headquarters, Incr 3

Address of Requesting Entity: United States Southern Command, Doral, FL 33122

Description of Request: I have secured \$55,400,000 to complete construction of a new headquarters for the United States Southern Command in Doral, Florida adjacent to the existing facility. Currently, the Department of Defense is leasing the land on which SOUTHCOM is now located from a private individual. The land for this facility is leased from the State of Florida. SOUTHCOM received \$100 million in the FY08 Military Construction Appropriations bill and \$81.6 million in the FY09 Military Construction Appropriations bill as the first two installments of \$237 million, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504).

HONORING RETIRING  
MURFREESBORO CITY MANAGER  
ROGER HALEY

**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Murfreesboro City Manager Roger Haley. After serving the citizens of Murfreesboro for the last 20 years, Roger will retire on August 1. Before becoming city manager in 1989, Roger was a Murfreesboro City Councilman for nine years.

In the last 20 years, Murfreesboro's population has increased from 44,000 to over 100,000. It is currently the sixth largest city in Tennessee and the largest city with a city

council/manager style of governance. Despite the growth in population and the expanded services that come with such growth, the city has not had an increase in its property taxes in the past 14 years. This is probably one of many reasons why Roger was named the 2009 City Manager of the Year by the Tennessee City Manager Association.

As city manager, Roger has overseen the expansion of businesses, schools, and recreational opportunities that have given the residents of Murfreesboro a greater quality of life. The recent addition of the shops at the Avenue and the hospital and business and medical offices at the 400-acre Gateway are examples of such developments. Roger has worked on numerous recreation projects that residents of Murfreesboro enjoy, such as the Murfreesboro Greenway system, SportsCom, the Patterson Park Community Center, the wetlands at Murphree Springs, Murfreesboro Bark Park, and the Siegel Park and Soccer Complex.

As a life-long resident of Rutherford County, Roger has always been an active member of the community. He owned and operated several local businesses, including Murfreesboro Supply Company and Mr. Tool Rent-All. Roger was one of the organizers of First City Bank of Murfreesboro. He attended Middle Tennessee State University and served in the U.S. Army for two years in the Judge Advocate General Corps.

Roger leaves both his position and the City of Murfreesboro in top-notch shape. I've enjoyed working with him on many projects over the years. I hope Roger will enjoy the fruits of his labor, as he starts his retirement, and new time shared with friends and family.

#### EARMARK DECLARATION

### HON. JOHN M. MCHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. MCHUGH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082, the Fiscal Year 2010 Military Construction and Veterans Affairs Appropriations bill.

Requesting Member: JOHN M. MCHUGH

Bill Number: H. R. 3082

Account: Military Construction, Army

Name of Military Installation: Fort Drum

Address of Requesting Entity: Fort Drum, New York 13601

Description: Provide an earmark of \$8,200,000 in MCA to build an All Weather Marksmanship Facility at Fort Drum, New York. Currently, Fort Drum has only one operational All Weather Marksmanship Facility. The project is required to provide year round live fire training to more efficiently support soldiers in meeting weapons proficiency and qualification standards, and minimize the amount of time required to complete training. The Light Infantry Doctrine and the missions of the 10th Mountain Division require higher than normal levels of marksmanship proficiency and fire discipline.

IN RECOGNITION OF DAVID H. DELL

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize David H. Dell of Dale City, Virginia. Mr. Dell is a retired 20-year veteran of the United States Army and an active Dale City resident.

Mr. Dell's military service began in 1959 at the age of 17. His age required that he gain parental consent to join the Army, and his father proudly granted him approval hoping it would provide his son with new opportunities. Mr. Dell worked to make the most of those opportunities. He served a long and distinguished career in the Army, receiving the Joint Service Commendation in 1973 for his service in Korea. In 1976, he received a diploma from the U.S. Army Transportation School shortly before exiting the Army with an Honorable Discharge in 1979.

Mr. Dell has long been devoted to the quality of life and sense of community in Dale City. As a member of the Dale City Volunteer Fire Department he has spent countless nights on duty, sacrificing his time and safety for the protection of his neighbors and friends. Mr. Dell is a Life Member of both the Veterans of Foreign Wars Post 1503 and the Dale City Civic Association. He also serves as the Staging Director of the Dale City Independence Day Parade. This year, more than 100 organizations and thousands of participants marched in the parade. Thousands of spectators watched the procession make its way through the heart of Dale City and terminate at the Fourth of July Family Fun Day. Mr. Dell's participation in civic life contributes to a robust and vibrant sense of community in Dale City.

Mr. Dell's loyalty and passion for service extend into his professional life. On May 1, 2009, Mr. Dell commemorated 20 years of service with First Transit Incorporated, contractor for the Prince William County COMMUTERIDE bus system. This is a remarkable milestone, and Mr. Dell's years in the bus system have benefited Prince William County commuters and residents.

Madam Speaker, I ask that my colleagues join me in applauding David H. Dell's accomplishments. His service to his country and community represents the ideals we hope to instill in future generations, and by commending his accomplishments may we inspire them to follow his example.

#### CELEBRATING THE BRYAN-BENNETT LIBRARY CENTENNIAL

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to mark the Centennial Celebration of the Bryan-Bennett Library in Salem, Illinois.

The Bryan-Bennett Library was established by Salem native William Jennings Bryan and his friend, Philo Bennett. In a letter to the mayor of Salem in 1905, Bryan stated that "the library (was) established because of my

attachment to the city of my birth and to the friends of my childhood."

William Jennings Bryan was born in 1860 in Salem, Illinois. He had a distinguished career serving as a lawyer, a member of the U.S. House of Representatives and as Secretary of State during the Wilson Administration.

Through the tribulations and successes of his professional life, William Jennings Bryan gained an appreciation for education. His desire to share that passion with his community inspired Bryan to bring a new library to Salem. With assistance from Philo Bennett, he spearheaded the construction of the Bryan-Bennett library. On June 9, 1909, William Jennings Bryan gave his "Price of a Soul" speech to dedicate the opening of the library.

The original location of the library was on South Broadway Street, the site of Bryan's childhood home. It has since been moved with the generous contributions by Joe and Anna Hale of Salem and the support of the Illinois State Library's Live and Learn Grant.

On August 15, the Bryan-Bennett Library will formally celebrate its Centennial and dedicate its new site to Joe and Anna Hale.

I would like to congratulate the citizens of Salem, Illinois and the men and women who serve at the Bryan-Bennett Library to preserve the living legacy of William Jennings Bryan.

#### HONORING JEFFREY C. PACK

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jeffrey C. Pack, 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 1692, and in earning the most prestigious award of Eagle Scout.

Jeffrey has been very active with his troop participating in many scout activities. Over the many years Jeffrey 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 Jeffrey C. Pack for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2010

SPEECH OF

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes:

Mr. BRADY of Texas. Mr. Chair, I would like to call up my amendment, made in order under the rule, to shift \$50,000 from Office of the Chief Economist at USDA to the Economic Research Service (ERS).

The goal of this amendment is to have the Office of the Chief Economist work jointly with the Economic Research Service and the Foreign Agriculture Service to conduct a study on the potential growth in U.S. agriculture exports that would result from implementation of the pending trade promotion agreements with Colombia, Panama, and South Korea within 90 days of this legislation becoming law.

Additionally, USDA would also report on the potential impact on U.S. agriculture exports if these agreements are not implemented.

In each case, USDA would analyze the impacts of changes in exports on agriculture sector employment, wages, farm income, and commodity prices.

As I am sure you know, each of these countries has signed or is negotiating trade agreements with several countries that are major competitors for U.S. farmers and ranchers. I know we are all concerned about the potential loss of competitiveness the families and workers in our agriculture sector would face if the pending trade agreements are not implemented.

Previous studies by the International Trade Commission show the benefits of these agreements. Taken together, they could increase all U.S. exports by over \$12 billion. This new study would give us an opportunity to update this information and focus specifically on the U.S. agriculture sector.

In these difficult economic times, Congress, now more than ever, must pursue policies to enhance the competitiveness of America's farmers and ranchers. Since 95 percent of all consumers are outside of the United States, increasing exports are a vital component of that effort.

The analysis conducted as a result of my amendment would help Members of Congress understand the importance of leveling the playing field for America's farmers and ranchers by implementing the pending trade agreements.

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HONORING THE LIFE OF HENRY  
ARISTIDE "RED" BOUCHER

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to honor the life of Henry Aristide "Red" Boucher, 88, who died June 19, 2009. Mr. Boucher was a civic and political institution in his adopted home state of Alaska. He also was a dedicated family man with 12 children, 27 grandchildren and nine great-grandchildren. I became aware of Mr. Boucher through a family friendship with his daughter, Jennifer McNelly, and her family, who live in my district.

Mr. Boucher moved to Fairbanks, Alaska in 1958, after serving the United States Navy for 20 years. The New Hampshire native's move to Alaska was strongly influenced by a suggestion from a young Senator by the name of John F. Kennedy, for whom Mr. Boucher had campaigned. The future President told Mr.

Boucher, "There is great potential in the northern territory."

Just eight years after he arrived in Fairbanks, Mr. Boucher was elected mayor and held the position for four years. During his term, he guided the city through one of its greatest natural disasters, the flood of 1967. After his term as mayor, Mr. Boucher served as Alaska's lieutenant governor from 1970 to 1974 under Gov. Bill Egan. He also served as a representative in Alaska's state house from 1985 to 1990.

While his passion for politics will never be questioned, his legacy is likely to be the baseball team he founded in 1959, the Alaska Goldpanners of the Alaska Baseball League. The Goldpanners are well-known for carrying more than 200 future major league players on its rosters through the years.

Mr. Boucher also was a staunch supporter of telecommunications and led a campaign to increase Internet access in remote villages.

Madam Speaker, I ask my colleagues to join me in honoring the memory of this great American and extending our sympathies to his family and the people of Alaska.

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HONORING THE METRO-EAST LUTHERAN  
KNIGHTS BASEBALL  
TEAM

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to honor one of the top high school baseball teams in Illinois.

The Metro-East Lutheran Knights of Edwardsville, Illinois, competed in the Illinois High School Association Class AA baseball state finals, and came away with a second place trophy. This year's appearance was the first visit to the state finals for the Knights in baseball, making our region proud. In the semifinals, the Knights beat a strong Morrison club, before falling in the championship to the defending state champions from Olympia.

As a former baseball coach for the Knights, I want to congratulate this year's head coach Scott Downing and assistant coaches Tom Hitt, Brian Brynildsen, Joel Rempfer and Brian Hipkiss on their great achievement. I especially want to congratulate the members of the 2009 Metro-East Lutheran Knights state runner-up squad: Brian Berry, Matt Brynildsen, TC Collins, Trevor Engelke, Nick Hoff, Chris Hoffman, Simon Hoffman, Conor Judge, Taylor Judge, Andrew Langendorf, Joe McCall, Alex Robinson, Josh Schelp, Andrew Scheumann, Isaac Schoeber, Dusty Shimkus and Jon Trampe.

These outstanding student-athletes have put together a season to be proud of, and I want to join with the other members of this House in congratulating them and wishing them well in all their endeavors, both on and off the field.

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PERSONAL EXPLANATION

**HON. BEN RAY LUJÁN**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. LUJÁN. Madam Speaker, due to scheduling conflicts, I was unable to be present for

rollcall Vote No. 488. Had I been present, I would have voted "no."

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IN RECOGNITION OF THE KOREAN  
WAR

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WILSON of South Carolina. Madam Speaker, as we recognize the fifty-ninth anniversary of the Korean War, it is fitting that we have a renewed appreciation for the courage of the American military. This was a conflict initiated by a surprise attack from North Korea mercilessly against the people of South Korea. Throughout the war, American servicemembers resisted North Korean attacks and provided security for the people of South Korea. This has enabled that nation to become one of the world's most successful economies with a dynamic democratic form of government. They are a model for our allies in Iraq and Afghanistan which shows that from the ashes of war a thriving civil society can emerge.

Poet Albert Carey Caswell, an appreciated Capitol tour guide, has authored the following poetic tribute to America's military:

THE KOREAN WAR

The Korean War . . .  
Was but the one for sure . . .  
One hell of a fight, all the more!  
Where, brave hearts of America so for sure  
. . .  
Would so bring their light to insure . . .  
That Communism could not endure . . .  
A time when the world, would test that  
dream . . .  
Of the United Nation, as now it all so clearly  
seems!  
From all across America's shores . . .  
As came such fine brave hearts, who would  
somehow endure . . .  
But, the very face of hell . . . whose fine  
hearts so chose to swell . . .  
All for our freedom to insure!  
From The Frozen Chosen, to Pork Chop hill  
. . .  
Such brave hearts, of iron wills!  
MacArthur's Men of Might, who but bore  
that fight . . .  
Who so heroically upon those deadly hills  
burned bright!  
As just when things looked far gone,  
But came that surprising landing at Inchon!  
For America had Seoul . . .  
The kind that we must so teach our children,  
in hearts to so hold!  
All in hearts of honor which soar . . .  
All in America's quest, to freedom to so in-  
sure . . .  
As all throughout the centuries,  
Have such magnificents, so bought our  
peace!  
The one's who have so lived and died . . .  
Whose loved ones were left behind to cry!  
Who fought in one of the most bloodiest wars  
. . .  
Fine patriots, who so heroically headed  
north!  
With Communist on the march, as cried  
these boys . . .  
Men of honor, "not on my watch" were heard  
their voices . . .  
Cold is Cold, for there could be no colder  
days in hell of course . . .  
All in what this war would spell . . .  
And 'Oh what heartache and misery . . .  
For all of these finest of all souls, would be  
. . .

And all those in that air war,  
Sent them running back across those Yalu  
shores . . .  
For they too were the men of the hour,  
For the air support gave us such power!  
And all those on the high seas . . . dropping  
b's . . .  
Softening up those commies . . .  
And all of those MIA's,  
Whose loved ones their fine hearts still muse  
this very day . . .  
About where there loved ones now so lie . . .  
For only now, their precious souls are seen  
all in our lord's eyes!  
And all of those who returned home, without  
arms and legs . . .  
Teaching us all what the word hero so con-  
veys!  
And eyes, who now so live without this day  
. . .  
For some call it the Forgotten War!  
But not so in our Lord's eyes, for sure!  
For of these, were the finest of all Men . . .  
Who Live on this day . . .  
All in America's greatest of all heroic lores!  
As was, The Korean War . . .

ENHANCING SMALL BUSINESS RE-  
SEARCH AND INNOVATION ACT  
OF 2009

SPEECH OF

**HON. BETTY SUTTON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes:

Ms. SUTTON. Mr. Chair, I rise today in support of the underlying legislation, H.R. 2965, the Enhancing Small Business Research and Innovation Act.

This bill will ensure that small businesses have access to federal research and development money so they can continue to be the engines of economic growth and innovation that our economy so desperately needs.

This bill also contains a number of important developments—including a focus on the commercialization of products developed with SBIR funding.

A focus on commercialization is also a focus on jobs as technologies and innovations created by this funding enter the marketplace.

I am also pleased that a number of provisions that I championed have been included in the manager's amendment and the underlying bill.

One of these provisions requires agencies that administer SBIR programs to give special consideration to vital transportation and infrastructure research activities when reviewing grant applications.

Investing in our nation's transportation and infrastructure through small business is essential to our long term success and growth.

I also worked to include a preference for veterans who have so honorably served this country.

This is the least we can do for the 26 million brave men and women who sacrificed years of their lives to protect our country—many who are small business owners.

This bill will also increase outreach to service-disabled veterans and other underrepresented groups.

As I have said before and I will say again, it is not enough to simply pay tribute to our veterans with our words; we must show our appreciation through our actions.

I also strongly support the provision of this bill that I worked on with Representative BOSWELL to require that priority be given to grant applicants from areas of the country that have lost a major source of employment.

Communities across this country, from Ohio to Iowa, are suffering as employers shut their doors. In Ohio, 83 of the 88 counties have experienced a mass layoff or plant closing since 2001.

Focusing funds in areas that have suffered the most and have endured major job losses will ensure that this money is helping people in the communities that need it most.

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

IN HONOR OF THE BIG SUR  
HEALTH CENTER

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. FARR. Madam Speaker, I rise today to honor the 30th anniversary of the Big Sur Health Center, an independent, state-licensed, not-for-profit, community clinic, nestled in the heart of the beautiful Big Sur Valley. The Center is the only source of out-patient care for the 1,500 residents of the over 100 miles of remote and mountainous Big Sur coast. The Center also serves nearly 3,000,000 tourists who visit the Big Sur coast each year. It is crucial to the welfare of the Big Sur Community. As a Big Sur resident myself, I applaud the work of the health center staff and volunteers who do so much for their neighbors and visitors alike.

The Center grew out of a local, grass-roots effort in the late 1970s, to meet the needs of this rural community to provide quality comprehensive medical care to all in Big Sur regardless of a patient's ability to pay. At that time, I represented Big Sur as a Monterey County Supervisor. I had the great pleasure of working with Ray Sanborn, Dr. Saul Kunitz and other community leaders.

The Center finally opened its doors in September 1979. By 1985, it had become a 501(c)(3) corporation with a volunteer Board of Directors. That same year BSHC relocated from the Big Sur Grange Hall to its current location on the grounds of the All Saints Episcopal Church. In 2004, following a community-wide fundraising effort, the Center moved out of its old trailers into a new building at that site. Over the years the Center has developed into a busy family practice with over 2,600 patient visits annually. In the last few years the Center has also embarked on several important outreach initiatives. These included an oral health program emphasizing childhood dental care, a program to work with families and school districts to reverse growing rates of childhood obesity, and a multi year effort to reach out to the Big Sur coast's substantial Spanish speaking population.

This spirit of service and professionalism was apparent during the summer and fall of 2008 when the second largest wildfire in California's history besieged the Big Sur commu-

nity for the better part of two months. The Center staff worked hand in hand with the fire response authorities to help treat injured fire fighters so that they could return to their crews to continue their important work.

Looking to the future, the Center has fully embraced the move to electronic medical records championed by the Congress and President Obama. The Big Sur Health Center has developed and implemented an information technology system that provides practice management, electronic medical records and electronic health information exchange, and assures the protection of critical patient data in the event of a disaster that threatens or destroys the facility. In addition, this system allows for remote access to documents and facilitates patient management in the event of after-hours emergency room visits, or during a community disaster that closes the center. Retrieval of information for disease management in key populations, quality measures reporting, tracking of data and State-mandated annual clinic reporting is no longer the cumbersome and time consuming project of past times. Electronic retrieval and reactivation of patient health records is now done rapidly and accurately. The result is great savings to the Center and faster, better, more attentive care to the patient.

Madam Speaker, the Big Sur Health Center is a national treasure. It exemplifies a kind of dedicated grass-roots based health service that will be a key ingredient in a reformed American healthcare system—first rate medical care, cutting edge technology, in a community based setting. I know I speak for the whole House in extending our congratulations to the Center for a successful thirty years and our wishes for many more to come.

CONGRATULATING RALPH F.  
KORTE

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to congratulate Ralph F. Korte for his 2008 induction in the Southern Illinois University of Edwardsville Alumni Association Hall of Fame.

Ralph Korte is the founder and chairman emeritus of the board of Korte Company. The company was established by Mr. Korte in 1958 after he returned from Korea, serving in the U.S. Army. He was asked to build a milking parlor by his neighbor and a few weeks later he created an innovative, state-of-the-art business structure that is still used today.

In 1959 Korte decided to go to college and utilized the financial aid of the G.I. Bill. He took two night classes a week for 5 years until his G.I. benefits ran out. Korte realized his business courses were helping him manage his company, so he stayed in college. After 4 more years of schooling, he graduated from SIUE School of Business. Korte attributes his success in business to the quality of education he received at SIUE.

By 2005 the Korte Company was operating in 37 states and by 2008 it celebrated its 50th anniversary. The company is a nationally recognized industry leader with more than 1,800 jobs completed across the country. "I'm proud to say that more than 80 percent of our business comes from returning customers," Korte

said. "We work smart, and we know how to get things done."

In addition to his work with the Korte Company, Ralph Korte has been involved with the creation and implementation of several initiatives on the SIUE campus. These initiatives include: the addition of the Construction Program in the fall of 1979; the construction of the Ralph Korte Stadium in 1993; the donation of the Ralph and Donna Korte Classroom, the creation of the Ralph and Donna Korte Fund for Leadership and Innovation in Business Education in 1999; and the launch of the SIUE Construction Leadership Institute in 2004.

I would like to congratulate Mr. Korte for his achievements in business and receiving this honor from Southern Illinois University of Edwardsville.

#### EARMARK DECLARATION

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process H.R. 3082, Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill for 2010 contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 3082

Account: Army

Legal Name Requesting Entity: Fort Campbell, Kentucky

Address: 39 Normandy Avenue, Fort Campbell, Kentucky

Description of Request: There is inadequate chapel space at Ft. Campbell. The current facilities are scattered across the entire installation in several substandard World War II buildings that are in disrepair. The construction of a chapel complex will provide every Fort Campbell soldier, their family members and retirees a quality facility in which to worship and practice their religious faith. As overseas deployments remain high, an increasing number of soldiers and families will rely on the chapel to support their spiritual needs. The local Clarksville Chamber of Commerce has strongly advocated for a new chapel on Ft. Campbell.

Distribution of funding:

Chapel—72 percent

Antiterrorism/Force Protection Measures—1 percent

Infrastructure (electric, water)—11 percent

Supervision, Inspection and Overhead—16 percent

#### EARMARK DECLARATION

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding a request for funding I made of the House Appropriations Committee for inclusion in H.R. 3082 the Military Construction—Veterans Affairs Appropriations bill for Fiscal Year 2010.

Specifically, the project will be included in Title 1, Military Construction—Army.

H.R. 3082 includes \$10.2 million for Phase 2 of the Ballistic Evaluation Facility in the Fiscal Year 2010 National Defense Authorization Act. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806-5000.

The actual design and construction will be executed by the U.S. Army Corps of Engineers.

The funding will be used for planning, design and construction of a state-of-the-art Ballistic Experimentation Facility (BEF) for Large Caliber Armaments at Picatinny Arsenal. This process will produce a one-of-kind research and testing facility which will reduce Army's operational overhead and maintenance costs and improve safety for Army employees. The use of U.S. taxpayer funding is justified because this construction will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

#### HONORING SOUTHWESTERN HIGH SCHOOL PIASA BIRDS SOFTBALL PROGRAM

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to acknowledge the achievements of one of the top softball programs in Illinois.

Last month, the Piasa Birds of Southwestern High School took second place in the Illinois High School Association's state finals. It was the third time in four years that Southwestern reached the finals, and it tied for the best finish in school history. The Piasa Birds finished the year with 28 wins and four losses. They won an extra-inning thriller against West Carroll in the semifinals before falling to Olympia in the state championship.

I want to congratulate head coach Erin McAfee and assistant coach Michelle Woelfel on their achievement. Most of all, I want to congratulate the members of the 2009 Southwestern Piasa Birds state runner-up softball team: Amanda Hany, Niki Davis, Lizzy McAfee, Rebecca Wolff, Amanda Roberts, Samantha Boucher, Sydney Shelton, Ashley Jenkins, Ellie Thomas, Shauni Hernandez, Amanda Mitchell, Megan Smith, Samatha Davis, Katie Trombetta and Leslie Davis.

They have represented themselves, their school and the community very well, and I join with the other members of this House in wishing them continued success both on and off the field.

#### CONGRATULATING SYCAMORE SCHOALS STATE HISTORIC AREA

### HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. ROE of Tennessee. Madam Speaker, I rise today to congratulate Sycamore Shoals

State Historic Area on their play "Liberty!" being recognized by the Tennessee General Assembly as the official outdoor drama of the State of Tennessee.

"Liberty!" has been performed annually during the month of July for 31 consecutive years. "Liberty!" tells the story of Tennessee's frontier beginnings by portraying the relationships between the American settlers and the native Cherokee Indians.

Hundreds of gifted local volunteers come together at the location where these historic events actually occurred and celebrate the lives of the people and depict important episodes that helped shape the heritage of this great state and country.

I want to congratulate and sincerely thank all of the volunteers that contribute their time and efforts to "Liberty!" for honoring our great state of Tennessee.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

SPEECH OF

### HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 8, 2009*

The House in Committee of the Whole House on the State of the Union has under consideration the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Mr. LARSEN of Washington. Mr. Chair, I rise in opposition to the Flake amendment to cut potato research.

Potatoes are an important part of our national diet and potato farming is an important part of our national economy.

The \$1 million included in this bill for Potato Research goes directly to developing potato varieties that provide profitable, sustainable production for the grower, and a healthy, inexpensive food supply for American consumers.

In Skagit County in my district, over 13,000 acres are devoted to potatoes.

However, late blight disease is a constant threat to my local farmers, and growers use the research provided them by this program to minimize their losses.

Washington state is second only behind Idaho in potato production in the country producing over 9 billion pounds of potatoes every year.

The economic value of the potato industry to Washington is approximately \$3.5 billion supporting nearly 20,000 farming jobs. These jobs can be found across our state, and it is critical that we protect them.

The potato breeding program in the Pacific Northwest, the target of this amendment, is a partnership among the USDA Agricultural Research Service, the University of Idaho, Oregon State University, Washington State University, and the potato commissions of the three states.

For every dollar invested in the Northwest Tri-State Potato breeding program, a value of



\$39 results in improved quality and increased production.

Mr. Speaker, this funding is important to my district, my state, and our country—and I urge a “no” vote on this amendment.

HONORING CHRISTOPHER M. PACK

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher M. Pack, 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 1692, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop participating in many scout activities. Over the many years Christopher 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 Christopher M. Pack for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHATHAM GLENWOOD  
HIGH SCHOOL TITANS BASEBALL  
PROGRAM

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to honor a group of talented student-athletes from Chatham, Illinois.

The Chatham Glenwood High School Titans defeated the LaSalle-Peru Cavaliers in a 2–1 game to advance to the Illinois High School Association Class 3A state baseball championship. The Titans finished runners-up after a hard fought championship game.

My congratulations go to Head Coach Pat Moomey and assistant coaches John Hyde and Kyle Moomey for their work with this outstanding group of student-athletes. But most of all, I want to congratulate the members of the 2009 Chatham Glenwood High School Titans state champion runners-up baseball team: Nino Mattera, Derek Piper, Jake Ingold, Derek Crouch, Ryan Williams, Jacob Reese, Connor Bryant, Ben Parks, Tim Sullivan, Michael Fiaush, Max Xanders, Phillip Maton, Jake Fulks, Matt Green, Jared Turner, Tristan Molumby, Aaron Hearn, Bryce Sablotny, Jake Lance, Zack Joos, Patrick Woerner, Chris Sekardi and Dallas Henderson..

They have represented themselves, their school and the community in an exemplary fashion, and I want to join with the other members of this House in wishing them the best of luck in their future endeavors, both on and off the field.

HAYLEY AND DERRIC SMITH  
AGGIES FOREVER

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. POE of Texas. Madam Speaker, it is with great pleasure that I rise today to congratulate Hayley and Derric Smith on their marriage on Saturday, May 23, 2009.

Hayley is from Bridgeport, Texas and Derric is from Hobbs, New Mexico. The two met in college while attending Texas A&M. Hayley graduated with a Communications degree in 2008 and Derric earned an Agriculture Leadership and Development Degree in 2007. After graduation they both moved to Washington, D.C. where Derric proposed to Hayley in Statuary Hall located in our nations Capitol.

Derric has been accepted to law school at Southern Methodist University in the fall of 2009 and Hayley and Derric will be moving to Dallas, Texas. While I know Hayley and Derric will go on to achieve great things, I will miss Hayley's spirit, work ethic, and Texas pride that comes from an Aggie graduate.

Hayley has truly been an asset to my office over the last year. I know that she looks forward to getting back to the great state of Texas and hoping the Aggies can pull off an upset over the Texas Longhorns at some point.

The commitment that Hayley and Derric have to each other will only get stronger as they begin a new chapter in their lives together. I would like to congratulate them again on their marriage and wish them the very best in all of their future endeavors.

And that's just the way it is.

**EARMARK DECLARATIONS**

**HON. ANDER CRENSHAW**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy  
Legal Name of Receiving Entity: MCSF Blount Island, FL

Address of Receiving Entity: Channel View Boulevard Jacksonville, FL 32226

Description of Request: I have secured \$3,760,000 in funding in H.R. 3082 in the Navy Account for the Port Operations Facility at MCSF Blount Island, FL.

The purpose of this funding is to construct a new multi-story waterfront operations support facility to include a container operations office, harbor security office and a multiple user waterfront operations building.

This is a valuable use of taxpayer funding because it would support the MCSF Blount Island, FL facility which is responsible for the United States Marine Corps' Maritime Prepositioning Ships (MPS) Maintenance Cycle operations and oversight of the Marine

Corps Prepositioning Program-Norway (MCPPN).

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy  
Legal Name of Receiving Entity: Naval Air Station Jacksonville

Address of Receiving Entity: Roosevelt Blvd Jacksonville, FL 32212

Description of Request: I have secured \$5,917,000 in funding in H.R. 3082 in the Navy Account for the P-8A Multi-Mission Maritime Aircraft (MMA) Facilities Modification at NAS Jacksonville, FL.

The purpose of this funding is to upgrade the existing airfield facilities to support the operation and maintenance of the new P-8A Multi-Mission Maritime Aircraft (MMA).

The MMA is programmed for a phased replacement of the P-3C aircraft between 2011 and 2018. NAS Jacksonville has been identified as a main operating base for this phased replacement. Modification of existing facilities is required to support this new mission.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy  
Legal Name of Receiving Entity: Naval Station Mayport

Address of Receiving Entity: Mayport Road Jacksonville, FL 32228

Description of Request: I have secured \$29,682,000 in funding in H.R. 3082 in the Navy Account for Wharf Charlie Repair at Naval Station Mayport.

The purpose of this funding is to recapitalize Charlie One (C-1) Wharf by reconstructing the 608 foot general purpose berthing wharf with a new second deck wharf.

This is a valuable use of taxpayer funds because failure to recapitalize C-1 Wharf will result in increasing steel deterioration of the bulkhead, formation of holes and loss of backfill material. Loss of material will cause voids, failure of wharf deck paving, potential utility outages from broken piping. Resultant live load restrictions would eliminate crane and truck operations on the wharf.

Wharf C-1 could no longer be effectively used as an ordnance handling berth which would severely restrict weapons on load/off-load within the Mayport basin, require increased ships movements within the basin and could possibly delay ships operational schedules.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy  
Legal Name of Receiving Entity: Naval Station Mayport

Address of Receiving Entity: Mayport Road Jacksonville, FL 32228

Description of Request: I have secured \$46,303,000 in funding in H.R. 3082 in the

Navy Account for Channel Dredging at Naval Station Mayport.

The purpose of this funding is to remove an estimated 5.2 million cubic yards of sediment from the turning basin, inner entrance channel and Jacksonville Harbor Bar Cut (outer channel) to the prescribed project depths (approximately 50 feet) and deposit the dredged material in the permitted open ocean disposal areas.

As most of you are aware, the Department of Defense has decided to further review the Navy's earlier decision to establish a second nuclear aircraft carrier homeport at Naval Station Mayport, Florida within the 2010 Quadrennial Defense Review (QDR).

HOWEVER, the current leadership in the Department of Defense, Secretary Gates and Deputy Secretary Lynn, have declared that at the very least there MUST be alternate location to dock our nuclear carriers in case of a natural or man-made emergency at Naval Station Norfolk.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy

Legal Name of Receiving Entity: Naval Station Mayport

Address of Receiving Entity: Mayport Road Jacksonville, FL 32228

Description of Request: I have secured \$26,360,000 in funding in H.R. 3082 in the Navy Account for a Fitness Center at Naval Station Mayport.

The purpose of this funding is to construct a new fitness center at Mayport to replace a 35 year old out dated and non-compliant structure.

This is a valuable use of taxpayer funds because it will upgrade readiness, training and the quality of life of sailors at and their families at Naval Station Mayport.

There are no matching funds required or allowed for this project.

### HONORING GLENWOOD HIGH SCHOOL SOCCER PROGRAM

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor one of the top high school soccer programs in Illinois.

The Titans from Glenwood High School in Chatham, Illinois, took third place at the Illinois High School Association Class 2A state finals last month. It was the school's third trip to state in six years, and it capped off an 18–4–1 season.

This year's squad avenged last year's loss to Belleville Althoff in the super-sectional by winning the rematch and advancing to the state finals. Once there, they fell to Lemont 1–0, but bounced back to take a 2–1 victory over Sycamore in the third place game.

I want to congratulate head coach Jay Lipe and assistant coaches Greg Lipe, Pam Hogan and Bethany Rollet on their success with this group of student-athletes. I especially want to

congratulate the members of the 2009 Glenwood Titans' state third place soccer team: Cara Moody, Erin Egoal, Sydney Alstott, Ashley Kulavic, Lindsey Koch, Dani Torry, Eryn Sullivan, Rylie Sullivan, Ali Traina, Bree Gardner, Annie Kwedar, Jenny Mosley, Emily Stockton, Elena Pappas, Abby Vorreyer, Colleen Quick, Rachel Kobayashi, Alise Wisniewski, Kaylee Walsh and Abby Juhlin.

These students have represented themselves, their school and the community very well, and I want to join with the other members of this House in congratulating them, and wishing them all the best in their future endeavors, both on and off the field.

### TRIBUTE TO DELORES "SUGAR" POINDEXTER

#### HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor Delores "Sugar" Poindexter for her phenomenal career in the gospel music industry and as a spiritual healer.

Sugar's stunning soprano voice is and will always remain legendary within the gospel music industry. She sang with many of the great pioneers of gospel music such as the Roberta Martin Singers and the Beatrice Brown Singers. In addition to singing, she was the Chairperson of the Back Stage Committee for the Gospel Music Workshop of America Inc. Sugar served as the Vice Chairperson of the Gospel Announcers Guild of the Gospel Music Workshop of America Inc., and as a co-host on Black Entertainment Television's Bobby Jones Gospel show.

Sugar is a remarkable woman who has achieved many firsts in her lifetime. She is a giant in the Indianapolis community whose vision of service has touched the lives of many less fortunate individuals. In the span of over three decades, Sugar was the first African American woman to host her own gospel program on the airwaves of WTLC, which was formerly known as 104.5 FM. She was the first African American licensed disc jockey on WTLC and again the first to host her show from the Marion County Jail on Thanksgiving Day, a tradition she continued for 20 years.

Despite her many achievements, Sugar's greatest legacy is that of a healer. She ran her own prison ministry providing hope and spiritual fulfillment to the women at the Indiana State Prison.

I urge my colleagues to join me in honoring Delores "Sugar" Poindexter, a woman who shared the gospel and its message of compassion, humanity and peace through music. Sugar firmly believed in the saying that, "to whom much is given much is expected."

### GULFPORT, FLORIDA MOURNS THE PASSING OF ROBERT W. CALDWELL, JR.

#### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. YOUNG of Florida. Madam Speaker, it is with a deep sadness that I share with my

colleagues the passing of my good friend and constituent Robert W. Caldwell, Jr. of Gulfport, Florida.

There was no more patriotic American than R. W. Caldwell, Jr. who died this past Fourth of July at the age of 88. He moved to Gulfport as a young boy during the 1920's and never left. During those more than 80 years, he fell in love with this small Florida city and throughout his lifetime he always strived to make it a better place to live. He built and sold homes in Gulfport, throughout Pinellas County and the state of Florida.

Bob also understood the value of preserving the history of our area and as such led community efforts to support the Gulfport Historical Society and restore some of its landmark sites including Scout Hall.

It was most appropriate that this past April, the City of Gulfport honored R. W. Caldwell, Jr. by naming a park in his honor. The City will turn out Saturday at this park to pay their respects to the life of this special man and to thank him for his lifelong contributions to making Gulfport such a special place in which to live, to learn, to work and to play.

Following my remarks, I will include for the benefit of my colleagues an article and obituary from The St. Petersburg Times about Bob's life.

Madam Speaker, my special thoughts go out to Bob's wife of 63 years Adele, his daughters April and Elise, his son Bill, and three grandchildren. In addition to his wife and family, one of R. W. Caldwell Jr.'s other loves of his life was fishing the beautiful waters of Florida and the Gulf of Mexico. It is my hope that his family always remembers this giant of our community when they pass by one of our waterways, see a fisherman casting out a line, and watch one of Florida's trademark sunsets over the Gulf of Mexico. May R. W. Caldwell, Jr. rest in peace.

[From the St. Petersburg Times, July 8, 2009]

### LONGTIME BUILDER 'SKETCHED OUT GULFPORT'

(By Andrew Meacham)

GULFPORT—R.W. Caldwell didn't just develop Gulfport, he lived there, putting down roots in its sandy soil. He lived for the outdoors and fishing—priorities that never changed even as his company became one of the Tampa Bay area's most recognizable names in real estate.

He added construction to a company that specialized in real estate and insurance. The expansion resulted in hundreds of new homes in Pinellas, Pasco and Charlotte counties, including some of the area's largest subdivisions and an influx of high-end homes to Gulfport.

Mr. Caldwell died of a stroke Saturday. He was 88.

"He was a remarkable pioneer," said Gulfport Mayor Michael Yakes. "He really sketched out Gulfport in his own right."

While franchises of huge companies like Coldwell Banker and Keller Williams dominate coast to coast, Mr. Caldwell's name has endured locally.

"The whole real estate industry was started by fellows like R.W. Caldwell," said Victor Adamo, chairman of the Pinellas Realtor Organization.

After getting a degree at M.I.T. and working as an aeronautical engineer in

California, Mr. Caldwell moved back home to rejoin his father's business in 1951.

He had foresight, buying properties dense in trees, then endeavoring to save as many as possible in subdivisions. He predicted the coming of multifamily homes as cities built to their boundaries.

"What has happened in Gulfport will, in many cases, happen elsewhere in Pinellas," he wrote in a guest column for the Times in 1960.

He trusted his know-how, maintaining his 1994 Chevrolet station wagon himself. The car still runs with 200,000 miles on it. He built a single-engine boat he later took to the Bahamas for a fishing trip.

Mr. Caldwell also trusted his instincts with people, quietly helping those he believed were doing all they could for themselves. At least twice, he shipped \$12,000 worth of beans to Haiti.

When his housekeeper couldn't qualify for a mortgage, Mr. Caldwell took one out himself, then collected monthly payments. When the housekeeper's family finished the payments years later, he handed over the deed.

He enjoyed a daily martini with his wife, Adele, and eating smoked mullet with childhood friends, including the mayor and other city officials.

After selling Jordan-Caldwell, the construction arm, to U.S. Homes in 1972, Mr. Caldwell stayed with U.S. Homes until the late 1970s. He remained with the family company as an adviser.

"There are a lot of developers who have taken their piece of the pie and not made a better place to live," said Tina Douglass, wife of former St. Pete Beach Mayor Bob Douglass. "Wherever R. W. was, he always made it a better place. He left a good mark."

#### OBITUARY

CALDWELL, Robert W. Jr. 88, of Gulfport and Boca Grande, was born on Aug. 20, 1920 in Meadville, PA to Gail Jarrell Caldwell and Robert W. Caldwell Sr. He died in Bayfront Medical Center in St. Petersburg this past Saturday, July 4, 2009. His maternal grandparents, George and Abigail Jarrell first brought him to Gulfport in the 1920s. Because of the two week quarantine of new Florida students to avoid bringing in infectious diseases, he fished with his grandparents daily, in lieu of school. After the quarantine, he first attended Roser Park and then the brand new Gulfport Elementary School. He fished at the Gulfport Pier nearly everyday. Back then, Gulfport was open to the Gulf; there was no Bayway, and the waters were turquoise and teeming with fish. When his grandparents opened the Gulfport Market, he helped them out along with his mom and his Aunts Isabel, Anne and Helen. He attended Disston Junior High and St. Petersburg High School. He continued to fish at every chance and took advantage of every opportunity to assist local boat captains. He was an excellent boatsman and fisherman. Known as Bo in the 1920s and '30s, Bob was always an excellent student, too. He graduated St. Pete High in 1938, and, after attending St. Petersburg Junior College for a year, enrolled in the Massachusetts Institute of Technology. While at MIT, Bob captained the lightweight crew. He had excellent skills with tools that he had learned from his grandfather Jarrell and returned to Gulfport summers during college and built homes for his father and Ed Markham. He graduated MIT during World War II in January, 1943 with a degree in aeronautical engineering. From many job offers, he chose Convair in San Diego, which later became part of General Dynamics. He built B-24s and other air-

craft. He married Adele Allport in 1945. All three of their children were born in La Jolla, CA. Bob arrived back in Gulfport with his family on July 4, 1951. His plan was to work with his Dad and open the building division of R.W. Caldwell, Inc., a real estate and insurance business originally started by his father in 1937. In late 1952, Bob found himself running the entire company after his father's untimely death. He was a successful investor and land developer and was elected in 1954 President of the Contractors and Builders Association of Pinellas County. Bob was the first President of the Gulfport Chamber of Commerce and was President of the Friends of the Gulfport Library when the new library was built at 28th and Beach Boulevard. He was an over 50 year member of the St. Petersburg Yacht Club. Some of the subdivisions he developed in his career included Pelican Creek and Catalina Gardens plus he built hundreds of individual homes throughout Pinellas County. He was an organizing director and built the First Bank of Gulfport, was chairman of the Pinellas County branches of Royal Trust Bank and was an organizing director of First Gulf Bank. He was President of Jordan-Caldwell, Inc. that developed San Clemente East in Pasco County. When bought by U.S. Home Corp., Bob became, among other projects, the original developer of Timber Oaks in Pasco County and then became vice president of U.S. Home Corp. in charge of construction for the Central Florida Division. Bob's largest Gulfport business venture was when he became the Managing Partner of the Pasadena Partnership that bought the land known as Skimmer Point and later Pelican Bay and arranged the annexation of this part of Pasadena Yacht and Country Club into Gulfport. Further, he was currently President of Palm Island investment Corp. in Charlotte County and Chairman of R.W. Caldwell, Inc. in Gulfport. Bob lived a very modest life style. He maintained both his boat and auto engines himself. He even built his own 26 foot single engine boat from scratch in his front driveway in the late 1950s and took it on a five week adventure to the Bahamas with his wife and his wife's sister and brother-in-law. He enjoyed along with his wife in taking their children on car trips in the family station wagon to visit many of America's national parks, frequently camping out along the way, and, a generation later, repeating those car trips with their grandchildren. Growing up in the fifties and sixties, Caldwell family weekends were for water recreation and fishing trips. Those were idyllic happy times. Bob was active and smart with a good sense of humor to his last days and enjoyed driving all about town in his 1994 Chevy station wagon. He loved fishing till his end and really enjoyed a fishing trip he took this past Father's Day weekend with his son when they went over 55 nautical miles out into the Gulf of Mexico, and Bob showed that he was still an expert at catching 'em. Bob quietly and without fanfare helped many area people in need, but he had a special feeling for people suffering in Haiti. He personally donated, in the last few years at least four entire containers full of more than 150,000 pounds of beans through For HAITI, With Love to help feed the hungry Haitian people. Bob is survived by his loving and devoted wife of over 63 years, Adele A. Caldwell; three children; a daughter, April Caldwell Hornsleth (Poul); a daughter, Elise 'Desi' Caldwell McCarthy (Vaughn); a son, R.W. 'Bill' Caldwell, III (Katie), and three grandchildren, Poul Hornsleth, Ill. Jody Hornsleth Sepúlveda (Rob) and Kyle McCarthy. There will be a memorial gathering this Saturday, July 11th

at 10 am in R.W. Caldwell Park at 64th Street and Gulfport Boulevard. Parking will be available, and a reception will follow. R.W. Caldwell Park was dedicated just this past April 18th, less than three months ago. The entire Caldwell family is very grateful and appreciative to the City and citizenry of Gulfport that their patriarch, R.W. 'Bob' Caldwell Jr., who first came to Gulfport more than 80 years ago, was able to receive and appreciate this wonderful honor before he died. In lieu of flowers, the family asks that donations be made to either For HAITI, With Love, the Gulfport Historical Society or the Friends of the Gulfport Library. Arrangements by R. Lee Williams & Son Funeral Home 5730 15th Avenue South Gulfport 33707 727-345-7797 www.rlwilliams.com

#### HONORING CHATHAM GLENWOOD HIGH SCHOOL TITANS SOFTBALL PROGRAM

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor a group of talented student-athletes from Chatham, Illinois.

The Chatham Glenwood High School Titans defeated the Glenbard South Raiders in a 4-2 victory to advance to the Illinois High School Association Class 3A state softball championship. The Titans finished runners-up after a hard fought championship game.

My congratulations go to Head Coach Vondel Edgar and assistant coaches Terry McDevitt, Brittany Koester and Paul Gray for their work with this outstanding group of student-athletes. But most of all, I want to congratulate the members of the 2009 Chatham Glenwood High School Titans state champion runners-up softball team: Sami Estill, Erin Fleischacker, Alyssa Esperum, Mariah Cole, Cassandra Harvill, Kaitlyn England, Kim Franke, Lauren Galloway, Abbie Xanders, Jessica Meyer, Kasey Oliver, Ashley Backus, Sarah Garrison, Liz Rupel, Shelbi Tudor, Brittany Osborn, Brittany Hembrough and Beka Ferguson.

They have represented themselves, their school and the community in an exemplary fashion, and I want to join with the other members of this House in wishing them the best of luck in their future endeavors, both on and off the field.

#### HONORING BRANDON SCOTT UNDERWOOD

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon Scott Underwood, 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 218, and in earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop participating in many scout activities. Over the many years Brandon 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 Brandon Scott Underwood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING PORTLAND,  
TENNESSEE'S 150TH YEAR

**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the city of Portland, Tennessee on its 150th year anniversary.

Portland is located in Sumner County near Interstate 65, just five miles south of Kentucky and 35 miles north of Nashville. The area was first settled in 1792 by the James Gwin family.

On October 31, 1859, the Louisville and Nashville train made its first stop at the Richland Station depot. The Richland Station depot was built on land belonging to Thomas Buntin, who later became Richland's first postmaster.

During its first year, the City of Richland expanded with the opening of James Goostree's general store. The City of Portland was originally named Richland, but changed its name in 1888 to avoid being confused with another town in Tennessee of the same name. In April 1904, the Tennessee State Legislature enacted legislation incorporating the City of Portland.

In the 1920s, strawberries became a booming business for the area, and in 1941, the city held the first Middle Tennessee Strawberry Festival to celebrate the importance of the crop to both Portland and the state. The Middle Tennessee Strawberry Festival became an annual event that is still celebrated every May.

Portland boasts a thriving economy, with employment numbers that exceed its population. The city is home to excellent parks and recreation system, a full-service public library, local radio station WQKR and hometown newspaper, the Portland Leader. With a population of just 10,000, Portland is still a close-knit and rural community.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 24, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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, and for other purpose:

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the National Defense Authorization Act of 2010. This important piece of legislation authorizes \$680 billion for training, equipment, healthcare, and for important quality of life improvements for our troops and their families.

The rising cost of goods and services and rising unemployment is taking an especially serious toll on our men and women in uniform and their families. As military commanders demand more time in theater for active duty personnel and rely more on the contribution of reservists, many of whom leave higher-paying jobs to be activated, demands on the limited financial resources of military families increase. The National Defense Authorization Act of 2010 was crafted with the concerns and urgent needs of these dedicated public servants and their families in mind.

The legislation authorizes \$135 billion for personnel needs and \$27 billion for healthcare. It raises the basic pay of our service members at a time when a pay-raise is dearly needed and the bill helps fund re-enlistment bonuses for active-duty members and reservists. To enable service members to spend more time with their families between tours, the bill increases the maximum leave days that a service member can accumulate and carry over from one year to the next. And, to ensure that our service members have a safe and secure home to return to, the bill contains \$2 billion for the construction and renovation of new and existing family military housing.

I am pleased to report to my constituents who have concerns about traffic congestion as the region prepares for the move of Walter Reed Hospital to Bethesda, that the bill instructs the Department of Defense to use all available resources to implement the Defense Access Road Program near the National Naval Medical Center.

The provisions and funds authorized by this act will help our men and women in uniform serving in the field, and help give them more peace of mind that their families back home are being cared for in their absence. I encourage my colleagues to join me in supporting the bill.

Today, there was also a vote on an amendment to this legislation offered by my colleague Massachusetts Representative JAMES MCGOVERN, which would require the Department of Defense to report an exit strategy for military forces in Afghanistan by no later than December 31st of this year. While I do not oppose the intent of my colleague's amendment, I did oppose the amendment on the grounds that President Obama has already laid out his strategy for Afghanistan in a speech delivered in March 2009. Like President Obama, I want to bring our troops home as soon as possible consistent with our national security needs.

As the President emphasized in his speech, Afghanistan is where the plot to attack the United States on September 11th, 2001 was developed and put into motion. It is of vital importance to U.S. national security that we do what is necessary to eliminate the threat posed to the American people from al Qaeda.

Madam speaker, I urge that we support the National Defense Act of 2010.

HONORING LINCOLNWOOD HIGH SCHOOL LANCERS BASEBALL TEAM

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 9, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to honor a state championship baseball team from Raymond, Illinois.

The Lincolnwood High School Lancers knocked off Marissa 3-1 to capture their first state championship in baseball. The championship game win at Silver Cross Stadium in Joliet capped off an amazing season in which the Lancers won their first 27 games and ended up with 34 wins against just two losses.

My congratulations go to Head Coach Chris Paproth and assistant coaches Josh Stone and Lance Glick for their work with this outstanding group of student-athletes. But most of all, I want to congratulate the members of the 2009 Lincolnwood High School Lancers state champion baseball team: Aaron Pope, Luke Leonard, Chase Jaeger, Trevor Riggs, Clayton Clarke, Tyler Walch, Josh Glick, Adam Lemon, Nick Arter, Sam Elmore, Shane Herschelman, Lucas Stieren, Ethan Eliason, Randall Brockmeyer, Michael Stephenson, Kendall Wagaoff, Kyle Snyder, Jake Leonard, Kendall Crawford, Landon Weitekamp and Shane Burbridge.

They have represented themselves, their school and the community in a first-rate fashion, and I want to join with the other members of this House in wishing them the best of luck in their future endeavors, both on and off the field.

# Daily Digest

## HIGHLIGHTS

Senate passed H.R. 2892, Department of Homeland Security Appropriations Act.

The House passed H.R. 2997, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

The House passed H.R. 3081, Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010.

## Senate

### Chamber Action

*Routine Proceedings, pages S7277–S7332*

**Measures Introduced:** Nineteen bills were introduced, as follows: S. 1419–1437. **Pages S7317–18**

#### Measures Reported:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010”. (S. Rept. No. 111–42)

S. 1432, making appropriations for financial services and general government for the fiscal year ending September 30, 2010. (S. Rept. No. 111–43)

S. 1434, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010. (S. Rept. No. 111–44)

S. 1436, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010. (S. Rept. No. 111–45) **Page S7317**

#### Measures Passed:

*Department of Homeland Security Appropriations Act:* By 84 yeas to 6 nays (Vote No. 229), Senate passed H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, as amended, after taking action on the following amendments proposed thereto: **Pages S7288–S7311**

Adopted:

Vitter Modified Amendment No. 1375 (to Amendment No. 1373), to prohibit amounts made available under this Act from being used to amend

the final rule to hold employers accountable if they hire illegal aliens. **Pages S7288–89**

Murray (for Tester) Amendment No. 1459 (to Amendment No. 1373), to condition funding for the National Bio and Agro-defense Facility. **Pages S7301–02**

Murray (for Kyl/McCain) Modified Amendment No. 1455 (to Amendment No. 1373), to require the Secretary of Homeland Security to submit a detailed report to Congress regarding the utilization and potential expansion of Operation Streamline programs. **Pages S7301–02**

Murray (for Rockefeller) Amendment No. 1401 (to Amendment No. 1373), to amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure. **Pages S7303–04**

Murray (for Cornyn) Amendment No. 1447 (to Amendment No. 1373), to clarify the definition of switchblade knives. **Pages S7303–04**

Murray (for Bennet) Amendment No. 1457 (to Amendment No. 1373), to protect taxpayers by improving financial accountability at the Department of Homeland Security. **Pages S7303–04**

Murray (for Lincoln) Modified Amendment No. 1463 (to Amendment No. 1373), to make a technical correction to the Federal Deposit Insurance Act. **Pages S7303–04**

Murray (for Lieberman/Graham) Amendment No. 1456 (to Amendment No. 1373), 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 amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations.

**Pages S7303–04**

Murray (for Sanders) Modified Amendment No. 1454 (to Amendment No. 1373), to require the Secretary of Homeland Security to submit to Congress a report on reducing the travel time between locations in the United States and locations in Ontario and Quebec by intercity passenger rail.

**Pages S7303–04**

Murray (for Landrieu) Amendment No. 1466 (to Amendment No. 1373), to require a report from the Federal Emergency Management Agency relative to housing and the Post-Katrina Emergency Management Reform Act.

**Pages S7303–04**

Murray (for Landrieu) Amendment No. 1465 (to Amendment No. 1373), to authorize the temporary reemployment of administrative law judge annuitants for disputes relating to certain public assistance applications under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

**Pages S7303–04**

Murray (for Gregg) Amendment No. 1464 (to Amendment No. 1373), to protect the privacy of personal information provided by United States travelers who participated in the Registered Traveler program.

**Pages S7303–04**

Hatch Modified Amendment No. 1428 (to Amendment No. 1373), to amend the Immigration and Nationality Act to extend the religious workers and Conrad-30 visa programs, to protect orphans and widows with pending or approved visa petitions.

**Pages S7288, S7292, S7305**

By 55 yeas to 36 nays (Vote No. 225), Vitter Amendment No. 1467 (to Amendment No. 1458), to prevent funds from being used to prevent individuals from importing prescription drugs under certain circumstances.

**Pages S7302, S7307**

Murray (for Dodd) Amendment No. 1458 (to Amendment No. 1373), to provide additional funds for FIRE grants under section 33 of the Federal Fire Prevention and Control Act of 1974.

**Pages S7302, S7307**

Coburn Amendment No. 1433 (to Amendment No. 1373), to prohibit the payment of bonuses to government contractors for poor performance.

**Pages S7307–08**

By 67 yeas to 24 nays (Vote No. 226), Murray Amendment No. 1468 (to Amendment No. 1373), to prohibit certain funds from being used for certain efforts.

**Page S7308**

Grassley Amendment No. 1415 (to Amendment No. 1373), to authorize employers to voluntarily verify the immigration status of existing employees.

**Pages S7288, S7309**

Reid (for Byrd/Inouye) Amendment No. 1373, in the nature of a substitute.

**Pages S7288–S7311**

Rejected:

By 36 yeas to 59 nays (Vote No. 223), Kyl/McCain Amendment No. 1432 (to Amendment No. 1373), to strike the earmark for the City of Whitefish Emergency Operations Center.

**Pages S7288, S7289–90**

By 35 yeas to 61 nays (Vote No. 224), McCain Amendment No. 1378 (to Amendment No. 1373), to strike the appropriation for the Advanced Training Center.

**Pages S7289, S7290–92, S7296–97**

By 31 yeas to 60 nays (Vote No. 227), Coburn Amendment No. 1434 (to Amendment No. 1373), to prohibit no bid contracts be requiring the use of competitive procedures to award contracts and grants funded under this Act.

**Pages S7308–09**

By 32 yeas to 58 nays (Vote No. 228), Sanders Amendment No. 1430 (to Amendment No. 1373), to increase funding for firefighter assistance grants and recruitment and retention grants.

**Pages S7309–10**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Byrd, Inouye, Leahy, Mikulski, Murray, Landrieu, Lautenberg, Tester, Specter, Voinovich, Cochran, Gregg, Shelby, Brownback, and Murkowski.

**Pages S7311–12**

**Senator Coleman Tributes—Agreement:** A unanimous-consent agreement was reached providing that the tributes to Senator Coleman in the Congressional Record be printed as a Senate document and that Senators be permitted to submit statements for inclusion until Friday, August 7, 2009.

**Page S7332**

**Nominations Received:** Senate received the following nominations:

Christopher P. Bertram, of the District of Columbia, to be an Assistant Secretary of Transportation.

Philip D. Murphy, of New Jersey, to be Ambassador to the Federal Republic of Germany.

Francis S. Collins, of Maryland, to be Director of the National Institutes of Health.



Sherry Glied, of New York, to be an Assistant Secretary of Health and Human Services.

Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2009.

Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014.

Brian Hayes, of Massachusetts, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2012.

Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2013.

James A. Leach, of Iowa, to be Chairperson of the National Endowment for the Humanities for a term of four years.

Rolena Klahn Adorno, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

1 Army nomination in the rank of general.

Page S7332

**Nomination Discharged:** The following nomination were discharged from further committee consideration and placed on the Executive Calendar:

Gordon S. Heddell, of the District of Columbia, to be Inspector General, Department of Defense, which was sent to the Senate on June 1, 2009, from the Senate Committee on Homeland Security and Governmental Affairs.

Page S7332

**Messages from the House:** Page S7314

**Measures Referred:** Page S7314

**Executive Communications:** Pages S7314–15

**Petitions and Memorials:** Pages S7315–17

**Additional Cosponsors:** Pages S7318–19

**Statements on Introduced Bills/Resolutions:** Pages S7319–27

**Additional Statements:** Page S7314

**Amendments Submitted:** Pages S7327–31

**Notices of Hearings/Meetings:** Pages S7331–32

**Authorities for Committees to Meet:** Page S7332

**Record Votes:** Seven record votes were taken today. (Total—229) Pages S7390, S7397, S7307–11

**Adjournment:** Senate convened at 9:31 a.m. and adjourned at 10:08 p.m., until 10 a.m. on Friday, July 10, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7332.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: ENERGY AND WATER DEVELOPMENT, FINANCIAL SERVICES AND GENERAL GOVERNMENT, AND STATE, FOREIGN OPERATIONS, AND RELATED AGENCIES

*Committee on Appropriations:* Committee ordered favorably reported the following bills:

S. 1432, making appropriations for Financial Services and General Government for fiscal year 2010;

S. 1434, making appropriations for Department of State, Foreign Operations, and Related Agencies for fiscal year 2010; and

S. 1436, making appropriations for Energy and Water Development for fiscal year 2010.

### NOMINATIONS

*Committee on Armed Services:* Committee concluded a hearing to examine the nominations of General James E. Cartwright, for reappointment as the Vice Chairman of the Joint Chiefs of Staff and reappointment to the grade of general, of the Marine Corps, and Admiral Robert F. Willard, for reappointment to the grade of admiral and to be Commander, Pacific Command, of the Navy, who was introduced by Senator Inouye, after the nominees testified and answered questions on their own behalf.

### NOMINATIONS

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the nominations of Wilma A. Lewis, of the Virgin Islands, to be Assistant Secretary, and Robert V. Abbey, of Nevada, to be Director of the Bureau of Land Management, who was introduced by Senator Ensign, both of the Department of the Interior, and Richard G. Newell, of North Carolina, to be Administrator of the Energy Information Administration, Department of Energy, after the nominees testified and answered questions in their own behalf.

### U.S. ENVIRONMENTAL PROTECTION AGENCY OVERSIGHT

*Committee on Environment and Public Works:* Subcommittee on Clean Air and Nuclear Safety concluded an oversight hearing to examine the Environmental Protection Agency's clean air regulations, one year after the CAIR and CAMR federal court decisions, focusing on key issues the Environmental Protection Agency faces in regulating mercury emissions from power plants, after receiving testimony from Regina McCarthy, Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; John B. Stephenson, Director, Natural Resources

and Environment, Government Accountability Office; Douglas P. Scott, Illinois Environmental Protection Agency, Springfield; Christopher Korleski, Ohio Environmental Protection Agency, Columbus; Steven Corneli, NRG Energy, Inc., Princeton, New Jersey; Randall R. LaBauve, Florida Power and Light Company, Juno Beach; Gary R. Hart, ICAP Energy, Birmingham, Alabama; Conrad G. Schneider, Clean Air Task Force, Brunswick, Maine.

### BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee continued consideration of Affordable Health Choices Act, but did not complete action thereon, and will meet again on Monday, July 13, 2009.

### HEALTH CARE REFORM AND SMALL BUSINESSES

*Committee on Small Business and Entrepreneurship:* Committee concluded a hearing to examine health care reform, focusing on the concerns and priorities from the perspective of small businesses, after receiving testimony from Senator Wyden; John Arensmeyer, Small Business Majority, Sausalito, California; Kristie L. Arslan, National Association for the Self-Employed, Amanda Austin, National Federation of Independent Business, David D. Ferreira, United States Hispanic Chamber of Commerce, Todd McCracken, National Small Business Association, Len Nichols, New America Foundation, Ronald Phipps, National Association of Realtors, and Ann Sullivan, Madison Services Group, Inc., all of Washington, D.C.; and Michael Mitternight, Factory Service Agency, Inc., Metairie, Louisiana.

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## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 30 public bills, H.R. 3137–3166; and 3 resolutions, H.J. Res. 59; and H. Res. 621, 623, were introduced.

**Pages H7945–46**

**Additional Cosponsors:**

**Pages H7946–48**

**Report Filed:** A report was filed today as follows:

H. Res. 622, providing for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010 (H. Rept. 111–195). **Page H7945**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker Pro Tempore for today. **Page H7839**

**Chaplain:** The prayer was offered by the Guest Chaplain, Reverend Anthony L. Bennett, Mount Aery Baptist Church, Bridgeport, Connecticut. **Page H7839**

**Motion to Adjourn:** Rejected the McMorris Rodgers motion to adjourn by a yea-and-nay vote of 31 yeas to 385 nays with 1 voting “present”, Roll No. 497. **Page H7842**

**Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010:** The House passed H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Re-

lated Agencies programs for the fiscal year ending September 30, 2010, by a yea-and-nay vote of 266 yeas to 160 nays, Roll No. 510. Consideration of the measure began on Wednesday, July 8th.

**Pages H7843–55**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Kingston motion to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with an amendment, by a recorded vote of 246 yeas to 179 noes, Roll No. 509.

**Pages H7852–54**

A second Kingston motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment was withdrawn. **Page H7854**

Agreed to:

DeLauro manager’s amendment (No. 1 printed in part A of H. Rept. 111–191) that was debated on July 8th that increases funding for the Agricultural Research Service salaries and expenses account by \$2 million to go toward Colony Collapse Disorder and pollinator decline research, offset by a \$1 million reduction in the Office of the Chief Information Officer and a \$1 million reduction in Departmental Administration. Increases funding for the National Institute of Food and Agriculture competitive grants by \$3,000,000 to be used for Colony Collapse Disorder (CCD) and pollinator decline research, and offsets the increase by a reduction in funding for the Departmental Administration. Increases funding for

the Office of Inspector General at USDA by \$500,000 to determine whether the USDA Organic certification program ensures that the most rigorous standards for certification are honored, and to investigate whether non-organic substances inappropriately remain allowed in small amounts in USDA certified products after organic alternatives have been discovered. The increase is offset by a decrease of the same amount in funding for the Agriculture Buildings and Facilities, General Services Administration account. Seeks to increase the appropriation for the Higher Education Multicultural Scholars Program by \$519,000 to a total of \$1.5 million. The amount is offset by decreasing appropriations for “administrative expenses necessary to carry out direct and guaranteed loan programs” within the Agricultural Credit Insurance Fund Program Account. Seeks to appropriate tobacco product user fees authorized under the Family Smoking Prevention and Tobacco Control Act (Public Law 111–31). Funds the Methamphetamine Inhibitor Grant Program created in the 2008 Farm Bill at \$2,000,000. Offsets the increase in spending by reducing spending on Rural Development Salaries and Expenses. Prohibits the use of funds for first class travel for employees of agencies funded by the bill, in contravention of Federal regulations (by a recorded vote of 266 ayes to 161 noes, Roll No. 498); **Pages H7843–44**

Brady (TX) amendment (No. 2 printed in part B of H. Rept. 111–191) that was debated on July 8th that transfers \$50,000 from the Chief Economist to the Economic Research Service (by a recorded vote of 404 ayes to 27 noes, Roll No. 499); and

**Pages H7844–45**

Capito amendment (No. 4 printed in part B of H. Rept. 111–191) that was debated on July 8th that transfers \$10,038,000 in the bill from the USDA Office of the Chief Information Officer (OCIO) to the Rural Utilities Service Rural Water and Waste Disposal Program (restoring the latter to FY09 appropriation levels) (by a recorded vote of 426 ayes to 3 noes, Roll No. 500).

**Pages H7845–46**

Rejected:

Broun (GA) amendment (No. 3 printed in part B of H. Rept. 111–191) that was debated on July 8th that sought to reduce FDA funding by \$373 million to equal the FY09 level (by a recorded vote of 135 ayes to 292 noes, Roll No. 501);

**Page H7846**

Blackburn amendment (No. 1 printed in part B of H. Rept. 111–191) that was debated on July 8th that sought to make an across-the-board cut of 5 percent to all discretionary funding accounts in the bill (by a recorded vote of 185 ayes to 248 noes, Roll No. 502);

**Page H7847**

Hensarling amendment (No. 6 printed in part E of H. Rept. 111–191) that was debated on July 8th

that sought to prohibit certain funds in the bill from being used for the National Biodiversity Conservation Strategy project, Kiski Basin, PA and seeks to reduce funds under the heading “Agricultural Research Service—Salaries and Expenses” by the amount that was to have been spent on the National Biodiversity Conservation Strategy project, Kiski Basin, PA (by a recorded vote of 122 ayes to 307 noes, Roll No. 503);

**Pages H7847–48**

Campbell amendment (No. 2 printed in part C of H. Rept. 111–191) that was debated on July 8th that sought to prohibit certain funds in the bill from being used for Specialty Crops in Indiana and to reduce funds under the heading “National Institute of Food and Agriculture—Research and Education Activities” by the amount that was to have been spent on Specialty Crops in Indiana (by a recorded vote of 111 ayes to 320 noes, Roll No. 504);

**Pages H7848–49**

Flake amendment (No. 9 printed in part D of H. Rept. 111–191) that was debated on July 8th that sought to prohibit certain funds in the bill from being used for the Foundry Sand By-Products Utilization project in Beltsville, MD and to reduce funds under the heading “Agricultural Research Service—Salaries and Expenses” by the amount that was to have been spent on the Foundry Sand By-Products Utilization project in Beltsville, MD (by a recorded vote of 115 ayes to 319 noes, Roll No. 505);

**Page H7849**

Flake amendment (No. 4 printed in part D of H. Rept. 111–191) that was debated on July 8th that sought to prohibit certain funds in the bill from being used for the Agriculture Energy Innovation Center in Georgia and to reduce funds under the heading “National Institute of Food and Agriculture—Research and Education Activities” by the amount that was to have been spent on the Agriculture Energy Innovation Center in Georgia (by a recorded vote of 103 ayes to 328 noes, Roll No. 506);

**Pages H7849–50**

Flake amendment (No. 12 printed in part D of H. Rept. 111–191) that was debated on July 8th that sought to prohibit certain funds in the bill from being used for Potato Research in Idaho, Oregon and Washington and to reduce funds under the heading “National Institute of Food and Agriculture—Research and Education Activities” by the amount that was to have been spent on Potato Research in Idaho, Oregon and Washington (by a recorded vote of 97 ayes to 333 noes, Roll No. 507); and

**Pages H7850–51**

Kingston amendment (No. 7 printed in part B of H. Rept. 111–191) that was debated on July 8th that sought to prohibit funds from being used to administer or pay the salary of personnel who administer any broadband loans or loan guarantees on or

before September 15, 2010 (by a recorded vote of 140 ayes to 292 noes, Roll No. 508). **Page H7851**

H. Res. 609, the rule providing for consideration of the bill, was agreed to on Wednesday, July 8th.

**Motion to Adjourn:** Rejected the Mica motion to adjourn by voice vote. **Page H7855**

**Question of Privilege:** The Chair ruled that the resolution offered by Representative Price (GA) did not constitute a question of the privileges of the House. Agreed to the motion to table the appeal of the ruling of the Chair by a recorded vote of 240 ayes to 179 noes, Roll No. 511. **Pages H7862–65**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, July 7th:

*Recognizing the significance of National Caribbean-American Heritage Month:* H. Con. Res. 127, to recognize the significance of National Caribbean-American Heritage Month, by a 2/3 yeas-and-nays vote of 423 yeas with none voting “nay”, Roll No. 514 and **Pages H7866–67**

*Directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of “In God We Trust” in the Capitol Visitor Center:* H. Con. Res. 131, to direct the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of “In God We Trust” in the Capitol Visitor Center, by a 2/3 recorded vote of 410 ayes to 8 noes with 2 voting “present”, Roll No. 515. **Pages H7867–68**

**Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010:** The House passed H.R. 3081, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, by a yeas-and-nays vote of 318 yeas to 106 noes, Roll No. 525. **Pages H7868–H7919**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Kirk motion to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with an amendment, by a recorded vote of 238 ayes to 180 noes, Roll No. 523. **Pages H7914–16**

Rejected the second Kirk motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 192 ayes to 233 noes, Roll No. 524. **Pages H7916–18**

Agreed to:

Lowey manager’s amendment (No. 1 printed in part A of H. Rept. 111–193) that increases funding

for safe water and sanitation programs (\$25M); democracy programs (\$10M); implementation of the U.S.-Brazil Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality (\$300,000); maternal health programs (\$10M); and oversight of Department of State and USAID programs (\$8M). These additions are offset by reductions to the Department of State Capital Investment Fund and USAID’s Capital Investment Fund. The amendment also restricts Foreign Military Financing Program funding for Sri Lanka and restricts first-class travel by employees of agencies funded by this Act (by a recorded vote of 261 ayes to 168 noes, Roll No. 516); **Pages H7877–78, H7909–10**

Weiner amendment (No. 7 printed in part B of H. Rept. 111–193) that strikes Presidential waiver authority on the blocking of aid to Saudi Arabia (by a recorded vote of 297 ayes to 135 noes, Roll No. 519); and **Pages H7896–97, H7911–12**

Kirk amendment (No. 4 printed in part B of H. Rept. 111–193) that prohibits funds in the bill from being used by the Secretary of the Treasury to negotiate an agreement in contravention of certain provisions of law (by a recorded vote of 429 ayes to 2 noes, Roll No. 521). **Pages H7907–08, H7913**

Rejected:

Buyer amendment (No. 2 printed in part B of H. Rept. 111–193) that sought to reduce funding for: Diplomatic and Consular Programs by \$1.2 billion; Operating Expenses for USAID by \$330 million; and Global Health by \$670 million. This would reflect FY2009 enacted funding levels (by a recorded vote of 156 ayes to 271 noes, Roll No. 517); **Pages H7878–79, H7910–11**

Stearns amendment (No. 6 printed in part B of H. Rept. 111–193) that sought to reduce the amount appropriated to the Peace Corps (Independent Agencies) by \$76,560,000 to match the President’s request of \$373,440,000 (by a recorded vote of 172 ayes to 259 noes, Roll No. 518); **Pages H7884–86, H7911**

Culberson amendment (No. 5 printed in part B of H. Rept. 111–193) that sought to reduce the total amount of Title V funding in the bill, Multilateral Assistance, by \$505,896,000 (by a recorded vote of 174 ayes to 256 noes, Roll No. 520); and **Pages H7905–07, H7912–13**

Flake amendment (No. 3 printed in part B of H. Rept. 111–193) that sought to prohibit funds in the bill from being made available for the one-time special educational, professional, and cultural exchange grants program, reducing the cost of the bill by \$8 million (by a recorded vote of 164 ayes to 268 noes, Roll No. 522). **Pages H7908–09, H7913–14**

H. Res. 617, the rule providing for consideration of the bill, was agreed to by a yeas-and-nays vote of

223 yeas to 200 nays, Roll No. 513, after agreeing to order the previous question by a yea-and-nay vote of 217 yeas to 187 nays, Roll No. 512.

Pages H7855–62, H7865–66

**Moment of Silence:** The House observed a moment of silence in honor of James McNulty, former Member of Congress. Page H7910

**Quorum Calls—Votes:** Six yea-and-nay votes and 23 recorded votes developed during the proceedings of today and appear on pages H7842–43, H7844, H7845, H7845–46, H7846, H7847, H7847–48, H7848–49, H7849, H7849–50, H7850–51, H7851, H7853–54, H7854–55, H7864–65, H7865, H7866, H7867, H7867–68, H7909–10, H7910–11, H7911, H7912, H7912–13, H7913, H7914, H7916, H7918, and H7918–19. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 11:50 p.m.

## Committee Meetings

### RURAL BROADBAND PROGRAMS

*Committee on Agriculture:* Subcommittee on Rural Development, Biotechnology, Specialty Crops, and Foreign Agriculture held a hearing to review rural broadband programs. Testimony was heard from Cheryl Cook, Deputy Under Secretary, Rural Development, USDA; Mark Seifert, Senior Advisor to the Assistant Secretary, National Telecommunications and Information Administration, Department of Commerce; and public witnesses.

### DEFENSE INFORMATION TECHNOLOGY CHALLENGES

*Committee on Armed Services:* Defense Acquisition Reform Panel held a hearing on challenges to effective acquisition and management of information technology systems. Testimony was heard from Tim Harp, Acting Deputy Assistant Secretary, Command, Control, Computers, Intelligence, Surveillance and Reconnaissance and Information Technology Acquisition, Department of Defense; and public witnesses.

### ARMY/MARINE CORPS RESET REQUIREMENTS

*Committee on Armed Services:* Subcommittees on Readiness, Air and Land Forces and Seapower and Expeditionary Forces held a joint hearing on the status of Army and Marine Corps reset requirements. Testimony was heard from GEN Peter W. Chiarelli, USA, Vice Chief of Staff, U.S. Army; and the following officials of the U.S. Marine Corps; GEN. James F. Amos, USMC, Assistant Commandant; MG Willie Williams, USMC, Commanding General, Marine Corps Logistics Command; and BG Michael

Brogan, USMC, Commander, Marine Corps Systems Command.

### SECTION 8 VOUCHER REFORM ACT OF 2009

*Committee on Financial Services:* Continued markup of the H.R. 3045, Section 8 Voucher Reform Act of 2009.

### TARP FOR MAIN STREET ACT

*Committee on Financial Services:* Held a hearing on H.R. 3068, TARP for Main Street Act of 2009. Testimony was heard from William C. Apgar, Senior Advisor to the Secretary for Mortgage Finance, Department of Housing and Urban Development; Gary Engel, Director, Financial Management and Assurance, GAO; Brian Hudson, Executive Director, Housing Finance Agency, State of Pennsylvania; Chris Warren, Chief of Regional Development, Cleveland, Ohio; and public witnesses.

### FEDERAL RESERVE'S REGULATORY REFORM ROLE

*Committee on Financial Services:* Subcommittee on Domestic Monetary Policy and Technology held a hearing entitled "Regulatory Restructuring: Balancing the Independence of the Federal Reserve Monetary Policy with Systemic Risk Regulation." Testimony was heard from Donald L. Kohn, Vice Chairman, Board of Governors, Federal Reserve System; and public witnesses.

### U.S. EXPORT CONTROL POLICY

*Committee on Foreign Affairs:* Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing on The Export Administration Act: A Review of Outstanding Policy Considerations. Testimony was heard from John Engler, former Governor, State of Michigan; and public witnesses.

### TRANSPORTATION SECURITY WORKFORCE ENHANCEMENT ACT

*Committee on Homeland Security:* Ordered reported H.R. 1881, Transportation Security Workforce Enhancement Act of 2009.

### MINORITY BROADCAST OWNERSHIP

*Committee on the Judiciary:* Held a hearing on Trends Affecting Minority Broadcast Ownership. Testimony was heard from public witnesses.

### VOLUNTARY MORTGAGE MODIFICATION

*Committee on the Judiciary:* Subcommittee on Commercial and Administrative Law held a hearing on Home Foreclosures: Will Voluntary Mortgage Modification Help Families Save Their Homes? Testimony was heard from public witnesses.

**MISCELLANEOUS MEASURES**

*Committee on Natural Resources:* Ordered reported the following bills: H.R. 1061, amended, Hoh Indian Tribe Safe Homelands Act; H.R. 715, Saguaro National Park Boundary Expansion and Study Act of 2009; H.R. 1376, amended, Waco Mammoth National Monument Establishment Act of 2009; and H.R. 1121, amended, Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009.

**MEXICAN DRUG CARTELS**

*Committee on Oversight and Government Reform:* Held a hearing on The Rise of the Mexican Drug Cartels and U.S. National Security. Testimony was heard from the following officials of the Department of Homeland Security: Alan Bersin, Assistant Secretary, Office of International Affairs, and Special Representative for Border Affairs; Todd Owen, Acting Deputy Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection; and Kumar Kibble, Deputy Director, Office of Investigations, U.S. Immigration and Customs Enforcement; the following officials of the Department of Justice: Lanny A. Breuer, Assistant Attorney General, Criminal Division; Anthony P. Placido, Assistant Administrator, Intelligence, Drug Enforcement Administration; and William Hoover, Assistant Director, Field Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives; J. Robert McBrien, Associate Director, Investigations and Enforcement, Office of Foreign Assets Control, Department of the Treasury; and R. Gil Kerlikowske, Director, Office of National Drug Control Policy.

**CENSUS DATA AND FEDERAL FORMULA FUNDING**

*Committee on Oversight and Government Reform:* Subcommittee on Information Policy, Census, and National Archives held a hearing on Census Data and Its Use in Federal Formula Funding. Testimony was heard from Thomas Mesenbourg, Acting Director, U.S. Census Bureau, Department of Commerce; Robert Goldenkoff, Director, Strategic Issues, GAO; Todd Richardson, Associate Deputy Assistant Secretary, Policy Development, Department of Housing and Urban Development; Donald Moulds, Acting Assistant Secretary, Planning and Evaluation, Department of Health and Human Services; Stuart Kerachsky, Acting Director, National Center for Education Statistics, Department of Education; Carleton Finkbeiner, Mayor, Toledo, Ohio; Robert Bowser, Mayor, East Orange, New Jersey; and public witnesses.

**MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT FY 2010**

*Committee on Rules:* Granted, by a non-record vote, a structured rule providing for consideration of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, 2010. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read through page 58, line 6. The rule waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

The rule makes in order the amendments printed in the Rules Committee report. The rule provides that each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI.

The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without demand for division of the question. The rule provides one motion to recommit with or without instructions.

The rule provides that after disposition of the amendments specified in the first section of the rule, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). Finally, the rule provides that during consideration of the bill, the Chair may reduce to two minutes the minimum time for electronic voting. Testimony was heard from Representatives Edwards of Texas, Abercrombie, Wamp, Sessions and King of Iowa.

**ENERGY AND WATER LINKAGE**

*Committee on Science and Technology:* Subcommittee on Energy and Environment, hearing on the Technology Research and Development Efforts to the Energy and



Water Linkage. Testimony was heard from Kristina Johnson, Under Secretary, Department of Energy; Anu Mittal, Director, Natural Resources and Environment, GAO; and public witnesses.

#### **SMALL BUSINESS RESEARCH TAX CREDIT**

*Committee on Small Business:* Subcommittee on Contracting and Technology held a hearing entitled "Helping Small Business Innovators through the Research and Experimentation Tax Credit." Testimony was heard from public witnesses.

#### **NATIONAL MARITIME CENTER/MARINER**

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing on The National Maritime Center and Mariner Credentials. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Homeland Security: RADM Kevin Cook, Director, Prevention Policy; CAPT David C. Stalfort, Commanding Officer, National Maritime Center; and public witnesses.

#### **VETERANS MEASURES**

*Committee on Veterans' Affairs:* Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action the following bills: H.R. 2379, Veterans' Group Life Insurance Improvement Act of 2009; H.R. 2774, Families of Veterans Financial Security Act; and H.R. 2968, amended, To amend title 38, United States Code, to eliminate the required reduction in the amount of the accelerated death benefit payable to certain terminally-ill persons insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance.

#### **VETERANS HEALTHCARE MEASURES**

*Committee on Veterans' Affairs:* Subcommittee on Health approved for full Committee action the following: H.R. 1197, Medal of Honor Care Equity Act of 2009; H.R. 1293, Disabled Veterans Home Improvement and Structural Alteration Grant Increase Act of 2009; H.R. 1302, To amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; H.R. 1546, Caring for Veterans with Traumatic Brain Injury Act of 2009; H.R. 1335, amended, To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; H.R. 2770, amended, Veterans Nonprofit Research and Education Corpora-

tions Enhancement Act of 2009; H.R. 2926, amended, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide, without expiration, hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to herbicide and veterans of the Persian Gulf War; and a Committee Print regarding Family Caregivers.

## *Joint Meetings*

#### **COMMERCIAL REAL ESTATE**

*Joint Economic Committee:* Committee concluded a hearing to examine commercial real estate, after receiving testimony from Jon D. Greenlee, Associate Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System; Richard Parkus, Deutsche Bank Securities, Inc., New York, New York; and Jeffrey D. DeBoer, The Real Estate Roundtable, and James Helsel, RSR Realtors, on behalf of the National Association of Realtors, both of Washington, D.C.

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### **COMMITTEE MEETINGS FOR FRIDAY, JULY 10, 2009**

*(Committee meetings are open unless otherwise indicated)*

#### **Senate**

No meetings/hearings scheduled.

#### **House**

*Committee on Agriculture,* and the Committee on Financial Services, joint hearing to examine the regulation of over-the-counter (OTC) derivatives, 10 a.m., 1100 Longworth.

*Committee on Appropriations,* Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to mark up the 2010 appropriations for fiscal year 2009, 8:30 a.m., 2358-C Rayburn.

*Committee on Foreign Affairs,* Subcommittee on the Western Hemisphere, hearing on The Crisis in Honduras, 11 a.m., 2172 Rayburn.

*Committee on Oversight and Government Reform,* to mark up the following: H.R. 22, to amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund; a measure to clarify the authority of the Postal Service to accept monetary donations for commemorative plaques at Post Offices; and several commemorative resolutions and postal naming bills, 10 a.m., 2154 Rayburn.

## Next Meeting of the SENATE

10 a.m., Friday, July 10

## Senate Chamber

Program for Friday: Senate will be in a period of morning business.

## Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 10

## House Chamber

Program for Friday: Consideration of H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010 (Subject to a Rule).

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