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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 8, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DRIEHAUS) at 2 p.m.

PRAYER

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

Lord God, You are eternal, knowing all our days. Teach us how to discover the best use of our time.

Being here in Congress is a great opportunity to make a difference in the complexity of today's world. Help Members of the House of Representatives to make the very best decisions to strengthen our country and foster lasting stability at the fault-lines among nations.

May all who serve this noble institution by assisting this body of lawmakers seize the tasks at hand and accomplish their work with dedication and Your blessing.

This Nation relies on Your wisdom and love to guide us now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. OLSON 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.

CAP-AND-TRADE TAXES AMERICAN FAMILIES

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

Mr. WILSON of South Carolina. Mr. Speaker, the Democrat leadership continues to push forward with their national energy tax.

Despite the financial pain this would place on American families, despite the fact that this cap-and-trade scheme would have little or no impact on the global environment, despite the fact that we can achieve a cleaner energy future without taking more money from hardworking American families, our Democrat colleagues are intent on raising gas prices and home utility costs by more than $3,000 on each family each year.

There is a better way to a clean energy future, and it begins with supporting an all-of-the-above strategy. I am grateful to be part of a bipartisan effort that would allow for the production of American oil and natural gas, invest in alternative sources, and promote conservation. The American Conservation and Clean Energy Independence Act is a plan for a stronger energy future, and it would not raise energy prices, taxes, or cost jobs.

In conclusion, God bless our troops, and we will never forget September the 11th.

IRAN ACCELERATES NUCLEAR PROGRAM

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

Mr. KIRK. Madam Speaker, on Friday, the International Atomic Energy Agency submitted a report on the Iranian nuclear program. 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 the last 6 months, doubling its rate to over 80 kilograms per month.

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With 5,000 centrifuges now active, Iran is producing enough enriched uranium to produce two nuclear weapons per year, one for them, one for Hezbollah.

The IAEA now reports that Iran has denied inspectors access to the Arak heavy water reactor since August of 2008, where we suspect they will try to produce plutonium.

Mr. Moussavi, the leading candidate for President in Iran, told Der Spiegel, I will not suspend uranium enrichment. On April 13 he said to the Financial Times, No one will stop suspension.

No matter who wins the Iranian elections on Friday, we know that the production of fissile material useful in this oil-producing country only for nuclear weapons is accelerating.

RECOGNIZING THE WORK OF UNIVERSITY OF ARKANSAS LIBRARIAN TONY STANKUS

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

Mr. BOOZMAN. Madam Speaker, Special Libraries Association members are celebrating the organization's centennial celebration. For 100 years, SLA has made it its mission to organize and connect information professionals and their strategic partners. Today I take great pride in recognizing the University of Arkansas' libraries and the resources that they have provided students, professors and researchers year after year. Behind these libraries are the very knowledgeable information professionals.

In particular, I would like to recognize Tony Stankus, a science librarian at the Mullins Library on the University of Arkansas campus. SLA named Tony and five others as a Fellow of the Special Libraries Association. Due to his reputation as a published librarian, Tony and his team were also chosen for the task of naming the top 100 biology and medical journals that were established in the 100 years of the SLA's existence.

Please join me in congratulating Tony Stankus and his colleagues for this great honor.

HONORING MEDAL OF HONOR RECIPIENT GEORGE E. WAHLEN

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

Mr. CHAFFETZ. Madam Speaker, America lost one of its quiet, humble heroes on Friday, Major George E. Wahlen, Utah's sole surviving World War II Medal of Honor recipient.

Wahlen earned the Medal of Honor as a Navy corpsman at the Battle of Iwo Jima. Despite being injured three times during the battle, he refused to leave the battlefield. He was an angel of mercy, and saved countless lives through his heroic efforts, despite his own injuries. This selfless act typifies the men and women of ''The Greatest Generation.'' Unfortunately, we are losing these heroes.

Wahlen received the Medal of Honor from President Harry Truman in 1945 in recognition of his heroism during the tide-turning battle. He then re-enlisted and served in Korea and Vietnam, after which he served other veterans as a 14-year employee of the VA.

In 2004, Congress named the VA medical facility in Utah in his honor. The VA had this to say upon his passing: ''This modest hero truly exemplified the meaning of patriotism, commitment to service, and love of country. The people of Utah, this hospital and the veterans he tirelessly served have lost a remarkable man.'' Indeed, they have. We all have.

HEALTH CARE

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

Mr. BURGESS. Madam Speaker, Congress is currently operating under some of the lowest approval ratings in history, and clearly, the public has lost confidence in its Federal Government. Perhaps that's because the Federal Government is rapidly moving down a path that shows that the government is losing confidence in the American people.

When it comes to health care, should the government help Americans, or should the government actually control everything when it comes to health care?

Our constituents, my constituents certainly, are not asking for more government control, particularly in the arena of health care. Perhaps Congress should listen and have confidence in the American people.

The government should continue to play a role for performance standards and ensuring everyone is treated fairly, but then it should get out of the way and let American hard work and ingenuity do what it does best.

Now, I have spoken to several health care industry experts, from former administration officials, current administration officials to private citizens with innovative ideas that have worked. In a short interview with former Secretary of Health and Human Services Mike Leavitt, he hits the nail on the head when he says, We don't have to turn the health care system over to the Federal Government. We can empower consumers and use the government to organize a system and not to own it.

I encourage people to visit this site and learn more about health care reform as it stands before us today.

NATIONAL ENERGY TAX LEGISLATION

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

Ms. FOXX. Madam Speaker, before leaving for the Memorial Day recess, Democrats in Congress continued to advance national energy tax legislation that will devastate American families and small businesses.

For weeks, nervous Democrats pleaded with Energy and Commerce Chairman HENRY WAXMAN and Representative ED MARKEY, two lead sponsors of this national energy tax, for changes to their climate change bill. The changes were intended to soften the blow families in their home States would suffer as a result of this new national energy tax. Unfortunately, the bill passed the Energy and Commerce Committee, is moving its way through Congress, and is still just a great big energy tax. The American people deserve better.

Republicans have held energy summits across the country to talk directly to the American people about the Democrats' costly energy plan and to develop real energy solutions that ensure American energy independence.

Congress must reject the Democrats' national energy tax and deliver energy solutions that create a stronger economy and a cleaner environment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

INTERNATIONAL SCIENCE AND TECHNOLOGY COOPERATION ACT OF 2009

Mr. BAIRD. Madam Speaker, I move to suspend the rules and pass the bill, H.R. 1736, to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1736

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 ''International Science and Technology Cooperation Act of 2009''.

SEC. 2. COORDINATION OF INTERNATIONAL SCIENCE AND TECHNOLOGY PARTNERSHIPS.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to identify and coordinate international science

and technology cooperation that can strengthen the United States science and technology enterprise, improve economic and national security, and support United States foreign policy goals.

(b) COMMITTEE LEADERSHIP.—The committee established under subsection (a) shall be cochaired by senior level officials from the Office of Science and Technology Policy and the Department of State.

(c) RESPONSIBILITIES.—The committee established under subsection (a) shall—

(1) plan and coordinate interagency international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies and work with other National Science and Technology Council committees to help plan and coordinate the international component of national science and technology priorities;

(2) establish Federal priorities and policies for aligning, as appropriate, international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies with the foreign policy goals of the United States;

(3) identify opportunities for new international science and technology cooperative research and training partnerships that advance both the science and technology and the foreign policy priorities of the United States;

(4) in carrying out paragraph (3), solicit input and recommendations from non-Federal science and technology stakeholders, including universities, scientific and professional societies, industry, and relevant organizations and institutions, through workshops and other appropriate venues;

(5) work with international science and technology counterparts, both non-governmental and governmental (in coordination with the Department of State), to establish and maintain international science and technology cooperative research and training partnerships, as identified under paragraph (3); and

(6) address broad issues that influence the ability of United States scientists and engineers to collaborate with foreign counterparts, including barriers to collaboration and access to scientific information.

(d) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request containing a description of the priorities and policies established under subsection (c)(2), the ongoing and new partnerships established in the previous fiscal year, and how stakeholder input, as required under subsection (c)(4), was received.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1736, the bill now under consideration.

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

There was no objection.

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

It is fitting that H.R. 1736 is coming to the floor of the House in the same week as the Foreign Relations Authorization Act because science and technology can play a truly unique role in improving our foreign relations.

□ 1415

Science is a universal language built on a foundation of prior discoveries and advancements that have originated from all corners of the globe.

Science diplomacy presents a unique and essential opportunity to develop its sustained friendships and collaborations into the future. International surveys consistently show that the people in other nations admire our scientific and technological achievements and opportunities more than almost any other feature of the United States. What is more, in countless nations, many of the political, economic, and social leaders have at one time or another studied in our Nation or have worked for an American business.

From a diplomatic perspective, the benefit of these connections is valuable beyond measure. The scientists, their students and, of course, the science, itself, all benefit from this scholarly exchange, but so do our national security and economic prosperity. The intellectual input of the foreign scientists helps build that discovery that leads to new technologies and to new intellectual property in the United States, and the exchange of scientists and their students helps to build mutual trust and understanding between people who may otherwise be inclined to avoid or even fear each other.

The science side of scientific diplomacy receives comparable benefits from international collaborations. While the U.S. continues to lead the world overall in scientific and technological achievements, by no means do we have a monopoly on knowledge or talent. Our scientists, students, industry, and academic institutions are all dramatically enhanced by interactions with international peers.

Science diplomacy is also central to meeting shared global challenges and opportunities. Climate change, ocean acidification, drug resistant diseases, economic crises, energy shortages, poverty, food and nutrition, Internet and telecommunications, space exploration, and conflict resolution are all being addressed and advanced thanks to international scientific collaboration.

In an Internet-connected world, everyone is impacted by these challenges. Everyone has a stake in the solutions, and we can only succeed if the brightest minds from around the world work together effectively. Ideally, science diplomacy is not just about U.S. scientists working collaboratively with others; it is about all scientists working together with all scientists regardless of physical location or of national boundaries.

H.R. 1736 would reconstitute a Committee on International Science, Engineering and Technology, CISET, under the National Science and Technology Council, which is the interagency coordinating council managed by the Office of Science and Technology Policy.

A renewed and reinvigorated CISET would strengthen interagency coordination among the technical agencies and between the technical agencies and the Department of State. Its purpose would be to ensure that the richness of S&T resources within our technical agencies are brought to bear on our foreign policy wherever appropriate and that our own domestic agencies are working closely with the State Department to leverage scientific and technical expertise and resources around the world in pursuit of solutions to global challenges and opportunities. I would urge its passage.

I reserve the balance of my time.

Mr. OLSON. I rise in support of H.R. 1736, the International Science and Technology Cooperation Act of 2009, and I yield myself as much time as I may consume.

Madam Speaker, I join my colleague today in supporting H.R. 1736, the International Science and Technology Cooperation Act of 2009.

Our Nation has a long history of engaging with international partners on a variety of scientific issues, and this is an area of great importance to our Nation. H.R. 1736 incorporates many recommendations made by the National Science Board in its report ''International Science and Engineering Partnerships: A Priority for U.S. Foreign Policy and our Nation's Innovation Agenda.''

The primary purpose of this legislation is simply to build a stronger coordination link between the scientific activities of our Federal agencies and the Department of State in order to strengthen the U.S. science and technology enterprise, to improve U.S. economic and national security, and to support U.S. foreign policy goals as appropriate. This will be achieved through the creation of a committee under the National Science and Technology Council. The Office of Science and Technology Policy and the Department of State will cochair the committee.

International S&T cooperation takes several forms. It provides a researcher's access to other researchers and to research sites around the globe. It enables partnerships to share the burden of the cost of expensive world-class facilities in the U.S. and abroad. It provides the ability to address global issues of importance to the United States, such as nonproliferation and infectious diseases, and it helps foster positive relationships with other nations.

H.R. 1736 will promote these important scientific activities by making sure that the Department of State is working in tandem with OSTP and with other Federal agencies. We will help ensure that our foreign policy goals are not compromised. In fact, more often than not, they may be enhanced by S&T cooperation. For these reasons, I encourage my colleagues to support H.R. 1736.

I reserve the balance of my time.

Mr. BAIRD. I thank the gentleman for his support and for his comments.

Madam Speaker, this is a bill that has had a number of hearings and on which we have focused a great deal of attention in our committee. Having had the privilege recently to travel internationally and to meet with science leaders around the world, I know personally of the importance.

I also want to acknowledge that President Obama mentioned the importance of scientific exchanges and collaboration in his recent speech in Cairo and in other recent speeches as has his head of OSTP, John Holdren.

Finally, I want to thank Chairman BERMAN, Chairman GORDON, Dr. EHLERS from Michigan, and Mr. CARNAHAN for their work.

I want to, at this point, insert an exchange of letters between Chairman BERMAN and Chairman GORDON into the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 21, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 1736, the International Science and Technology Cooperation Act of 2009.

This bill contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I would ask that you place this letter into the Committee Report on H.R. 1736.

I look forward to working with you as we move this important measure through the legislative process.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, May 21, 2009.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERMAN: Thank you for your May 21, 2009 letter regarding H.R. 1736, the International Science and Technology Cooperation Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Foreign Affairs. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Foreign Affairs has jurisdiction in H.R. 1736. A copy of our letters will be placed in the legislative report on H.R. 1736 and the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

I would also be remiss if I did not acknowledge the hardworking staff who contributed to this legislation, namely Dahlia Sokolov on the majority staff, Mele Williams on the minority staff, and also my personal staff as well. They have done an outstanding job on this piece of legislation.

H.R. 1736 is a good bill. It doesn't cost anything. It just makes sure we apply our existing activities and resources as wisely as possible to the benefit of our security and prosperity. I urge my colleagues to support H.R. 1736.

I reserve the balance of my time.

Mr. OLSON. Madam Speaker, looking around, I have no further requests for time on my side of the aisle.

I yield back the balance of my time.

Mr. BAIRD. Having no further requests, again, I thank the gentleman, and urge passage of the bill.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 1736, the international Science and Technology Cooperation Act of 2009. This bill would, formally establish a committee on the President's National Science and Technology Council to identify and support opportunities to strengthen U.S. foreign policy through cooperation in the fields of science and technology. The President recently announced new initiatives to promote science and technology partnerships between the United States and Muslim-majority countries. I applaud these efforts, and I would note that an across-the-board commitment to integrating science into our diplomatic portfolio would reap enormous benefits.

We should marshal the scientific and technical capacity and expertise in our federal agencies to contribute more directly to our foreign policy goals. In conversations with experts like Dr. Norm Neureiter of the American Association for the Advancement of Science, I have found strong support for a NSTC committee dedicated to planning and coordinating these kinds of interagency efforts. Such a committee would be a critical component in effectively implementing a broader vision of U.S. engagement in international science and science diplomacy. I look forward to working with my colleagues in Congress and the administration to more fully develop robust and lasting capacity in these areas.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1736, as amended.

The question was taken.

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

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STEM EDUCATION COORDINATION ACT OF 2009

Mr. BAIRD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1709) to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1709

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 ''STEM Education Coordination Act of 2009''.

SEC. 2. DEFINITION.

In this Act, the term ''STEM'' means science, technology, engineering, and mathematics.

SEC. 3. COORDINATION OF FEDERAL STEM EDUCATION.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(b) RESPONSIBILITIES OF THE COMMITTEE.—The committee established under subsection (a) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by underrepresented minorities in such programs and activities.

(c) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (b)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(d) REPORT.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (b)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in schools that meet the criteria described in subsection (c)(1) (A) and (B) of section 3175 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381j(c)(1) (A) and (B)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1709, as amended, the bill now under consideration.

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

There was no objection.

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

Madam Speaker, over the past decade, report after report has come out highlighting the importance of science, technology, engineering, and math, so-called STEM education, to our Nation's competitiveness in the rapidly changing 21st century economy.

The National Academy's report ''Rising above the Gathering Storm'' sent up a red flag that our Nation's standing as a global leader is at risk if we do not improve STEM education in the country. The first and highest priority recommendation of the Gathering Storm report was to ''increase America's talent pool by vastly improving K–12 science and mathematics education.''

My colleagues and I on the Science and Technology Committee are passionate about this issue. Over the course of the last 2 years, under the leadership of Chairman GORDON, the committee held several hearings with STEM educators and agency representatives to explore what role the Federal Government can play in improving STEM education. A key recommendation that came up time and time again was the need for the interagency coordination of Federal STEM education activities and to improve the dissemination of these activities to practitioners. It will undoubtedly require strong commitment and leadership at the local and State levels to address the shortcomings of our Nation's science and math education system.

The Federal Government also has a role to play because of the richness of the S&T resources in our Federal agencies. There are already many valuable programs being funded through the Federal agencies that could play an important role in sharing knowledge and passion for STEM with students, teachers, and with the general public. Unfortunately, many of the agencies have had difficulty in evaluating their programs and in building an awareness of those programs among teachers.

In order to make the most effective use of our Federal investment in STEM education, it is crucial that the agencies have a forum where they can come together to discuss tools for improved dissemination, to share research findings, and to create common metrics for evaluation.

H.R. 1709 would establish a committee on STEM education under the National Science and Technology Council at the Office of Science and Technology Policy. This committee would be charged with coordinating the STEM education programs and activities being funded through the Federal R&D mission agencies. This bill also requires that the committee establish and maintain a comprehensive inventory of federally sponsored STEM education activities. This will be a valuable database that will help STEM educators across the country learn of the resources the Federal Government has to offer.

This is a strong, bipartisan bill. I want to commend Chairman GORDON, Mr. HALL, Dr. LIPINSKI, and Dr. EHLERS for introducing it and for their continued leadership on this issue. I would also like to thank Chairman MILLER of the Education and Labor Committee for working with us to bring this bill to the floor.

I would like to insert an exchange of letters between Chairman GORDON and Chairman MILLER at this time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, June 1, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to confirm our mutual understanding regarding H.R. 1709, the STEM Education Coordination Act of 2009. This legislation contains subject matter within the jurisdiction of the Committee on Education and Labor. However, in order to expedite floor consideration of this important legislation, the Committee waives consideration of the bill.

The Committee on Education and Labor takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and would appreciate your support if such a request is made. Finally, I ask that you please include this letter in the Congressional Record during consideration of H.R. 1709 on the House Floor. Thank you for your attention and cooperation.

Sincerely,

GEORGE MILLER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, June 1, 2009.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your June 1, 2009 letter regarding H.R. 1709, the STEM Education Coordination Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Education and Labor. I acknowledge that by waiving rights to further consideration of H.R. 1709, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Education and Labor has jurisdiction in H.R. 1709. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

It is also important to acknowledge the hard work of staff on this bill. I would like to thank Dahlia Sokolov and Bess Caughran on the majority staff and Mele Williams on the minority staff. I would also like to thank the former staff director of the Research and Science Education Subcommittee, Jim Wilson, for his important work on this topic before he retired last year.

H.R. 1709 has the support of many scientific societies, businesses, and education organizations, including the National Science Teachers Association, the Business-Higher Education Forum, the American Chemical Society, and the Triangle Coalition.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. OLSON. I rise in support of H.R. 1709, the STEM Education Coordination Act of 2009, and I yield myself such time as I may consume.

Madam Speaker, I am pleased to join my colleague in supporting H.R. 1709, the Federal STEM Education Coordination Act of 2009. With this bill, Congress is basically elevating a subcommittee within the National Science and Technology Council to a full committee to ensure that STEM education activities within the Federal Government are getting the attention they need.

In addition to coordinating all Federal STEM education programs, this committee will be responsible for developing a strategic plan and for maintaining an inventory of all Federal STEM education programs. I believe this is appropriate and important. It is just as imperative that we will be able to identify those STEM programs in the Federal Government that are effective and that could serve as models for other agencies as it is for us to eliminate those programs that are duplicative and wasteful.

Ranking Member HALL and Dr. EHLERS, the ranking member of the Research and Science Education Subcommittee, are original sponsors of this measure and have worked closely with Chairman GORDON and Mr. LIPINSKI on this legislation. I join them in support of H.R. 1709, and I urge my colleagues to do the same.

With that, I reserve the balance of my time.

Mr. BAIRD. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a valuable member of the committee who has been particularly concerned about STEM education.

Mr. POLIS. Madam Speaker, today I rise in support of H.R. 1709, the STEM Education Coordination Act of 2009. I would like to thank Chairman GORDON as well as my colleagues on the Committee on Science and Technology for bringing this legislation to the floor, and I urge my colleagues to join me for its passage.

There is no doubt that being a leader in science, technology, engineering, and mathematics, or STEM education, is essential for our Nation to be an economic leader in the 21st century. Our Nation already has the world's premier institutions of higher education, and my district in Colorado is home to some of the most prestigious leaders in research. The climate change research done at NCAR and at NOAA and the renewable energy research done at the National Renewable Energy Laboratory have been great sources of pride for our community, as well as economic drivers for our State and our Nation.

In order to build upon these achievements, we must ensure that young Americans choose to and are given the tools to build careers in science. It is vital that our young people are exposed to STEM education early on. Early exposure, particularly for underrepresented groups, including women and minorities, will help spark a life-long interest in education in these fields. STEM education, just like the arts and athletics, is critical to a broad-based education that gives students the analytical skills that will ensure that the American labor force, whether one becomes a climatologist, an architect, or even a Member of Congress, is the smartest and most productive in the world.

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STEM education makes communities across the Nation more self-reliant in rural and urban America alike. By removing barriers to STEM education, it will help all communities have a reliable, highly skilled workforce. We have the technology and the educators to bring knowledge to every corner of our Nation.

Madam Speaker, what we have lacked is the will. Today, we have the opportunity to vote on a bill that will help every community prepare the next generation of leaders in science, technology, engineering, and mathematics. The long-term economic benefits of this action are clear. But so, too, is the sense of pride when communities raise and graduate their own engineers who will design their own roadways and scientists who ensure that their next crop is healthy.

I would like to once again thank Chairman GORDON and the committee and his staff for bringing this terrific bill to the floor.

Mr. OLSON. Madam Speaker, I ask unanimous consent and yield as much time as he can consume to my colleague from Georgia (Mr. BROUN).

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

I'm a scientist, a medical doctor; and I believe wholeheartedly in science education. Whether this bill is a good idea or not remains to be seen. Whether it will pass or not, I think that it probably will.

The thing that concerns me is the education of the American public about not only the money they spent on this—which we don't have—but the money that is going to be spent and taken out of their pockets for what is called cap-and-trade here in this House of Representatives and in the Congress of the United States.

This administration, the leadership in the House and the Senate, are forcing upon the American people a policy that is going to increase taxes on every single household in America over $3,100 per family—that's rich, poor, and between. The people on limited incomes, the retirees, are going to be hit the hardest because experts agree that they spend more of their income on energy-related sources than any other thing.

It's also going to run up the cost of food, medicine, things that everybody buys. In fact, every good and service in this country is going to go up because of this tax-and-cap, as I call it—or cap-and-tax, cap-and-trade legislation that is being brought to this floor, and it's going to be forced down the throats of the American people.

The President himself said that it was going to increase electricity costs for all Americans. The President also said that it's about revenue. It's not about the environment. He said if this is not passed, then he won't have the money to force the socialized medicine program that he's trying to introduce in this Congress and wants to pass by the August break. The American people need to be educated about how bad this policy is. We've got to stop it.

Republicans have offered many alternatives to a non-stimulus bill. Our alternatives were not heard. To a housing crisis, our alternatives were not heard; to a banking crisis, our alternatives were not heard. Over and over again, Republicans have offered alternatives that the leadership in this House have been obstructionists and not allowed those things to be heard.

The American people need to understand that. We're headed down a road of socialism, of communism, of greater control of people's lives and the loss of the control of your money and your freedom. And the American people need to stand up and say ''no.'' I do believe in science and education, but the American people need to educate themselves to the bad policy that the leadership in this Congress are forcing upon them, shoving down their throats as a steamroller of socialism that's being forced down the throats of the American people that's going to slay the American economy.

It's going to kill jobs. This cap-and-tax legislation is estimated to cost somewhere between 1.7 to 8 million jobs. The President says it's going to create green jobs. Well, in Spain, their cap-and-tax has, for every job created, they've lost 2.2 jobs.

It's wrong for America; it's wrong for the working people; it's wrong for the poor people; it's wrong for the retirees. It's absolutely the wrong thing, and the American people need to be educated about that. Stand up and say ''no'' to cap-and-trade legislation.

Mr. BAIRD. Madam Speaker, I would just recognize myself for just a brief comment.

The gentleman from Georgia has repeatedly in the Science Committee and on the floor of the House demonstrated the urgent need to improve STEM education in this country, and I thank him for that.

I would reserve the balance of my time.

Mr. OLSON. Madam Speaker, I see no one on my side of the aisle requesting time. So I yield back the balance of my time.

Mr. GINGREY of Georgia. Madam Speaker, I rise in strong support of H.R. 1709—the STEM Education Coordination Act of 2009. As a former Member of the Science Committee, I commend my colleague from Tennessee—Chairman BART GORDON—for his leadership in crafting this thoughtful legislation that was reported to the House on a broad bipartisan basis.

As a graduate of Georgia Tech with a degree in Chemistry, I know how important it will be that there is a continued focus on STEM—science, technology, engineering, and mathematics—education in order for our future workforce to be competitive in a global, technology-based, economy. Unfortunately, we are simply not graduating enough students in these critical fields of science and engineering compared to the rest of the world. According to a recent study, 50% of students in China receive their undergraduate degrees in natural science or engineering; in Singapore, that number is 67%, and 38% of South Korea's graduates fall

into these fields. Unfortunately, the United States is lagging behind with a mere 15% of graduates in natural science or engineering.

During the 110th Congress, I was proud to work with my colleagues on the Science Committee to pass the America COMPETES Act, which was signed into law by President Bush on August 9, 2007. This legislation took a good first step in addressing our shortcomings in STEM education, but we still have a large gap to close in this area.

H.R. 1709 would establish a committee at the National Science and Technology Council through the Office of Science and Technology Policy that would coordinate the federal programs that support STEM education across the country. I believe that this legislation will help further the progress and efforts that have been made by the America COMPETES Act. Furthermore, I commend all of my colleagues on the Science Committee for working in a bipartisan manner to move this important legislation forward.

I urge all of my colleagues to support H.R. 1709.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to express my support of H.R. 1709—the STEM Education Coordination Act of 2009.

Science, technology, engineering and mathematics are critical subjects that are related to our national competitiveness.

As a cosponsor of this legislation, I support the work of the Committee on Science and Technology as it developed and refined the bill.

During committee consideration of the bill, I offered several amendments that passed unanimously. One such amendment was designed to strengthen the role of the Office of Science and Technology Policy in monitoring quantifiable progress of federal STEM education programs across the agencies. The amendment specified that the committee within the National Science & Technology Council shall determine common metrics to assess progress toward achieving the objectives in its STEM education strategic plan.

In addition, the committee accepted an amendment added a responsibility of OSTP: to encourage and monitor the agency efforts to ensure that the strategic plan is executed effectively. Finally, I offered an amendment that required that the annual report submitted by OSTP should include a description of the outcome of any program assessments completed in the previous year.

Better coordination of our federally-funded education programs for STEM is needed. H.R. 1709 aims to achieve that goal, so that good programs can be supported and refined. It is my belief that a more competitive America will come as a result of stronger, better-coordinated STEM education programs. I support this legislation and urge its passage.

Mr. HONDA. Madam Speaker, I am honored and pleased by the action we are taking today on H.R. 1709, the ''STEM Education Coordination Act of 2009,'' to ensure coordination of federal science, technology, engineering and mathematics (STEM) education activities by elevating an existing committee under the National Science and Technology (NSTC).

H.R. 1709 focuses on the coordination of the federal government's STEM education activities. Providing this coordinating mechanism for the federal STEM education programs is critical to ensuring America remains innovative and competitive in the 21st century global economy.

According to the Academic Competitiveness Council's (ACC) report, in 2006 the U.S. sponsored 105 STEM education programs at more than a dozen different Federal Agencies. These programs devote approximately $3.12 billion to STEM education activities spanning pre-kindergarten through postgraduate education and outreach. The report notes that many of these Agencies do not share information or work collaboratively on similar programs. The ACC found that ''coordination among agencies could be improved to avoid, for example, grants to numerous projects that support the same sorts of interventions... there appears to be a lack of communication among the agencies about the work they are funding and the results that are being generated . . . agencies are often uninformed by the results of earlier projects.''

H.R. 1709 is similar to the one of the sections of the ''Enhancing Science, Technology, Engineering, and Mathematics Education (E–STEM) Act of 2009'', H.R. 2710 which I recently reintroduced. The E–STEM Act establishes a comprehensive approach to improving coordination and coherence of STEM education activities and stimulates collaboration at both the federal and state levels throughout the nation. My legislation provides federal agencies and states with the infrastructure required to work collaboratively, establish national STEM education goals, coordinate STEM education initiatives, and to avoid unnecessary duplication among these efforts. In addition the E–STEM Act would require the NSTC committee to create a coordinated interagency STEM education budget and a five year projection of the STEM workforce.

Strengthening STEM education is important for our nation to remain innovative and ensure our future prosperity. During a time of rapid technological and scientific advance, scientific literacy is increasingly important for full participation in our Democracy. I want to thank Chairman GORDON, Representative BAIRD, and Ranking Member EHLERS for bringing this legislation to the floor and I urge my colleagues to join me in supporting this legislation. I would also invite my colleagues to cosponsor the E–STEM Act to encourage similar coordination among States and improve the dissemination of promising practices and STEM education resources.

Mr. BAIRD. Madam Speaker, with no other speakers, I urge passage of this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1709, as amended.

The question was taken.

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

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING HIGH-PERFORMANCE BUILDING WEEK

Mr. BAIRD. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 492) supporting the goals and ideals of High-Performance Building Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 492

Whereas the High-Performance Buildings Congressional Caucus Coalition has declared the week of June 15 through June 19, 2009, as ''High-Performance Building Week'';

Whereas the House of Representatives has recognized the importance of high-performance buildings through the inclusion of a definition of high-performance buildings in the Energy Independence and Security Act of 2007;

Whereas our homes, offices, schools, and other buildings consume 40 percent of the primary energy and 70 percent of the electricity in the United States annually;

Whereas buildings consume about 12 percent of the potable water in this country;

Whereas the construction of buildings and their related infrastructure consume approximately 60 percent of all raw materials used in the United States economy;

Whereas buildings account for 39 percent of United States carbon dioxide emissions a year approximately equaling the combined carbon emissions of Japan, France, and the United Kingdom;

Whereas Americans spend about 90 percent of their time indoors;

Whereas poor indoor environmental quality is detrimental to the health of all Americans, especially our children and elderly;

Whereas high-performance buildings promote higher student achievement by providing better lighting, a more comfortable indoor environment, and improved ventilation and indoor air quality;

Whereas high-performance residential and commercial building design and construction should effectively guard against natural and human caused events and disasters, including fire, water, wind, noise, crime, and terrorism;

Whereas high-performance buildings, which address human, environmental, economic, and total societal impact, result from the application of the highest level of design, construction, operation, and maintenance principles—a paradigm change for the built environment; and

Whereas the United States should continue to improve the features of new buildings, and adapt and maintain existing buildings, to changing balances in our needs and responsibilities for health, safety, energy efficiency, and usability by all segments of society: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of High-Performance Building Week;

(2) recognizes and reaffirms our Nation's commitment to High-Performance Buildings by promoting awareness about their benefits and by promoting new education programs, supporting research, and expanding access to information;

(3) recognizes the unique role that the Department of Energy plays through the Office of Energy Efficiency and Renewable Energy's Building Technologies Program, which works closely with the building industry and manufacturers to conduct research and development on technologies and practices for building energy efficiency;

(4) recognizes the important role that the National Institute of Standards and Technology plays in developing the measurement science needed to develop, test, integrate, and demonstrate the new building technologies; and

(5) encourages further research and development of high-performance building standards, research, and development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. OLSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 492, the resolution now under consideration.

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

There was no objection.

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

I'm pleased the House is considering H. Res. 492, a resolution supporting the goals and ideals of High-Performance Building Week, which is next week, June 15 through June 19. I would like to thank my good friend from Missouri, Congressman RUSS CARNAHAN, and our colleague JUDY BIGGERT from Illinois for their leadership on this important issue and for their outstanding work as the cochairs of the High-Performance Buildings Caucus.

Buildings consume 40 percent of the energy in the United States. This is more energy than any other sector of the economy. Deployment of high-performance buildings can reduce energy consumption and greenhouse gas emissions. As chairman of the Subcommittee on Energy and Environment of the Science and Technology Committee, I recognize the importance of energy efficiency and sustainability in the building sector.

On April 28 of this year, we held a hearing entitled Pushing the Efficiency Envelope: R&D for High-Performance Buildings. I am happy to report that we are working on legislation to address several important issues identified at this hearing.

H. Res. 492 creates a greater public awareness about high-performance buildings and recognizes the need to continue research and development for innovative energy-efficient technologies.

I urge all Members to support H. Res. 492.

I reserve the balance of my time.

Mr. OLSON. Madam Speaker, I rise in support of House Resolution 492, supporting the goals and ideals of High-Performance Building Week, and I yield myself as much time as I will consume.

Madam Speaker, I rise today in support of H. Res. 492, supporting the goals and ideals of High-Performance Building Week. I would first like to thank the Congressional High-Performance Building Caucus cochairs, RUSS CARNAHAN and JUDY BIGGERT for their work on this important issue and for bringing awareness to the Congress and the public on the importance and benefits of high-performance buildings.

This resolution declares the week of June 15 through June 19, 2009, as High-Performance Building Week. According to the Energy Independence and Security Act of 2007, a high-performance building is defined as a building that integrates and optimizes on a life-cycle basis all major high-performance attributes including energy conservation, environment, safety, security, durability, accessibility, cost-benefit productivity, sustainability, functionality, and operational considerations.

It is important to focus on making our buildings high-performance buildings for many reasons, some of which are that our homes, offices, schools, and other buildings consume 40 percent of the primary energy and 70 percent of the electricity used in the United States annually; that buildings consume about 12 percent of the potable water in this country; and that construction of buildings and the related infrastructure consume approximately 60 percent of all raw materials used in the United States economy. Madam Speaker, I could go on, but I think you get the point.

There are a lot of efficiencies to be gained by focusing on high-performance buildings, and the benefits to our society are great. Again, I commend cochairs CARNAHAN and BIGGERT for their leadership and hope that my colleagues will see the value that awareness of the benefits of the high-performance buildings will bring and support this resolution.

With that, I reserve the balance of my time.

Mr. BAIRD. I have no speakers at this time. I reserve the balance of my time.

Mr. OLSON. Madam Speaker, I yield 3 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of H. Res. 492 and urge my colleagues to support its passage.

As a member of the Science and Technology Committee and as cochair of the High-Performance Buildings Caucus, I'm delighted to join my colleague and caucus cochair, Congressman RUSS CARNAHAN, to recognize June 15 through June 19 as High-Performance Building Week.

By definition, a high-performance building is one that utilizes the highest design, construction, operation, and maintenance principles to address human, economic, environmental, and societal needs. Based on section 914 of the Energy Policy Act of 2005, that definition is a result of significant industry and standards collaboration. Building on that coordinated effort, Representative CARNAHAN and I formed the High-Performance Buildings Caucus last year. We wanted to heighten awareness and inform policymakers about the major impact buildings have on our health, safety, and environment. Through monthly briefings, we explore the opportunities to design, construct, and operate high-performance buildings that reflect our concern for these impacts.

As the resolution states, the built environment in our country has a tremendous impact on our lives. Buildings consume 40 percent of the energy in the United States while emitting 39 percent of U.S. carbon dioxide emissions. Perhaps a more surprising statistic is that Americans average 90 percent of their time indoors. With that in mind, new building construction and sustainability of our current building inventory is more important now than ever. As we seek to use energy more efficiently and reduce global emissions, we also have to consider worker productivity in business, enhanced learning environments in schools, and even secure designs to prevent loss of life from catastrophic natural disasters. Research, design, and construction of high-performance buildings include these factors and more. Accessibility, aesthetics, historic integrity and cost-effectiveness must also be considered.

Madam Speaker, we could not honor the goals and ideas of High-Performance Building Week without thanking those groups that have helped us get here today. Dozens of building and standards organizations make up the High-Performance Buildings Congressional Caucus Coalition. I know that I speak for myself and my fellow caucus cochair when I say ''thank you'' for their help educating, researching, and advancing the goals of high-performance buildings.

And with that, Madam Speaker, I would submit a list of those organizations to be included in the RECORD.

HIGH PERFORMANCE BUILDING CONGRESSIONAL CAUCUS COALITION

EXECUTIVE COMMITTEE MEMBERS

ASHRAE, The American Society of Heating, Refrigerating and Air-Conditioning Engineers (www.ashrae.org).

ACCA, Air Conditioning Contractors of America (www.acca.org).

AHRI, Air Conditioning, Heating and Refrigeration Institute (www.ahrinet.org).

AIA, The American Institute of Architects (www.aia.org).

ANSI, American National Standards Institute (www.ansi.org).

BOMA, Building Owners & Managers Association International (www.boma.org).

GBI, The Green Building Initiative (www.thegbi.org).

ICC, International Code Council (www.iccsafe.org).

NEMA, National Electrical Mfrs Association (www.nema.org).

NFPA, National Fire Protection Association (www.nfpa.org).

NIBS, National Institute of Building Sciences (www.nibs.org).

SPFA, Spray Polyurethane Foam Alliance (www.sprayfoam.org).

USGBC, U.S. Green Building Council (www.usgbc.org).

COALITION MEMBERS

ACC, American Chemistry Council (www.americanchemistry.com).

AF&PA, American Forest & Paper Association (www.afandpa.org).

AGC, The Associated General Contractors of America (www.constructionenvironment.org).

ACEC, American Council of Engineering Companies (www.acec.org).

APWA, American Public Works Association (www.apwa.net).

Arch 2030, Architecture 2030 (www.architecture2030.org).

ARMA, Asphalt Roofing Manufacturers Association (www.asphaltroofing.org).

ASA, American Supply Association (www.asa.net).

ASCE, American Society of Civil Engineers (www.asce.org).

ASE, Alliance to Save Energy (www.ase.org).

ASERTTI, Association of State Energy Research & Technology Transfer Institutions (www.asertti.org).

ASID, American Society of Interior Designers (www.asid.org).

ASLA, American Society of Landscape Architects (www.asla.org).

ASME, American Society of Mechanical Engineers (www.asme.org).

ASTM International (www.astm.org).

BHMA, Builders Hardware Manufacturers Association (www.buildershardware.com).

CEIR, Center for Environmental Innovation in Roofing (www.Roofingcenter.org).

CLMA, Composite Lumber Manufacturers Association (www.compositelumber.org).

CRI, Carpet and Rug Institute (www.carpet-rug.org).

Ecobuild, EcoBuild America, LLC (www.ecobuildamerica.com).

EESI, Environmental & Energy Study Institute (www.eesi.org).

FAS, Federation of American Scientists (www.fas.org).

GANA, Glass Association of North America (www.glasswebsite.com).

GMC, The Green Mechanical Council (www.greenmech.org).

Green Builder Media (www.greenbuildermedia.com).

Green Standard Green Building in Canada (www.GreenStandard.ca).

HARDI, Heating, Air-conditioning & Refrigeration Distributors International (www.hardinet.org).

IAPMO, International Association of Plumbing and Mechanical Officials (www.iapmo.org).

IALD, International Association of Lighting Designers (www.iald.org).

ICSC, International Council of Shopping Centers (www.icsc.org).

IFMA, International Facility Management Association (www.ifma.org).

InfoComm, InfoComm International (www.infocomm.org).

MCAA, Mechanical Contractors Association of America (www.mcaa.org).

MVMA, Masonry Veneer Manufacturers Association (www.masonryveneer.org).

NAED, National Academy of Environmental Design (www.naedonline.org).

NECA, National Electrical Contractors Association (www.necanet.org).

NFRC, National Fenestration Rating Council (www.nfrc.org).

NRCA, National Roofing Contractors Association (www.nrca.net).

NTHP, National Trust for Historic Preservation (www.nthp.org).

PCA, Portland Cement Association (www.cement.org).

PERSI, Practice, Education and Research for Sustainable Infrastructure (www.persi.us).

PMI, Plumbing Manufacturers Institute (www.pmihome.org).

PHCC, Plumbing-Heating-Cooling Contractors—National Association (www.phccweb.org).

RCMA, Roof Coatings Manufacturers Association (www.roofcoatings.org).

RER, The Real Estate Roundtable (www.rer.org).

SBIC, Sustainable Buildings Industry Council (www.sbicouncil.org).

SMACNA, Sheet Metal and Air Conditioning Contractors' National Association (www.smacna.org).

The Vinyl Institute (www.vinylinfo.org).

Mr. BAIRD. Madam Speaker, I just want to commend Mrs. BIGGERT and Mr. CARNAHAN. It is particularly impressive to me when Members of Congress pick issues that might be under the radar for most people but have tremendous importance. And as the gentlelady's comments and my colleague from Texas observe, the percentage of energy consumed by buildings is phenomenal. It is the largest single energy consumer in this country, and their leadership on recognizing this and moving forward with positive solutions is particularly noteworthy and merits commendation. We argue sometimes here about whether it should be one form of power or another, but we can all agree that saving energy is in the best interest of this country and that buildings, and high-performance buildings, are one of the best possible and most economically responsible ways to do so. And I would commend the gentlelady and her colleague, Mr. CARNAHAN.

With that, I reserve my time.

Mr. OLSON. Madam Speaker, I want to identify myself with the comments from my colleague over there with the extremely good work that Congressman CARNAHAN and Congresswoman BIGGERT have done on this issue.

I see no further speakers on my side so I urge support of House Resolution 492.

I yield back the balance of my time.

□ 1445

Mr. BAIRD. Having no further speakers, I yield back the balance of my time and urge passage of this valuable legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 492.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING BOY SCOUTS OF AMERICA DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 356) expressing support for the designation of February 8, 2010, as ''Boy Scouts of America Day'', in celebration of the Nation's largest youth scouting organization's 100th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 356

Whereas Boy Scouts of America was incorporated by Chicago publisher, William Boyce, on February 8, 1910, after learning of the Scouting movement during a visit to London;

Whereas, on June 21, 1910, a group of 34 national representatives met, developed organization plans, and opened a temporary national headquarters in New York;

Whereas the purpose of Boy Scouts of America is to teach America's youth patriotism, courage, self-reliance, and kindred values;

Whereas by 1912, Scouts were enrolled in every State;

Whereas in 1916, Congress granted Boy Scouts of America a Federal charter;

Whereas each council will commit each Boy Scout to perform 12 hours of community service yearly, totaling 30,000,000 community service hours each year;

Whereas membership since 1910 totals more than 111,000,000 scouts and is found in 185 countries around the world;

Whereas the organization will present the 2 millionth Eagle Scout award in 2009;

Whereas more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America;

Whereas these men and women often neither receive nor seek the thanks of the public;

Whereas February 8, 2010, would be an appropriate day to designate as ''Boy Scouts of America Day'' in celebration of the Boy Scouts of America's 100th anniversary; and

Whereas Boy Scouts of America endeavors to develop American citizens who are physically, mentally, and emotionally fit, have a high degree of self-reliance as evidenced in such qualities as initiative, courage, and resourcefulness, have personal values based on religious concepts, have the desire and skills to help others, understand the principles of the American social, economic, and governmental systems, take pride in their American heritage and understand our Nation's role in the world, have a keen respect for the basic rights of all people, and are prepared to participate in and give leadership to American society: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of ''Boy Scouts of America Day'' in celebration of its 100th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks

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

There was no objection.

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

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present House Resolution 356 for consideration. This legislation expresses our support for the designation of February 8, 2010, as ''Boy Scouts of America Day'' in recognition of the youth organization's upcoming 100th anniversary.

House Resolution 356 was introduced by my colleague Representative RALPH HALL of Texas, on April 23, 2009, and favorably reported out of the Oversight Committee by unanimous consent on May 6, 2009. Additionally, House Resolution 356 enjoys the support of over 70 Members of Congress.

Madam Speaker, the Boy Scouts of America was incorporated by Chicago publisher William Dixon Boyce on February 8, 1910, with President William Howard Taft named to serve as the organization's first honorary president. Pursuant to its stated purpose, the newly founded Boy Scouts of America sought to educate America's youth in ''patriotism, courage, self-reliance, and kindred values'' through a variety of educational, civic, and recreational programs and activities. By the year 1912, every State in America could claim a troop of Scouts. And in 1916, the organization received a Federal charter from the 62nd Congress.

Since its incorporation in 1910, the Boy Scouts of America has now witnessed the enrollment of over 111 million Scouts, with Scouting currently found in 185 countries around the world. Former Scouts and Scout volunteers include a number of prominent Americans, including Presidents John F. Kennedy, George W. Bush, Jimmy Carter, Bill Clinton, and Gerald Ford. President Ford often described the impact of Scouting on his career, stating that, ''Without hesitation, because of Scouting principles, I know I was a better athlete, I was a better naval officer, I was a better Congressman, and I was a better-prepared President.''

In 2008 alone, the Boy Scouts of America provided educational community service and recreational programs to over 2.8 million young people, with the support of over 1.1 million volunteers and nearly 130,000 community-based organizations. As noted by the Boy Scouts of America's most recent Annual Report to the Nation, two events in 2008 exemplified the promise and the value of Scouting.

Firstly, throughout the course of 5 weeks in the summer of 2008, approximately 3,600 Scouts and volunteers, in coordination with the U.S. Forest Service, participated in Arrow Corps Five, a project designated to benefit our national forests. The program resulted in the completion of more than $5.6 million worth of national forest improvements.

Additionally, June 11 of 2008 witnessed the destruction of Iowa's Little Sioux Scout Ranch by a devastating tornado which, sadly, resulted in the deaths of four Scouts and injuries to 48 other Scouts and staff. In response, groups of Scouts and volunteers promptly set up a triage system, provided first aid to the injured, and began digging victims from the rubble of the collapsed campsite. Just one day earlier, these brave Scouts, who were attending a weeklong leadership training session at the camp, had taken part in a mock emergency drill.

Notably, February 8 of next year will mark the 100th anniversary of the Boy Scouts of America, and fittingly, House Resolution 356 expresses our support for the designation of that date as ''Boy Scouts of America Day.''

Madam Speaker, let us commemorate the 100 years of civic and educational service provided by the Boy Scouts of America through the adoption of House Resolution 356 and by expressing our support for the designation of February 8, 2010, as ''Boy Scouts of America Day.''

I urge my colleagues to join us in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

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

I rise today in support of this resolution designating February 8, 2010, as ''Boy Scouts of America Day.''

On February 8, 1910, a Chicago publisher, William Boyce, founded the Boy Scouts of America as an organization dedicated to instructing and infusing patriotic values and ethics in America's youth. Within a few years, the organization had spread to every State and in 1916 was granted a Federal charter by the United States Congress.

Since its inception, the Boy Scouts of America has grown to a membership exceeding 111 million Scouts, with over 1 million adult volunteers, and has corresponding organizations in over 85 nations around the globe. Its national and global presence has made it a compelling organization in the growth of our Nation and other countries over the past century.

The Boy Scouts of America has hosted events, such as the National Jamboree in Washington, D.C., since 1935, which attracts thousands of Boy Scouts to the D.C. area.

The youth who participate in Boy Scouts acquire fond memories of leadership training, adventure, camaraderie, and the joys of outdoor activities. Through the varied activities of the Boy Scouts, these young men are provided with a safe, constructive, and educational experience where they can acquire essential life and interpersonal skills.

The impact of the Boy Scouts of America can be seen every day on Capitol Hill. Nearly 60 percent of the current congressional membership have participated in Scouting in one form or another, including roughly 145 Members in the House of Representatives. Between the House and Senate, about 25 individuals have actually achieved Boy Scouting's highest honor, the Eagle Scout.

The Boy Scouts of America have become a mainstay of American tradition. With its powerful influence on America's youth for the past century and the presentation of its 2 millionth Eagle Scout Award this year, it is appropriate that we honor the 100th anniversary of this outstanding American organization.

Madam Speaker, on a personal note, I have to tell you, as a parent, my son Max, who was awarded the Eagle Scout not too long ago, for me and my wife, Julie, to watch the presentation where he got that Eagle pin, where he pinned on his mother the mother's pin, that's a great moment. And so many parents have been so grateful for the great work the Boy Scouts have done. I am personally in debt and gratitude to this organization for the great leadership that it brings upon the youth of America.

Madam Speaker, I urge my colleagues to support this resolution and reserve the balance of my time.

Mr. LYNCH. Madam Speaker, we have no further speakers, but I will continue to reserve.

Mr. CHAFFETZ. Madam Speaker, I yield as much time as the gentleman may consume to my distinguished colleague from the State of Texas (Mr. HALL).

Mr. HALL of Texas. Madam Speaker, I, of course, rise today in support of H.R. 356, expressing support for the designation of February 8, 2010, as ''Boy Scouts of America Day'' to honor the Nation's largest Scouting organization's 100th anniversary.

Congressman CHAFFETZ has done a very good job of pointing out the history of the Scouts in America. It dates way back to 1910, when it was first incorporated for the purpose of providing educational programs for boys and young adults to build their character, train them in the responsibilities of being a participating citizen, and developing personal fitness.

By the end of 1912, Scouts were enrolled in every State of the Union, which helped the Scouts obtain their Federal charter from Congress in 1916.

Boy Scouts of America endeavors to develop young men who are physically, mentally, and emotionally fit and who have a high degree of self-reliance. Boy Scouts provides instructions on America's social, economic, and governmental systems and inspires young men to take pride in their American heritage and to understand the Nation's role in the world. Boy Scouts respect the basic rights of all people and are encouraged to participate in and provide leadership for their communities.

I want to recognize John Jarvis from Texarkana, Texas, who is a Scout leader with the Caddo Area Council and a member of Troop 16. John originally brought this resolution to my attention and has worked with me to bring this to the House floor today.

I also recognize Tim Hetchs for his assistance on this bill. And I want to

thank my colleagues for cosponsoring the resolution, many of whom were Boy Scouts. Several of our colleagues in Congress have participated in Scouting, including President Ford, as was pointed out by Congressman LYNCH.

I ask my colleagues in the House to join us in support of H. Res. 356, in recognition of the many contributions of the Boy Scouts of America to our Nation.

Mr. LYNCH. Madam Speaker, I ask my colleagues to join with Mr. HALL of Texas in bringing forth this important resolution, and I ask all Members to support unanimously the resolution at hand.

I continue to reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, as an original cosponsor, I would like to convey my support for H. Res. 356, a resolution expressing support for the designation of February 8, 2010 as "Boy Scouts of America Day" and for this organization that has given so much to the well-being and development of young men for generations. I am humbled to be selected as the Honorary Chairman for the hundredth anniversary of Scouting for the Indian Waters Council of South Carolina.

As the grateful father of four Eagle Scouts, I know firsthand the tremendous opportunities and benefits that come with participation in the Boy Scouts. This is an organization that has been a positive influence in our communities for nearly a century—teaching millions the importance of a strong character and a commitment to citizenship.

I am particularly grateful that the Boy Scouts have always focused on a greater appreciation and understanding of the outdoors. In 1999 and 2003, I served as an adult volunteer with my younger sons Julian and Hunter for backpacking treks at the Philmont Scout Ranch at Cimarron, New Mexico. The 100 and 75 mile hikes were an awesome introduction to me of the beauty of the American West.

Mr. SKELTON. Madam Speaker, earlier this year, my good friend from Texas, Congressman RALPH HALL, asked me to cosponsor H. Res. 356, legislation that supports designating February 8, 2010, as Boy Scouts of America Day in the United States. This recognition would honor the Boy Scouts on its 100th anniversary.

It is appropriate for the Congress and for our country to recognize the Boy Scouts. Since 1910, this organization has helped young men foster lasting friendships, develop leadership skills, and contribute to American society. As an Eagle Scout who has supported scouting into adulthood and throughout my time in Congress, I know firsthand how valuable scouting can be.

I urge the House to approve this resolution.

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

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

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 resolution, H. Res. 356.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING ASIAN/PACIFIC-AMERICAN HERITAGE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 435) celebrating Asian Pacific American Heritage Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 435

Whereas this year marks first time the United States is led by a President with close Asian ties, including President Obama's childhood in Indonesia and Hawai'i, and the President has made unprecedented outreach efforts to the Asian-American and Pacific Islander community;

Whereas the selection of May as the month for Asian/Pacific-American Heritage Month was significant due to two historical events that occurred in May: first, May 7, 1843, when the first Japanese immigrants arrived in the United States, and second, May 10, 1869, when, with substantial contributions from Chinese immigrants, the first transcontinental railroad was completed;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific-American Heritage Month, and requests the President to issue each year a proclamation calling on the people of the United States to observe Asian/Pacific-American Heritage Month with appropriate programs, ceremonies, and activities;

Whereas according to the Bureau of the Census, an estimated 14,900,000 United States residents identify themselves as Asian alone or in combination with one or more other races, and an estimated 1,000,000 United States residents identify themselves as Native Hawaiian and other Pacific Islander alone or in combination with one or more other races;

Whereas even though Asian-Americans and Pacific Islanders faced the injustices of racial prejudice as exemplified by the Chinese Exclusion Act, the internment of Japanese Americans and Japanese/Latin-Americans, the Vincent Chin case, and other events, the community has made considerable contributions to the vast cultural, economic, educational, military, and technological advancements of the United States;

Whereas Asian-Americans and Pacific Islanders such as civil rights activist, Yuri Kochiyama, Medal of Honor recipient, Herbert Pililaau, the first Asian-American Congressman, Dalip Singh Saund, the first Asian-American Congresswoman, Patsy Mink, and others have made significant strides in the political and military realms;

Whereas the Presidential Cabinet includes a record three Asian-Americans: Energy Secretary Steven Chu, Commerce Secretary Gary Locke, and Veterans Affairs Secretary Eric Shinseki; and

Whereas celebrating Asian/Pacific-American Heritage provides the people of the United States with an opportunity to recognize the achievements, contributions, history, and influence concerns of Asian-Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the incredible diversity of different racial and ethnic groups, including Asian-Americans and Pacific Islanders, is a source of strength for the United States; and

(2) celebrates the contributions of Asian-Americans and Pacific Islanders to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, today I rise in strong support of House Resolution 435, which expresses support for the recognition and celebration of Asian Pacific American heritage. The measure before us was introduced on May 13, 2009, by Congressman MIKE HONDA of California, along with other Members and associate Members of the Congressional Asian Pacific American Caucus. Currently, the measure is supported by over 55 Members of Congress and has been appropriately reviewed and approved by the Committee on Oversight and Government Reform as of June 4, 2009.

Madam Speaker, the Asian American and Pacific Islander community is composed of over 15 million people who, on a daily basis, are making significant contributions to the betterment of our country. For example, in addition to being one of our country's fastest growing minority groups, the Asian American and Pacific Islander community is also responsible for generating an estimated $326 billion annually for our economy as entrepreneurs and business owners of over 1.1 million businesses.

While Asian Pacific American heritage is certainly worth recognizing and celebrating year-round, the country and the Asian Pacific American community have traditionally come together in the month of May to celebrate and commemorate Asian and Pacific American heritage. That all began back in 1977 when Representatives Frank Horton and Norman Mineta and Senators DANIEL INOUYE and Spark Matsunaga introduced resolutions asking the President to declare the first 10 days of May as Asian Pacific Heritage Week.

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The selection of the month of May stems from the fact that May marks the arrival of the first Japanese immigrants in the U.S. in 1843. In 1978, President Carter made Asian Pacific Heritage Week an annual event, and in 1990, President George H. W. Bush proclaimed the entire month of May to be Asian Pacific American Heritage Month.

Madam Speaker, Asian Americans and Pacific Islanders have also made great strides in the area of civil rights and public policy, led by such notable Americans as Patsy Mink, the first Asian American Congresswoman, not to mention the current members of the President's Cabinet, which includes three Asian Americans: Energy Secretary Steven Chu, Commerce Secretary Gary Locke, and Veterans Affairs Secretary Eric Shinseki.

In closing, let us, as a body, take a moment to recognize the valued contributions of the Asian and Pacific American community and celebrate such a rich cultural heritage by supporting House Resolution 435.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of this important resolution recognizing Asian Pacific American Heritage Month.

Asian Americans and Pacific Islanders have been an integral part of the fabric of American life since the first Japanese immigrants arrived in the United States on May 7, 1843. Asian Americans worked as coal miners, on farms and orchards, and as laborers. It is estimated that 14 million Americans, if not more, can trace their ethnic heritage to Asia or the Pacific Islands.

Establishing May as Asian American Pacific Islander Heritage Month affords educators throughout the country the opportunity to create learning experiences that teach the history of Asian Americans and Pacific Islanders during the school year. Observing Asian American and Pacific Islander contributions highlights their importance in the building of our country, in our fabric.

For example, Chinese immigrants played a significant role in the construction of the first transcontinental railroad, which was completed on May 10, 1869. Asian Americans and Pacific Islanders have significantly contributed to this country through the arts, sciences, math, sports, commerce, and every other aspect of American culture since they first arrived in the 19th century. Whether it is in the arts or government or science or the many other fields of endeavor, they have played a fundamental role in our Nation's technological and economic expansion as well as every other fabric of life that we can think of. Their accomplishments are too numerous to count. Their influence is felt throughout our country.

The month of May once again gives us the opportunity to thank and honor Asian Americans and Pacific Islanders and recognize them for their many contributions now, in the past, and certainly in the future.

Mr. LARSON of Connecticut. Madam Speaker, I rise today to express strong support for H. Res. 435—Celebrating Asian Pacific American Heritage Month. I applaud the leadership and continued efforts of Chairman MIKE HONDA, as well as my colleagues in the Congressional Asian Pacific American Caucus for bringing this Resolution before us today.

Asian Pacific American Heritage Month was established in 1977 by the efforts of Representatives Norman Mineta and Frank Horton, and Senators DANIEL INOUYE and Spark Matsunaga who introduced resolutions asking for a Presidential declaration that the first ten days of May honor the rich history and contributions of our nation's Asian Pacific Americans. In 1992 Congress expanded the commemoration to a month, in order to fully recognize the impact that Asian Americans and Pacific Islanders (AAPIs) have on our great nation.

From the early 1800s to today, Asian Americans and Pacific Islanders have played a critical role in the development of this country. This year's theme: ''Lighting the Past, Present and Future,'' is fitting as the world's attention turned to the United States to see the historic inauguration of President Barack Hussein Obama. President Obama's diversity reflects the richness and strength of our nation.

We must reaffirm our commitment to the promise of a future for all Americans by eradicating racial and ethnic health disparities, enacting comprehensive immigration reform, providing educational opportunities for the underserved and creating jobs. I am proud that we ensured full equity for the Filipino veterans who proudly served under the American flag during World War II when we passed H.R. 1, the American Recovery and Reinvestment Act. I also applaud my colleagues for the recent passage of the Local Law Enforcement Enhancement Hate Crimes Prevention Act, which enables the Department of Justice to assist the efforts of federal, state, and local law enforcement in investigating and prosecuting hate crimes based on race, ethnic background, and religion, and extends protections to more Americans.

From the construction of the transcontinental railroads to the heroic contributions in World War II and beyond, Asian Americans and Pacific Islanders have made lasting contributions in every facet of American society. We must continue to acknowledge the great achievements this vast and diverse community has provided this nation and I urge my colleagues to support to this resolution.

Mr. FALEOMAVAEGA. Madam Speaker, in 1992, Congress passed a joint Congressional Resolution to designate the month of May to give special recognition of the contributions of our Asian-Pacific American community to our nation. Originally, Congress in 1978 designated the first week of May to commemorate the arrival of the first Japanese immigrants and the completion of the transcontinental railroad that was built by the Chinese laborers. Every year since then, the President would issue an Executive proclamation from the White House to honor this month and direct all federal agencies and military installations throughout the country to conduct special events and ceremonies to honor our Asian-Pacific American communities throughout our country.

This year's theme is, ''Leadership To Meet The Challenges Of A Changing World,'' and I will try and elaborate on the achievements and success of Asian-Pacific Americans in both the public and private sector but, more importantly, to demonstrate to the world that the greatness of our nation lies in its diversity and ability of our country to accept peoples from all over world, as they pledge themselves to become as fellow citizens of this great nation.

Americans of Asian and Pacific Islander descent, nearly 16 million strong, are among the fastest growing demographic groups in the United States today, even though they make up only 5 percent of our nation's population. In recent years, the Asian-Pacific Americans have more than doubled and this rapid growth is expected to continue in the years to come.

Time will not permit me to share with you the names and contributions of many of our prominent Asian-Pacific American leaders in the fields of law, business, finance, and too many to mention. One only needs to read today's newspaper or a magazine to document the fact that Asian-Pacific American students—both in secondary schools and universities—are among the brightest minds our nation offers to the world. I fully expect that these students, now and in the future, will contribute their talents and expertise to solve major issues and problems now confronting our nation and the world today.

Many of our prominent business leaders and entrepreneurs are of Asian-Pacific American descent. In fact, many of the popular brands and icons that we know today were created by the brilliant minds of people in our Asian-Pacific American community. For example, the Bose Corporation specializing in audio equipment, can be found or is used by historical venues and facilities, such as the Sistine Chapel, the Space Shuttle, and the Olympic stadiums, is currently headed by its founder, Amar Bose—an Indian American. Steve Chen, a Chinese American, and Jawed Karim, a Bangladeshi American, were the co-creators of the popular video sharing website, ''YouTube.'' Vera Wang, a Chinese American fashion designer and mogul, established herself as an icon by dressing celebrities and creating one of the most fashionable clothing lines for women in the world.

In the world of sports, Asian-Pacific Americans have come to the forefront. In the recent 2008 Beijing Olympics, Kevin Tan, a Chinese American, was selected as captain of the U.S. men's gymnastics team and earned a bronze medal in team competition. Natasha Kai, an American of Hawaiian, Cambodian, and Chinese descent, won a gold medal with the U.S. women's soccer team. Natasha happens to be alumni of Kahuku High School in Hawaii, where I also graduated from many years ago.

Asian-Pacific Americans are more prevalent in American sports now more than ever before. We have Yao Ming, a Chinese basketball player, playing for the Houston Rockets; Daisuke Matsuzaka, a Japanese baseball player, playing for the Boston Red Sox; Yutaka Fukufuji, the first Japanese to play for the National Hockey League, played for the Los Angeles Kings. And everyone has heard of the Professional Boxer Manny Pacquaio from the Philippines, a world champion in numerous boxing divisions who handily beat Oscar De La Hoya in December and Ricky Hatton two weeks ago in Las Vegas.

I have to mention the accomplishments our young Asian-Pacific Americans in the NFL. In the 2009 NFL draft, nine young men, five Tongans and four Samoans, were selected by six different teams across the nation. These young men are ambassadors of goodwill and

represent the Asian-Pacific American members who were once and still apart of the National Football League. From pioneers such as Al Lolotai who played for the Washington Redskins in 1945, Charles Ane and Rockne Freitas of Detroit Lions, to the likes of Junior Seau of the New England Patriots and Troy Polamalu of the Pittsburgh Steelers.

In the field of martial arts, the late Chinese-American kung-fu martial arts expert Bruce Lee captivated the movie audiences all over the world by destroying the common stereotype of the passive, quiet Asian-Pacific American male, and the tradition continues today with Jackie Chan and Jet Li. Now, another sports and movie icon is moving his way through the movie industry—believed to be the heir apparent to Sylvester Stallone and Arnold Schwarzenegger—none other than the former World Wrestling Entertainment champion wrestler, Dwayne Johnson, or commonly known as the Rock. The Rock was featured in movies such as the Scorpion King, Rundown, Get Smart, Grid Iron Gang and recently Race to Witch Mountain.

The thing unique about Dwayne Johnson is that while his father is of African and Native American descent, his mother is Samoan. Now, just about every Samoan alive claims to be related to the Rock, including myself.

Last summer I had the privilege of presenting the Congressional Horizon Award to Chief Seiuli Dwayne ''The Rock'' Johnson for his contributions and volunteer work in educating, empowering, and enriching the lives of children worldwide. Dwayne Johnson has made numerous contributions not only through The Rock Foundation but also directly to our Asian-Pacific American youth.

Michelle Kwan, a Chinese American figure skater, is another example of a prominent Asian-Pacific American who has transformed her skills in one area to contribute further to our nation. Kwan has won nine U.S. championships, five world championships and two Olympic medals, earning her the title of the most decorated figure skater in U.S. history. Her accomplishments don't end there. In 2006, Secretary Condoleezza Rice named Kwan the first U.S. public diplomacy ambassador, where she has worked at improving America's image abroad. As ambassador, Michelle has been promoting cross-cultural dialogue with international youth.

As Americans, and especially our youth, become more engaged in politics and government, I must bring your attention to the growing role and impact that Asian-Pacific Americans are playing in civic engagement. Our fellow colleague and good friend, Congressman ANH ''JOSEPH'' CAO became the first American of Vietnamese descent to be elected to the House of Representatives. A former Congressman, Louisiana Governor Bobby Jindal, became the first Indian American ever elected as governor in U.S. history, and is currently the youngest amongst all governors in the U.S.

In the recent 2008 national and state elections, the Asian-Pacific American communities played a vital role. An estimated whopping 62% of the voting Asian-Pacific Americans cast their ballot for then Senator Barack Obama, helping him secure his presidential win.

And with the President's appointments in the administration, there are an unprecedented number of Asian-Pacific Americans in top government positions, and these leaders were not appointed to their positions because of their race and heritage but because they bring vast knowledge, experience and different viewpoints that their Asian-Pacific American backgrounds have contributed to.

For example, President Obama appointed Steven Chu, a Chinese American, to be the Secretary of Energy. Secretary Chu's extensive work in physics and molecular biology has earned him accolades and achievements throughout the world—most notably he won a Nobel Prize for his physics works in ''development of methods to cool and trap atoms with laser light.'' Chu's dedication to physics led him to the academic side of research, as a teacher of physics and molecular and cellular biology at Stanford and UC Berkley. Concerning global warming, Secretary Chu has been a leading advocate for the research of finding alternative sources of energy, and steering away our dependence on fossil fuels. Secretary Chu is the first person ever appointed to the Cabinet after receiving a Nobel Prize.

Our newest Secretary of Veteran Affairs, my good friend General Eric Shinseki is a Japanese American born in Hawaii and is a decorated veteran who fought in two combat tours in Vietnam. Secretary Shinseki, wounded from his last tour in Vietnam, understands from personal experience the plight of veterans and the support those veterans and their families need. General Shinseki is also the only Japanese American and Asian American to be promoted to the Army's top position, and was the first four-star general of Asian descent in the history of our U.S. military.

The most recently confirmed cabinet member into Obama's Administration has exemplified that with hard work the American Dream can come true. Former Governor of the State of Washington, Gary Locke, a Chinese American, grew up in public housing and put himself through Yale University with loans, scholarships and the money he earned working part-time jobs. After earning his law degree from Boston University, Secretary Locke broke many glass ceilings afflicting our Asian-Pacific community. In 1993, Locke became the first Chinese American to be elected as his county's County Executive, and in 1996, Locke became the first Chinese American to be governor of a state in U.S. history, serving the maximum of two terms.

Secretary Locke's family history is an important one to emphasize, as it is one of many hardships that our Asian-Pacific American communities have faced. In an interview, Locke mentioned that his grandfather might have claimed he was born in the U.S. and the documents were destroyed. Some of you may know this, and others may not, but in 1882 our government institutionalized racial discrimination against Chinese immigrants where they were banned from entering the United States. The Chinese people living in the U.S. at the time were excluded from becoming American citizens. And because of the restrictions of this law, it was nearly impossible for Chinese families to reunite. This Exclusion Act was repealed only 66 years ago. Locke's grandfather could have been one of the few Chinese immigrants who managed to get into the United States through ruses of lost documentation, while the immigration of people from all over Europe were unlimited.

As a Vietnam veteran, it would be absurd of me not to say something to honor and respect the hundreds of thousands of Asian-Pacific Americans who served then and now in all branches of the armed services of our nation.

As a former member of the U.S. Army's Reserve unit, known today as the 100th Battalion and 442nd Infantry Combat group, I would be remiss if I did not share with you the contributions of the tens of thousands of Japanese-American soldiers who volunteered to fight our nation's enemies in Europe during World War II.

So you probably know, after the surprise attack on Pearl Harbor on December 7, 1941, by the Imperial Armed Services of Japan—there was such an outrage and cry for an all out war against Japan and days afterwards our President and the Congress formally declared war. Out of this retaliation against Japan, hundreds of thousands of Americans were caught in the crossfire. These Americans just happened to be of Japanese ancestry.

Our national government immediately implemented a policy whereby over 100,000 Americans of Japanese ancestry were forced to live in what were called relocation camps, but were actually more like prison or concentration camps. Their lands, homes and properties were confiscated by the military without due process of law.

My former colleague and former U.S. Secretary of Transportation, Norman Mineta, and the late Congressman Bob Matsui from Sacramento spent the early years of their lives in these prison camps. Secretary Mineta shared one of the interesting features of these prison camps where there were many machine gun nests posted all around the camps. Everyone in the camps was told that these machine guns were necessary to protect them against rioters or others who wanted to harm them.

But then Secretary Mineta observed, ''if these machine guns are posted to guard and protect us, why is it that they are all directed and aimed inside the prison camp compound and not outside?''

It was a time in our nation's history when there was so much hatred, bigotry and racism placed against our Japanese-American community. Despite all this, the White House, at the time, accepted the request of tens of thousands of the Japanese Americans to volunteer to join the Army, thus leaving their wives, parents, brothers and sisters behind barbed wire fences. As a result of such volunteerism, two combat units were organized. The 100th Battalion and the 442nd Infantry Combat Group were created and immediately were sent to fight in Europe.

In my humble opinion, history speaks for itself in documenting that none have shed their blood more valiantly for our nation than the Japanese American soldiers who served in these two combat units while fighting enemy forces in Europe during World War II. The military records of the 100th Battalion and 442nd Infantry are without equal suffering. These Japanese American units suffered an unprecedented casualty rate of 314%, and received over 18,000 individual decorations, many awarded posthumously, for bravery and courage in the field of battle.

For your information, 53 Distinguished Service Crosses, (the second highest HELV. medal given for heroism in combat), 560 Silver Stars (third highest medal), and 9,486 Purple Hearts, and 7 Presidential Unit Citations, the nation's top award for combat units, were awarded to the Japanese American soldiers of

the 100th Battalion and 442nd Infantry Group. I find it unusual, however, that only one Medal of Honor was awarded at the time. Nonetheless, the 442nd Combat Group emerged as the most decorated combat unit of its size in the history of the United States Army.

President Truman was so moved by their bravery in the field of battle, as well as that of African American soldiers during World War II, that he issued an Executive Order to finally desegregate all branches of the Armed Services.

I am proud to say that we must recognize Senator DANIEL K. INOUYE and the late, highly-respected Senator Spark Matsunaga of Hawaii, who distinguished themselves in battle as soldiers with the 100th Battalion and 442nd Infantry.

It was while fighting in Europe that Senator INOUYE lost his arm while engaged in his personal battle against two German machine gun posts. For his heroism, he was awarded the Distinguished Service Cross. As a result of a Congressional mandate that was passed in 1999 to review the military records of these two combat units, President Clinton presented 19 Congressional Medals of Honor to the Japanese Americans who were members of these two combat groups. Senator INOUYE was one those recipients of the Medal of Honor and I was privileged to witness this historical moment at a White House ceremony.

On May 14, 2009, the House unanimously passed H.R. 347 thus granting the Congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese Americans should forever serve as a reminder and testament that this must never be allowed to occur again. When this miscarriage of justice unfolded during World War II, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare the incident as an example of outright racism and bigotry in its ugliest form. I sincerely hope that these forms of legal racial discrimination never again darken the history of our great nation.

To those that say, well, that occurred decades ago, I say we must continue to be vigilant in guarding against such evil today. President Obama's recent election is a consequence of such vigilance in electing him as the first ever President of color. I know that history speaks that he is the first black President, but personally, he represents all races, genders, and ethnicities in becoming the Commander-in-Chief and leader of this great country. Now and more than ever, am I so proud to be called an American. We have elected a person who is literally an African-American, in the sense, where his father is a Kenyan and mother is a girl from Kansas. I jokingly say that this is the first President to know where the Pacific Ocean is on the map. President Obama was born in Hawaii so he's a "local boy" and for your information, he can still throw a good "shaka" sign. We in the Congress look forward to the next four years, and maybe 8, in working together with President Obama in restoring American leadership in the world. As Americans, we emphasize the importance of our ideals and values that guarantee and protect ones freedoms and is reinforced and supported by the greatest volunteer military force in the world.

We should never become complacent with the hand that is dealt to you, with the discrimination that you may see or experience. When I envision America, I don't see a melting pot designed to reduce and remove racial differences. The America I see is a brilliant rainbow, a rainbow of ethnicities, cultures, religions and languages with each person proudly contributing in their own distinctive and unique way for a better America.

Asian-Pacific Americans wish to find a just and equitable place in our society that will allow them—like all Americans—to grow, to succeed, to achieve and to contribute to the advancement of this great nation.

I would like to close my remarks by asking my colleagues—what is America all about? I can say that through our leadership and sense of volunteerism we can meet the challenges of a fast changing world. Either through personal service, education, civics, or charity, we have a responsibility to each other and must continue to exploit the freedoms that we proudly have today. Everyday the world is shrinking and it is important, as our forefathers have done so, to continue our leadership and become an example of how we admit to our faults and correct them immediately.

I think it could not have been said better than on the steps of the Lincoln Memorial in the summer of 1963 when an African American minister by the name of Martin Luther King, Jr., poured out his heart and soul to every American who could hear his voice, when he uttered these words:

"I have a dream. My dream is that one day my children will be judged not by the color of their skin, but by the content of their character."

We have reaped what he has sewed by celebrating the contributions of Asian-Pacific Americans this month and having the first ever President of color in our great history.

That is what I believe America is all about.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 435 to celebrate Asian Pacific American Heritage Month and pay tribute to the many achievements of Asian Pacific Americans across our Nation.

The month of May marks several historical events in Asian Pacific American history. On May 7, 1843, the first Japanese immigrants arrived in the United States, paving the way for a great movement of Asian and Pacific peoples to immigrate to the United States. Only 26 years later, on May 10, 1869, the transcontinental railroad was finished, the completion of which is largely credited to Asian Pacific Americans. Due to these events, it is appropriate to celebrate the month of May as Asian Pacific American Heritage Month and honor the sacrifices and contributions of this great community.

Through the years, the Asian Pacific American Communities have made significant contributions to Texas's diverse culture. In Dallas, I am privileged to represent the largest Asian American Chamber in the United States with more than 1,200 members. I believe that we all learn from those who come from different backgrounds, and I can truly say that I have learned a great deal from my Asian Pacific friends and constituents.

I would also like to recognize the one-year anniversary of the devastating earthquake that shook Sichuan Province in China in May of 2008 and send my condolences to the friends and families of the victims.

Today, there are over 14 million Asian Pacific Americans living in the United States, representing 5 percent of the population. The rich history associated with the Asian Pacific American community has left a lasting and important imprint on our country. Madam Speaker, I am proud to support this resolution and the Asian Pacific American communities in North Texas and across the United States.

Mr. CHAFFETZ. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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 resolution, H. Res. 435, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution celebrating Asian/Pacific-American Heritage.".

A motion to reconsider was laid on the table.

CELEBRATING FLAG DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 420) celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 420

Whereas Flag Day is celebrated annually on June 14, the anniversary of the official adoption of the American flag by the Continental Congress in 1777;

Whereas on June 14, 1777, in order to establish an official flag for the new Nation, the Continental Congress passed the first Flag Act, which stated, "Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation";

Whereas the second Flag Act, signed January 13, 1794, provided for 15 stripes and 15 stars after May 1795;

Whereas the Act of April 4, 1818, which provided for 13 stripes and one star for each State, to be added to the flag on July 4 following the admission of each new State, was signed by President James Monroe;

Whereas in an Executive order dated June 24, 1912, President William Howard Taft established the proportions of the flag and provided for arrangement of the stars in 6 horizontal rows of 8 each, a single point of each star to be upward;

Whereas in an Executive order dated January 3, 1959, President Dwight D. Eisenhower provided for the arrangement of the stars in 9 rows staggered horizontally and 11 rows of stars staggered vertically;

Whereas the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin school teacher, who arranged for his pupils at Stony Hill School in Waubeka to celebrate June 14 as "Flag Birthday" in 1885;

Whereas on June 14, 1894, the Governor of New York ordered that the American flag be

displayed at all public buildings in the State, prompting many State and local governments to begin observing Flag Day;

Whereas President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916;

Whereas in 1947, President Harry S. Truman signed legislation requesting National Flag Day be observed annually;

Whereas the United States flag is a symbol of our great Nation and its ideals;

Whereas in times of national crisis, Americans look to the United States flag as a symbol of hope, courage, and freedom;

Whereas the United States flag is universally honored;

Whereas the United States flag honors the men and women of the Armed Forces who have given their life in the defense of the United States;

Whereas the United States flag serves as a treasured symbol of the loss of loved ones to the countless families of those who died in defense of our Nation; and

Whereas June 14, 2009, is recognized as Flag Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the United States flag and supports the goals and ideals of Flag Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, House Resolution 420 celebrates our Nation's most enduring symbol: the American flag. With this resolution, this Chamber expresses its support for the annual recognition of Flag Day.

The gentleman from Ohio, Representative ROBERT LATTA, introduced House Resolution 420 on May 17, 2009, and the Committee on Oversight and Government Reform reported it out on June 4, 2009, by unanimous consent. With 64 cosponsors, it is a clear demonstration of Congress' appreciation and respect for our Nation's flag.

We celebrate Flag Day on June 14, the anniversary of the Continental Congress' passage of the first Flag Act in 1777. Since then, Americans have looked to the flag as a symbol of their country and its dearest values. The flag represents us and all of our fellow citizens, and I am always heartened to see the parades and events that occur around the country each year in commemoration of Flag Day, especially in one of my favorite towns, the town of Dedham, Massachusetts, which has a wonderful parade each year on Flag Day. And in the town of Dedham around Flag Day, it is hard to find a home without the American flag hanging on the front door.

The flag honors the countless men and women who have died during the defense of the United States in the Armed Forces. In short, the American flag is a lasting symbol of their sacrifice. As public servants, we rightly pledge our allegiance to the flag each day, as do the millions of Americans for whom we represent and serve here in this Chamber. While each day of the year the American flag stands before the entire world as a symbol of our shared values, hopes, aspirations, and ideals, I am glad to see that we set aside the time each June to celebrate the American flag and all that it represents.

With that, Madam Speaker, I reserve the balance of my time.

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

I rise today in support of this legislation, supporting the goals and ideals of Flag Day.

The American flag has been our national symbol for 232 years, and it remains a symbol of freedom wherever it is flown. In 1777, when the Second Continental Congress adopted the stars and stripes and its beautiful red, white, and blue design, our flag has stood for liberty and justice. Flag Day was first celebrated throughout the country in 1885, as one early supporter, Bernard Cigrand, a Wisconsin schoolteacher, wanted June 14 to be known as ''Flag Birthday.'' The idea quickly caught on and many people wanted to participate. In 1894, the Governor of New York asked that all public buildings fly the flag on June 14 to begin observing Flag Day. And in 1916, President Woodrow Wilson proclaimed Flag Day as a national celebration. However, the holiday was not officially recognized until 1949 when President Harry Truman signed the national Flag Day bill.

Since the beginning of our Republic, Americans have flown the flag to show their appreciation and pride for this great Nation. Every day Americans pledge their allegiance to the flag, and our troops carry the flag as they defend the liberties for which it stands and which represent this country, the United States of America.

On Flag Day, we remember the importance of our oldest national symbols and reflect the loss of loved ones who have died in defense of this great Nation.

Let us pledge allegiance to this flag to declare our patriotism and raise its colors high to express our pride and respect for the American way of life. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to my distinguished colleague from the State of Ohio (Mr. LATTA).

Mr. LATTA. I appreciate the gentleman for yielding.

Madam Speaker, I am pleased to stand before you today in support of the resolution I introduced, House Resolution 420. This resolution celebrates the symbol of the United States and supports the goals and ideals of Flag Day.

Flag Day is celebrated on June 14, which is the anniversary of the official adoption of the American flag by the Continental Congress in 1777. This was done by the first Flag Act, which stated, ''Resolved, that the flag of the United States be made of 13 stripes, alternating red and white, that the union be 13 stars, white in a blue field, representing a new constellation.''

Since 1777, our flag's design has been altered three times under executive orders, rearranging the designs of the stars and stripes each time a State was added.

As the gentleman from Utah has stated, the history of Flag Day traces its roots to the first celebration of the American flag, which is believed to have been introduced by Bernard Cigrand, a Wisconsin schoolteacher who arranged for his students at Stony Hill School to celebrate June 14 as ''Flag Birthday'' in 1885. President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916, and in 1947, President Harry Truman signed legislation requesting that national Flag Day be observed annually.

Flag Day is an important day of celebration as our flag is the official symbol of our great Nation and its ideals. Our flag serves as a beacon of hope, courage, and freedom during times of crisis and triumph alike. The flag honors the men and women of the Armed Forces who have paid the ultimate sacrifice in defending the United States and serves as a symbol for those families who have lost loved ones while defending our Nation.

Madam Speaker, it is with great honor that I ask for unanimous consent on House Resolution 420 as we celebrate our Nation's flag.

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

Mr. CHAFFETZ. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I again urge our colleagues to join Mr. LATTA, the lead sponsor of this resolution, in affirming our allegiance to our flag and our support for the annual celebration of Flag Day by supporting this measure.

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

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 resolution, H. Res. 420.

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. LYNCH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

IMPROVED FINANCIAL AND COMMODITY MARKETS OVERSIGHT AND ACCOUNTABILITY ACT

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 885) to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 885

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 ''Improved Financial and Commodity Markets Oversight and Accountability Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Elevation of certain Inspectors General to appointment pursuant to section 3 of the Inspector General Act of 1978.
Sec. 3. Continuation of provisions relating to personnel.
Sec. 4. Subpoena authority of certain Inspectors General.
Sec. 5. Corrective responses by heads of certain establishments to deficiencies identified by Inspectors General.
Sec. 6. Effective date; transition rule.

SEC. 2. ELEVATION OF CERTAIN INSPECTORS GENERAL TO APPOINTMENT PURSUANT TO SECTION 3 OF THE INSPECTOR GENERAL ACT OF 1978.

(a) INCLUSION IN CERTAIN DEFINITIONS.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;'' and inserting ''the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Chairman of the Board of Governors of the Federal Reserve System; the Chairman of the Commodity Futures Trading Commission; the Chairman of the National Credit Union Administration; the Director of the Pension Benefit Guaranty Corporation; or the Chairman of the Securities and Exchange Commission;''; and

(2) in paragraph (2), by striking ''or the Commissions established under section 15301 of title 40, United States Code,'' and inserting ''the Commissions established under section 15301 of title 40, United States Code, the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission,''.

(b) EXCLUSION FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking ''the Board of Governors of the Federal Reserve System,'';

(2) by striking ''the Commodity Futures Trading Commission,'';

(3) by striking ''the National Credit Union Administration,''; and

(4) by striking ''the Pension Benefit Guaranty Corporation, the Securities and Exchange Commission,''.

SEC. 3. CONTINUATION OF PROVISIONS RELATING TO PERSONNEL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8L the following:

''SEC. 8M. SPECIAL PROVISIONS CONCERNING CERTAIN ESTABLISHMENTS.

''(a) DEFINITION.—For purposes of this section, the term 'covered establishment' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, and the Securities and Exchange Commission.

''(b) PROVISIONS RELATING TO ALL COVERED ESTABLISHMENTS.—

''(1) PROVISIONS RELATING TO INSPECTORS GENERAL.—In the case of the Inspector General of a covered establishment, subsections (b) and (c) of section 4 of the Inspector General Reform Act of 2008 (Public Law 110–409) shall apply in the same manner as if such covered establishment were a designated Federal entity under section 8G. An Inspector General who is subject to the preceding sentence shall not be subject to section 3(e).

''(2) PROVISIONS RELATING TO OTHER PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of a covered establishment may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General of such establishment and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within such establishment.

''(c) PROVISION RELATING TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The provisions of subsection (a) of section 8D (other than the provisions of subparagraphs (A), (B), (C), and (E) of paragraph (1) of such subsection (a)) shall apply to the Inspector General of the Board of Governors of the Federal Reserve System and the Chairman of the Board of Governors of the Federal Reserve System in the same manner as such provisions apply to the Inspector General of the Department of the Treasury and the Secretary of the Treasury, respectively.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

SEC. 4. SUBPOENA AUTHORITY OF CERTAIN INSPECTORS GENERAL.

The Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App), is authorized to require by subpoena, from any officer or employee of a contractor or grantee of the establishment, any officer or employee of a subcontractor or subgrantee of such a contractor or grantee, or any person or entity regulated by the establishment, any records and testimony necessary in the performance of functions assigned to the Inspector General under such Act. Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

SEC. 5. CORRECTIVE RESPONSES BY HEADS OF CERTAIN ESTABLISHMENTS TO DEFICIENCIES IDENTIFIED BY INSPECTORS GENERAL.

The Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Commodity Futures Trading Commission, the Chairman of the National Credit Union Administration, the Director of the Pension Benefit Guaranty Corporation, and the Chairman of the Securities and Exchange Commission shall each—

(1) take action to address deficiencies identified by a report or investigation of the Inspector General of the establishment concerned; or

(2) certify to both Houses of Congress that no action is necessary or appropriate in connection with a deficiency described in paragraph (1).

SEC. 6. EFFECTIVE DATE; TRANSITION RULE.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act.

(b) TRANSITION RULE.—An individual serving as Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission on the effective date of this Act pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(1) may continue so serving until the President makes an appointment under section 3(a) of such Act with respect to the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, as the case may be, consistent with the amendments made by section 2; and

(2) shall, while serving under paragraph (1), remain subject to the provisions of section 8G of such Act which, immediately before the effective date of this Act, applied with respect to the Inspector General of the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the National Credit Union Administration, the Pension Benefit Guaranty Corporation, or the Securities and Exchange Commission, as the case may be, and suffer no reduction in pay.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act. This bill, introduced by my friend Representative JOHN LARSON of Connecticut, would enhance the independence of Inspectors General at key financial regulatory agencies.

Right now we have an inconsistent system where some financial agencies like the FDIC have an Inspector General appointed by the President and

confirmed by the Senate, while other large and important agencies like the SEC have an Inspector General who is appointed by and reports to the head of the agency they are supposed to be investigating.

This bill would create a more consistent and independent structure by elevating the Inspectors General at five financial regulatory agencies to be Presidentially appointed and Senate confirmed. This will enhance their independence from the agencies they are overseeing.

This committee has worked on Inspector General reform for the past several years now, and one of our key findings is that the Inspectors General have to be independent from the agency they are supervising if they are going to be effective. The situation at some agencies, where the head of the agency hires and fires the Inspector General and sets the office budget for that Inspector General, does not give these IGs, the Inspectors General, the independence they need.

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Making the Inspector General a Presidential appointee confirmed by the Senate not only gives them independence from their agency management but also gives them more stature to come directly to Congress with any problems that they encounter.

Congresswoman DIANE WATSON, the chairwoman of the Oversight and Government Reform Subcommittee on Government Management, held a hearing on this bill where it had the support of the GAO. At the hearing, the agency Inspectors General made some suggestions on improving the bill, which has been incorporated in an amendment adopted at the committee markup. The amendment specifically clarifies that the Inspector General and the Inspector General staff retain their existing pay and personnel structure. It also clarifies and strengthens the subpoena authority of these Inspectors General, and it requires the heads of the agencies to report to Congress on actions they have taken in response to Inspector General recommendations.

Inspectors General have the unique responsibility of reporting both to the President and to Congress. Congress has to make sure that the Inspectors General have the legal authority and tools they need to continue their roles as nonpartisan, professional, honest brokers; and this bill, I believe, does that.

I urge all Members to support H.R. 885.

I reserve the balance of my time.

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

As we all noted this year, oversight and accountability are vitally important, and the Inspectors General are on the frontline of this effort. This bill will enhance the independence and effectiveness of the IGs at several critical institutions.

Currently the IGs at the Commodity Futures Trading Commission, the National Credit Union Administration, the Securities and Exchange Commission, the Pension Benefit Guaranty Corporation, and the Board of Governors of the Federal Reserve System are appointed and can be removed by the head of the institution. This structure could limit the IG's independence. This bill will make these IGs Presidentially appointed and Senate-confirmed, reducing the risk of undue influence by the heads of these institutions. Although additional Senate-confirmed positions are unnecessary in most cases, it is important that we preserve and enhance their independence within these organizations. I want to thank our colleagues for working with us to improve this bill and making several important changes.

We now ensure that the positions covered by this bill will not suffer a reduction in pay and the individuals will remain on par with similarly situated senior individuals at the institution. More importantly, we also provide IGs with subpoena authority, an important tool for oversight and accountability, as we all know from our work on the Oversight Committee. Finally, the bill requires the regulatory agencies to take some action on the deficiencies identified by the IGs. These agencies cannot simply ignore the findings.

Madam Speaker, given the enormous role these institutions play in our Nation's financial sector, it is important that the IGs have the tools and independence to ensure that these institutions operate above reproach.

I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I want to thank the gentleman from Utah for his hard work on this bill and his ongoing commitment, and it has been that case on much of the legislation that comes before our committee for his bipartisanship and willingness to work very hard on these issues. I consider it an honor to work with him.

I would like to submit for the RECORD an exchange of letters between the Honorable COLLIN PETERSON, chairman of the House Committee on Agriculture, and the Honorable EDOLPHUS TOWNS, chairman of our Oversight Committee, with respect to their concerns regarding this bill.

COMMITTEE ON AGRICULTURE,
Washington, DC, June 8, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN TOWNS: I write to you regarding H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act.

H.R. 885 contains provisions that fall within the jurisdiction of the Committee on Agriculture. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Agriculture waiving its jurisdiction over H.R. 885.

Further, the Committee on Agriculture reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction.

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

Sincerely,

COLLIN C. PETERSON,
Chairman.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 8, 2009.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR CHAIRMAN PETERSON: Thank you for your letter regarding the Committee on Agriculture's jurisdictional interest in H.R. 885, the ''Improved Financial and Commodity Markets Oversight and Accountability Act''.

I appreciate your willingness to expedite this legislation for House floor consideration, and agree that certain provisions of the bill are of jurisdictional interest to the Committee on Agriculture. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Agriculture has jurisdiction in H.R. 885.

I will submit a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your support of H.R. 885 and your cooperation as we work towards enactment of this important legislation.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

Madam Speaker, I would now like to yield such time as he may consume to the lead sponsor of this measure, a very diligent Member of Congress and a part of our leadership team, Mr. LARSON of Connecticut.

Mr. LARSON of Connecticut. I thank the gentleman from Massachusetts (Mr. LYNCH). Chairman, you have done an outstanding job, along with the gentleman from Utah (Mr. CHAFFETZ), in outlining what this bill does.

Before I begin, because this has been such a nonpartisan effort in so many respects and a commitment, first and foremost, on the part of the Oversight Committee to take a bill, whose genesis evolved out of the last session, and make it a better bill and perfect it, to those ends, along with Mr. LYNCH and Mr. CHAFFETZ, I would especially like to thank Chairman ED TOWNS. Mr. TOWNS has done such a great job in marshaling this bill forward, along with DIANE WATSON.

I would further like to thank, on their staff, Mike McCarthy, Adam Bordes and Bert Hammond of the Oversight and Government Reform Committee; Austin Burns of the majority leader's staff; and BARNEY FRANK, MEL WATT and DENNIS MOORE for their ongoing efforts to reform the regulation of our markets and financial sectors and for their input into this legislation; my good friend TODD PLATTS, who also assisted in this; and FRANK LOBIONDO, who was a cosponsor of this

bill almost 2 years ago. I especially want to single out for their efforts two reform-minded freshmen who have come to Congress, JOHN BOCCIERI of Ohio and GLENN NYE of Virginia, and especially to Amy O'Donnell of my staff and Jackie Sheltry.

We refer to this bill in the short form, just frankly, as providing an independent Inspector General for the financial services industries that are in such desperate need of this oversight, and I think the chairman outlined it well. The genesis of this bill actually took place from conducting a public forum back in my district and listening to former Republican mayor of South Windsor, Connecticut, John Mitchell, and our attorney general of the State of Connecticut, Richard Blumenthal. When we were looking at speculation in the market and what was happening with the CFTC and oil commodities, when we realized that the more and closer we looked at who was regulating these agencies, it was somewhat a case of the foxes guarding the henhouse.

Many have asked when we went home over this break and since the financial collapse on Wall Street, people have been astounded in trying to answer the question of, how could it be that Bernie Madoff was scamming thousands of innocent Americans into giving up their life savings? Where were the regulators? Where were the agencies? Where were they when speculators were wreaking havoc on the oil markets?

I can think of no sector where honesty, independence and transparency are needed more right now than in our financial and commodity markets, yet the regulators of these markets have been allowed to work with no oversight of what they are doing and whether they are fulfilling their mission to protect the American consumer. That's because the Inspectors General, as the chairman outlined, who should be working on behalf of average Americans, were working for the heads of the agencies they should be overseeing. As I said earlier, this is a classic case of the fox watching the henhouse, and it's having a profound impact on the work of our regulatory agencies.

We have done a review, and this is something that we pointed out at the committee. The review found that offices of the Inspector General, that independent offices where they are appointed by the President and approved by the Senate, completed over 117 investigations in 2008 while their non-independent counterparts completed just 12. That's 117 versus 12. The Inspector General of the Commodity Futures Trading Commission released information, showing that despite the recent economic crisis and the turbulence in the oil market, his office completed just two investigations and updated one from October of last year through March. Simply stated, an independent watchdog ensures better performance from a government agency.

I commend the committee because what they've done is provide greater accountability and transparency. I also commend United States Senator DODD, who will also be taking this bill up on the Senate side as well. Again, I thank everybody on the committee and especially ED TOWNS for his hard work and dedication to make sure this bill got to the floor.

Mr. CHAFFETZ. Madam Speaker, I want to also echo my compliments to Chairman TOWNS for his bringing this forward; Ranking Member ISSA who has a keen interest in this area for his work; and the Chair of the subcommittee, Mr. LYNCH, who is truly a gentleman and a great person to work with.

I also want to put comments in for the good men and women throughout our Federal Government that are working in all of these types of functions. I was excited to participate on the Oversight and Government Reform Committee because of the tremendous workload that they have. There's a great expectation from the American people that we deal with their money fairly and honesty, that we make sure that every dollar is accounted for; and we've seen too many mishaps where dollars have been overspent or overused. Certainly as we look at what is going to be, surely, the single-largest tax increase in the history of the United States with the so-called cap-and-trade, as the Democrats move this bill forward, if it were to pass, literally hundreds of billions of dollars taken out of the pockets of Americans all across the country that will be spent on who knows what, we have got to make sure that every single one of those dollars is accounted for.

Even though I voted ''no,'' this body passed a $1 trillion stimulus package, again, pulling $1 trillion dollars out of our economy, pulling $1 trillion out of Americans' pockets, handing it out to somebody else, bailouts and the rest of it. We need to make sure that the independent auditing, the people who are involved in oversight and government reform at every agency across the Nation throughout our government are doing their job, paying attention and making sure that every dollar is accounted for.

Having no other speakers, I will yield back the balance of my time.

Mr. LYNCH. Madam Speaker, in closing, we would like to reiterate our strong support for H.R. 885 and its lead sponsor and champion, Mr. LARSON. Again, we appreciate the great work being done by ED TOWNS, the full committee Chair; Mr. ISSA, its ranking member; and the gentleman from Utah, because this will increase the independence of these Inspectors General at financial regulatory agencies at a time when we need these internal watchdogs to be more effective than ever. We do appreciate the work that is being done by our Inspectors General and their staff, investigators and researchers. They work very hard for us. They do work that is not often appreciated, I think, on behalf of the American people; and this will, I think, allow them a greater level of independence to do the job that needs to be done. So I urge my colleagues to join Mr. LARSON and all of us in supporting the passage of this measure.

Mr. MOORE of Kansas. Madam Speaker, I rise today to express my support for H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act. The bill is sponsored by my friend and colleague from Connecticut, Congressman LARSON, and I commend his leadership on strengthening oversight and accountability to our government.

As I have told him personally, I appreciate the hard work Congressman LARSON put into crafting H.R. 885, a bill to reform several Offices of Inspector General in an effort to bring a greater level of independence and transparency to the agencies they oversee. And as the sponsor of the bill knows, I initially raised a few concerns with the bill to make sure we maximize the efforts of these Inspectors General to provide strong and tough oversight.

As a former District Attorney, the focus of any investigation should always be quality over quantity. Inspectors General should not focus on meeting some meaningless quota of closed cases. Instead, we want our Inspectors General to uncover waste, fraud and abuse wherever they find it so the agency they supervise and Congress can promptly address those abuses.

The House Financial Services Committee, under the leadership of Chairman BARNEY FRANK and of which I chair the Oversight and Investigations Subcommittee, will soon be considering a comprehensive regulatory reform package to overhaul our financial regulatory system.

In that effort, I will be working with Members on both sides of the aisle to identify any additional oversight protections we need to implement to ensure our financial system is transparent and protects consumers, investors and taxpayers. For example, I personally would like to see better coordination between Inspectors General on a regular basis to identify waste, fraud and abuse by creating a ''Financial Inspectors General Council'' where oversight concerns that may have a broader reach can be identified and corrected quickly.

I appreciate Congressman LARSON listening to me and discussing my concerns. We both agree that we need to move quickly on all fronts to strengthen oversight of our financial system, and it is in that spirit that I support this bill that the House is considering now.

I look forward to working closely with Congressman LARSON, Republicans and Democrats to take the necessary, additional steps to make certain we have an improved oversight structure in place so we don't have a repeat of a financial crisis of this magnitude.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 885, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1530

WOUNDED VETERAN JOB SECURITY ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 466) to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 466

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

SECTION 2. SHORT TITLE.

This Act may be cited as the ''Wounded Veteran Job Security Act''.

SEC. 3. RIGHTS OF PERSONS WHO RECEIVE TREATMENT FOR ILLNESSES, INJURIES, AND DISABILITIES INCURRED IN OR AGGRAVATED BY SERVICE IN THE UNIFORMED SERVICES.

(a) RIGHTS OF PERSONS WHO RECEIVE TREATMENT.—

(1) IN GENERAL.—Subchapter II of chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 4320. Rights of persons absent from employment for treatment of service-connected disabilities

''(a) RETENTION.—Subject to subsection (e), a person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability is entitled to be retained by the person's employer.

''(b) SENIORITY.—A person who is absent from employment by reason of the receipt of medical treatment for a service-connected disability and who is entitled to be retained by the person's employer under subsection (a) is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of such treatment plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

''(c) BENEFITS.—(1) A person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability and who is entitled to be retained by the person's employer under subsection (a) shall be—

''(A) deemed to be on furlough or leave of absence while receiving such treatment; and

''(B) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, policy, practice, or plan in effect at the commencement of such service or established while such person is so absent.

''(2)(A) Subject to subparagraph (C), a person described in subparagraph (B) is not entitled to rights and benefits under paragraph (1)(B).

''(B) A person described in this subparagraph is a person who—

''(i) is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability; and

''(ii) knowingly provides written notice of intent not to return to a position of employment after receiving such treatment.

''(C) For the purposes of this paragraph, the employer shall have the burden of proving that a person knowingly provided clear written notice of intent not to return to a position of employment after being absent from employment by reason of the receipt of medical treatment and, in doing so, was aware of the specific rights and benefits to be lost under subparagraph (A).

''(3) A person deemed to be on furlough or leave of absence under this subsection while receiving medical treatment for a service-connected disability shall not be entitled under this subsection to any benefits to which the person would not otherwise be entitled if the person had remained continuously employed.

''(4) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to paragraph (1) to the extent other employees on furlough or leave of absence are so required.

''(5) The entitlement of a person to coverage under a health plan is provided for under section 4317 of this title.

''(d) LEAVE.—Any person who is absent from a position of employment with an employer by reason of the receipt of medical treatment for a service-connected disability shall be permitted, upon request of that person, to use during the period during which the person is so absent, any vacation, annual, medical, or similar leave with pay accrued by the person before the commencement of such period. No employer may require any such person to use vacation, annual, family, medical, or similar leave during such period.

''(e) EXCEPTIONS.—(1) An employer is not required to comply with the requirements of this section if—

''(A) the employer's circumstances have so changed as to make such compliance impossible or unreasonable;

''(B) such compliance would impose an undue hardship on the employer; or

''(C) the employment from which the person is absent by reason of the receipt of medical treatment is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

''(2) In any proceeding involving an issue of whether (A) any compliance referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, (B) such compliance would impose an undue hardship on the employer, or (C) the employment referred to in paragraph (1)(C) is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period, the employer shall have the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4319 the following new item:

''4320. Rights of persons absent from employment for treatment of service-connected disabilities.''.

(b) HEALTH PLAN.—Section 4317 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c) This section shall apply with respect to a person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability (other than a person described in section 4320(c)(2)(B) of this title) on the same basis as a person who is absent from a position of employment by reason of service in the uniformed services. In the case of a person who is absent from a position of employment by reason of the receipt of medical treatment for a service-connected disability (other than a person described in section 4320(c)(2)(B) of this title), the period during which the person is so absent shall be treated as a period of service in the uniformed services for purposes of this section.''.

(c) PROHIBITION OF DISCRIMINATION AND ACTS OF REPRISAL.—Section 4311 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after ''uniformed service'' the following: '', or who has an illness, injury, or disability determined by the Secretary of Veterans Affairs to have been incurred in or aggravated by such service,''; and

(B) by striking ''or obligation'' and inserting ''obligation, or receipt of treatment for that illness, injury, or disability''; and

(2) in subsection (c)—

(A) by striking ''or obligation for service'' the first time it appears and inserting ''obligation for service, or receipt of treatment for an illness, injury, or disability determined by the Secretary of Veterans Affairs to have been incurred in or aggravated by service''; and

(B) by striking ''or obligation for service'' the second time it appears and inserting ''obligation for service, or receipt of treatment''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical treatment received on or after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from the great State of California.

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

Madam Speaker, as chairman of the Veterans' Affairs Committee in the House of Representatives, I have been honored to bring bill after bill that says ''thank you'' to our Nation's veterans, and this is another bill that will in fact do that, to say thank you to those who have served our Nation.

My distinguished colleague from Texas, Mr. DOGGETT, has introduced H.R. 466, the Wounded Veteran Job Security Act. His steadfast commitment to our men and women in uniform and this Nation's veterans is to be commended.

Madam Speaker, I yield such time as he may consume to Mr. DOGGETT to explain the bill.

Mr. DOGGETT. Thank you very much, Chairman FILNER, and thank you Ranking Member BOOZMAN, for the leadership that each of you provides for those who have served our country.

The return of a soldier or sailor to civilian life is a tradition as old as the Republic itself. Just outside this House Chamber in the great rotunda of the Capitol is a portrait of General George Washington resigning his command in the Continental Army at the close of the Revolution.

In his farewell orders to his troops in November of 1783, he praised the brave men, retiring victorious from the field of war to the field of agriculture. He urged his soldiers to participate in ''all the blessings which have been obtained,'' and asked rhetorically, ''In

such a Republic, who will exclude them from the rights of Citizens and the fruits of their labor?''

Washington reminded this Congress of its duty to support these new veterans, he said, ''so that the officers and soldiers may expect considerable assistance in recommencing the civil occupations.''

Well, today, more than 34,000 of America's troops have been wounded as a result of their brave service in Iraq and in Afghanistan. Of these men and women, about 8,000 have suffered traumatic brain injuries and another 1,200 have undergone amputation of a limb.

Battlefield injuries like this don't end on the battlefield, and as General Washington long ago confirmed, neither should our commitment to these wounded warriors. When it comes to recovery, the road back to civilian life can be long, and it can be difficult. Complications arise from amputations. They can force a veteran to return repeatedly to the Veterans Administration for medical care; or what begins as a migraine may turn out to be a traumatic brain injury requiring a battery of time-consuming tests.

Even those veterans that live near a veterans facility find it difficult balancing their medical requirements with other demands on their time; and, of course, many veterans live far away and must travel a long distance, like a veteran in Luling, Texas, who must drive back and forth to the VA hospital in Temple in what may take 4 or 5 hours.

But this is not the only long road that some veterans confront. This legislation is the result of problems that some Texas veterans brought to my attention. They said wounded veterans should not be fired after they exhaust their sick and vacation leave to receive care for injuries that a VA doctor says they need that they incurred while defending our country.

I agree. And they said there ought to be a law supporting our veterans, and I felt confident when the Veterans' Affairs Committee and this Congress heard their plea, they would answer, as they have today.

You see, Madam Speaker, some employers have policies limiting the amount of time that an employee can be out on sick leave. An employee that exceeds that limit may be terminated; and as the law is written today, this means an employer can legally terminate a veteran with a service-related disability for receiving the care that he or she so desperately needs.

I stand here today to say that is not good enough. Our veterans should not have to choose between their lives and their livelihoods. No veteran should have to stand in front of their employer after suffering an injury while serving the Red, White and Blue and be told, you have a pink slip. I am sorry, you can't have a job. But the fact is that this has happened, and it has happened to some simple Texas veterans.

In 1994, when the Congress passed and President Clinton signed the Uniformed Services Employment and Reemployment Rights Act to clarify and strengthen the Veterans Reemployment Rights Statute, its first purpose was to encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service.

Now that we are 15 years down the road, it is time to take decisive action to develop policies that evolve with the changing needs of our troops. That is what the Wounded Veteran Job Security Act that we consider today that I authored seeks to accomplish. It amends existing law to establish a right of veterans who receive treatment for illness, injuries and disabilities incurred or aggravated by uniform service to the United States to be retained by their employers.

I appreciate the support of the American Legion, the Veterans of Foreign Wars, the Fleet Reserve Association, and the Disabled American Veterans, important organizations representing our veterans who have endorsed this legislation.

This legislation requires employers to retain a person who is absent from work because they are receiving medical treatment for a service-related injury or disability. It grants the servicemembers the same seniority and other rights and benefits that they had prior to receiving treatment, and it seeks to ensure that these servicemembers receive the same rights and benefits as other employers who are on furlough or leave of absence.

Our service men and women selflessly put aside their civilian lives to step into uniform and serve the cause of freedom and stand up for all of us. Today, it is our responsibility to stand up for them.

I urge my colleagues to support this legislation to ensure no American veteran ever has to choose between getting well and getting paid.

I thank the leadership on the committee.

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

Madam Speaker, I rise in support of the manager's amendment to H.R. 466. This bill would add protections against employment discrimination due to continued treatment for a service-connected disability to the Uniform Service Employment and Reemployment Rights Act, or USERRA; and that is the right thing to do.

Those who are seriously injured serving in the Nation's military should not be disadvantaged in the workplace beyond what their injuries have already put upon them; and allowing a reasonable amount of time off from their jobs for continuing service-connected medical treatment is the least thing that we can do. I believe that including them in USERRA is appropriate because it leaves no doubt as to an employer's obligation to service-disabled employees.

I extend my appreciation to the distinguished chairwoman, Ms. HERSETH SANDLIN, who has worked with us to improve the bill. Together we have clarified issues related to service-connected disability leave as well as other issues such as pension benefits and protections for businesses whose circumstances have changed so significantly that the application of these provisions would impose a serious burden on the employer.

This is a very worthy bill, and we appreciate Mr. DOGGETT bringing it forward. I would urge my colleagues certainly to support it.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I have no further speakers.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

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

Madam Speaker, I rise today in support of veterans and military personnel in America. As one who believes in the Constitution under the original intent of the writers of that document and one who believes that most of what we do here in this House and in this Congress is unconstitutional, according to that original intent, supporting our veterans and our military personnel is absolutely critical for the national security of America.

We are not doing what we are supposed to do for our veterans. We have broken promises over and over again. The veterans are not getting the benefits that they have been promised; and I think that is immoral and verges on criminal, because we have broken as a Federal Government the promises that we have made to the veterans and military personnel in America. We need to fulfill those promises. We need to do what we have said we would do for them, and that is to take care of them, to take care of their spouses. We need to do so for their lifetime.

On the other hand, what we are doing here is we are going further and further down the road away from the Constitution and the original intent. We are stealing our grandchildren's future by spending more and more money that we don't have.

It is right and good and proper for us to spend money on national defense and supporting our veterans. It is right and good and proper to spend money on military personnel, on the national defense, on homeland security. It is not right and proper for us to continue spending our grandchildren's future.

The American people are going to have to stand up and say no to this robbing their future. They are going to have to contact their Members of Congress and say no to cap-and-trade, no to bailing out Big Business, no to doing all the things that we are doing over and over again here in this Congress. It is up to the American people to stand up and say no.

I say yes to veterans, yes to the military, yes to strong national defense,

yes to good policies for the veterans, and no to this steamroll to socialism.

Mr. FILNER. I am not sure whether the previous speaker supported or opposed the bill. I guess he opposes any help for health care for our citizens, any help for job security for our citizens, any help for the environmental protection of our citizens, any help for education for our citizens, any help for housing for our citizens. I still don't know where he stands on this bill.

I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, having no more speakers on the bill, I would like to extend my appreciation once again to Mr. DOGGETT for bringing the bill forward, to Ms. HERSETH SANDLIN, Chairman FILNER and Ranking Member BUYER for their support and everyone working together to improve the Uniform Services Employment and Reemployment Rights Act.

Again, you know where I am at on this bill. I urge all of my colleagues to support H.R. 466, as amended.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 466, as amended.

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

There was no objection.

Mr. FILNER. I urge all of my colleagues to join us in reaffirming our Nation's commitment to care for our servicemembers, veterans and their dependents, unanimously supporting H.R. 466, as amended.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today in strong support of H.R. 466, the "Wounded Veteran Job Security Act." I would like to thank my colleague Representative LLOYD DOGGETT for introducing this important piece of legislation, as well as the co-sponsors.

I stand in support of this legislation because it will prevent employers from discriminating against disabled veterans, who have to take a leave of absence from their jobs to receive medical treatment for illnesses, injuries, and other disabilities that they incurred during their time in the armed services. This bill will also entitle a disabled veteran to use vacation, annual, medical, or similar leave with pay before the beginning of their treatment.

Like all Americans, the 102,261 disabled veterans in the state of Georgia, rely upon the incomes that they earn from their jobs, because receiving disability payments alone is not enough. When veterans receive disability payments, the amount of their compensation is dependent upon the evaluation of the severity of their disabilities and then the severity of the injury is rated in increments of 10, ranging between 10 and 100 percent.

As of the beginning of the 2009 fiscal year, the largest category of veterans was at the 10 percent disability rate. These 782,000 veterans of the 2.9 million in total receiving disability payments are only being paid approximately $123 per month which totals to $1,476 a year. Presently, it is impossible to make a living and support a family on this amount of money, especially in Georgia's Fourth Congressional District. In the Georgia Fourth Congressional District the average yearly household income is approximately $49,000. The termination of a veteran because of their need to obtain medical treatment for an injury or injuries incurred while they were in the armed services of their country is not fair. We owe these individuals a great deal. These veterans have given so much to the United States, and were willing to pay the ultimate sacrifice—their lives for freedom. The least we can do is protect their well being after their service.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 466, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities.".

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1736, by the yeas and nays;

H.R. 1709, by the yeas and nays;

H. Res. 420, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

INTERNATIONAL SCIENCE AND TECHNOLOGY COOPERATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1736, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1736, as amended.

The vote was taken by electronic device, and there were—yeas 341, nays 52, not voting 40, as follows:

[Roll No. 311]

YEAS—341

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson

Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—52

Akin
Bachmann
Bachus
Blunt
Boustany
Broun (GA)
Burgess
Campbell
Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Hensarling
Hunter
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Linder
Lummis
Lungren, Daniel E.
Marchant
McClintock
McHenry
Miller (FL)
Moran (KS)
Neugebauer
Nunes
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Royce
Scalise
Sensenbrenner
Shadegg
Shuster
Stearns
Westmoreland
Whitfield

NOT VOTING—40

Barrett (SC)
Bishop (UT)
Bono Mack
Boyd
Butterfield
Cleaver
Costello
Courtney
Deal (GA)
DeGette
Gonzalez
Grijalva
Hastings (WA)
Hodes
Hoekstra
Johnson (IL)
Kennedy
Kind
Lewis (GA)
Mack
Maloney
McCarthy (NY)
McGovern
Miller, Gary
Miller, George
Moran (VA)
Putnam
Rohrabacher
Rothman (NJ)
Ruppersberger
Schock
Schrader
Sessions
Sestak
Snyder
Sullivan
Tiahrt
Wamp
Waters
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1857

Messrs. AKIN, HENSARLING, Ms. FOXX, Messrs. PENCE and COFFMAN of Colorado changed their vote from ''yea'' to ''nay.''

Mr. ROGERS of Michigan changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Madam Speaker, on rollcall No. 311, I was unavoidably detained. Had I been present, I would have voted ''yea.''

STEM EDUCATION COORDINATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1709, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 1709, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 353, nays 39, not voting 41, as follows:

[Roll No. 312]

YEAS—353

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—39

Akin
Bachmann
Boehner
Boustany
Broun (GA)
Campbell
Carter
Chaffetz
Coble
Conaway
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Hensarling
Issa
Jordan (OH)
King (IA)
Kingston
Lamborn
Linder
Lummis
Marchant
McClintock
McHenry
Neugebauer
Nunes
Paul
Pence
Poe (TX)
Scalise
Sensenbrenner
Shadegg
Stearns
Thornberry
Westmoreland

NOT VOTING—41

Barrett (SC)
Bishop (UT)
Bono Mack
Boyd
Butterfield
Cleaver
Costello
Courtney
Deal (GA)
DeGette
Gonzalez
Grijalva
Hastings (WA)
Hodes
Hoekstra
Johnson (IL)
Kaptur
Kennedy
Kind
Lewis (GA)
Mack
Maloney
McCarthy (NY)
McGovern
Miller, Gary
Miller, George
Moran (VA)
Putnam
Rohrabacher
Rothman (NJ)
Ruppersberger
Schock
Schrader
Sessions
Sestak
Snyder
Sullivan
Tierney
Wamp
Waters
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1905

Mr. COFFMAN of Colorado changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CELEBRATING FLAG DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 420.

The Clerk read the title of the 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 resolution, H. Res. 420.

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. HASTINGS of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 391, noes 0, not voting 42, as follows:

[Roll No. 313]

AYES—391

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Barrett (SC)
Bishop (UT)
Bono Mack
Boyd
Butterfield
Cleaver
Costello
Courtney
Deal (GA)
DeGette
Gonzalez
Grijalva
Hastings (WA)
Hodes
Hoekstra
Hunter
Johnson (IL)
Kennedy
Kind
Lewis (GA)
Mack
Maloney
McCarthy (NY)
McGovern
Melancon
Miller, Gary
Miller, George
Moran (VA)
Putnam
Rohrabacher
Rothman (NJ)
Ruppersberger
Schock
Schrader
Sessions
Sestak
Snyder
Speier
Sullivan
Wamp
Waters
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1912

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GEORGE MILLER of California. Madam Speaker, on Monday, June 8, 2009, I was unavoidably absent for three rollcall votes. Had I been present, I would have voted for the International Science and Technology Cooperation Act of 2009, the STEM Education Coordination Act of 2009, and H. Res. 420—Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, because of official business in Houston on June 4, 2009, speaking at a graduation in a school district that had suffered great damage during Hurricane Ike, North Forest High School in the North Forest Independent School District, I missed the following votes:

Roll call vote No. 304 on agreeing to an amendment to H.R. 2200, I would have voted ''no.''

Roll call vote No. 305 on agreeing to an amendment to H.R. 2200, I would have voted ''aye.''

Roll call vote No. 306 on the Thompson of Mississippi amendment to H.R. 2200, I would have voted ''aye.''

Roll call vote No. 307 on the passage of H.R. 2200, the Transportation Security Administration Authorization Act, authored by Jackson-Lee, I would have voted ''aye.''

Roll call vote No. 308 on agreeing to an amendment to H.R. 626, I would have voted ''no.''

Roll call vote No. 309, the motion to recommit on Federal Employees Paid Parental Leave Act, I would have voted ''no.''

Roll call vote No. 310, passage of H.R. 727, the Federal Employees Paid Parental Leave Act, I ask that my vote be recorded as ''aye.''

□ 1915

HONORING THE LIFE OF U.S. ARMY FIRST SERGEANT BLUE C. ROWE OF WHITTIER, CALIFORNIA

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, it is with great sadness that I rise to pay tribute to U.S. Army First Sergeant Blue C. Rowe. Sergeant Rowe, a devoted husband and father, was a constituent of

mine from Whittier, California. This brave American was killed in action in Afghanistan on May 26, 2009, on the 15th anniversary of his service in the military.

Sergeant Rowe was killed by an improvised explosive device. The 33-year old Rowe leaves behind his 7-year old son, Andrew, and his wife Cindy. My thoughts and prayers go out to Cindy and Andrew, and I hope that they can find some solace in the gratitude that our Nation owes to Sergeant Rowe for his honorable service to his countrymen.

Sergeant Rowe spent his entire adult life serving our country. He joined the Army in 1994 and served in Operation Iraqi Freedom. Last July he mobilized again for duty in Afghanistan.

He and his family have made the greatest sacrifice that one can make, and we are forever in his debt.

Sergeant Rowe, whose life embodied the meaning of the word ''patriot'', will be missed by family, friends and colleagues, but his honorable deeds will not be forgotten.

THE 21ST CZAR OF AMERICA

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

Mr. POE of Texas. Madam Speaker, we have yet another czar appointed by the administration. The Pay Czar will set limits on how much money people can make that took bank bailout money.

The government is establishing a central committee accountable and answerable only to the President. These czars and czarinas avoid scrutiny of Congress. There is no advice and consent by the Senate and little oversight, and no one knows what these czars really do or how they're doing it. There is no authority found anywhere in the Constitution to appoint these czars. They enforce czar rules with no recourse by the citizens. The czars claim they know best how to take care of the masses.

It's appropriate that this administration and past administrations use this Russian term ''czar'' since the Russians, under the Soviet Union, invented the Politburo. The Soviet Politburo was made up of political party appointees that made all policy decisions and ruled the country through their dictates.

Now we have 21 czars. The newest, the Pay Czar, is moving us ever nearer to a socialist union which leaves us less and less control of the government by the people.

And that's just the way it is.

SUPPLEMENTAL FUNDING FOR IRAQ AND AFGHANISTAN

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

Mr. KUCINICH. Madam Speaker, despite the current focus on disagreements over funding for the International Monetary Fund and closure of the Guantanamo Bay detention facility, the primary intent of the supplemental is to continue funding for the wars in Iraq and Afghanistan. As Members who remain opposed to the bill, we need to make sure and make clear our opposition and work to defeat the bill.

It's notable that attempts to make important changes to the legislation, such as a call for an exit strategy from Afghanistan, or demands for increased transparency or accountability at the IMF, have been rebuffed. Continued funding of the war operations in Iraq ensures a continued occupation, thereby undermining the stated U.S. goal for withdrawal by the end of 2010. Funds for Iraq should be dedicated to bringing all of our troops home, and bringing those contractors home as well.

It's time to end this war. ''No'' to any more funds for the war in Iraq and the war in Afghanistan. And ''no'' if they try to put any other kind of legislation and tie it to the war funding.

Defeat the supplemental.

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 UNITED STATES SHOULD NOT PICK WINNERS AND LOSERS IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, the recent focus on Israel and the Arab-Israeli conflict that continues today is vital and important to our world peace. There are a lot of people out there trying to revise history, however.

The State of Israel was established in 1948 by British mandate after the Holocaust of World War II. The Jewish people lay claim to this area since Biblical times. The establishment of the Jewish State of Israel merely formalized the return of their indigenous homeland by international agreement. Both the United States and the U.N., including the Soviet Union, recognized the State of Israel.

The day after the Jewish state was established in 1948, it was invaded by six surrounding Arab nations. A negotiated cease-fire ended hostility, with Jerusalem being split in the middle between Israel and Jordan.

In 1967 Israel was once again invaded by Syria from the north, Jordan from the east and Egypt from the southwest. During the war, Israel defended itself and expanded its border by including the Golan Heights that was controlled by Syria, the West Bank, controlled by Jordan, and Gaza, controlled by Egypt.

Some would have you believe that the establishment of the State of Israel changed the borders of Arab states in agreements that had existed for centuries. That is simply incorrect. The boundaries of the Middle East countries were fixed by Western powers after Turkey was defeated in World War I. The French took over Syria and Lebanon. The British took over Palestine and Iraq. The areas allotted to Israel had been under the control of the Ottoman Empire from 1517 to 1917. During this 400-year reign of the Turks, the Holy Land was only sparsely populated. The few folks living there were an oppressed Jewish population and mostly revolving Muslim immigrant groups, but also there were small groups of Christians in the area.

The actual boundaries of what became the State of Israel were set by the United Nations in 1947. When formally established in 1948, the attacks on the tiny new state of Israel began immediately by the neighboring Arab states.

Yasser Arafat formed the Palestine Liberation Organization, or the PLO, in 1964. He formed a state within a state in the Palestinian homeland of Jordan. Arafat many times stated that Jordan is Palestine. It was not until the 1967 war that the Arab nations backed the PLO for the purpose of taking back land that Israel had won in that defensive war of 1967. In 1967 Arab forces massed against Israel, surrounding the tiny nation.

Egyptian President Nasser was allowed to kick the U.N. peacekeepers out of the Sinai Peninsula, which acted as a buffer between Egypt and Israel. The world watched as hundreds of thousands of Arab troops tried to ''drive Israel into the sea.'' The unexpected brilliance of the Israeli military stopped the aggression from all directions, and Israel was secure for a moment.

As a result of that war for survival, Israel fairly won land: The Sinai, the West Bank and Gaza. Everywhere else in the world, territory acquired in self-defense is only returned in the context of a negotiated peace. Israel has never been fully afforded that negotiated peace. Israelis have returned land time and time again when a peaceful settlement was reached. Soon they may run out of land to give away.

In the Camp David accords of 1978, Israel returned the Sinai to Egypt in return for a peace treaty. Jordan and Syria have less formal but similar agreements with Israel.

Now one issue is whether Israeli Jews that have settled into the West Bank should leave or not be allowed to have natural expansion of their own communities. This should be negotiated between the Israeli Government and the Palestinians. The United States should not interfere in and prevent negotiations by picking winners and losers.

This year the United States is picking the loser of Israel. The United States should help broker negotiations

and help get all parties to negotiate, but not demand either side take a certain position.

Israel has been a longtime ally of the United States, and our interest should be that the sides involved solve this problem without the United States dictating who wins and who loses.

And that's just the way it is.

PRESIDENT OBAMA'S SPEECH GIVES NEW HOPE TO THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise to praise President Obama for his historic speech in Cairo last Thursday. By speaking with respect and honesty to the Muslim world, the President built new bridges, bridges of understanding and peace.

The speech contrasted sharply with the approach taken by the previous administration. There was no arrogance or fear-mongering in President Obama's speech. He made no threats. He did not talk about an endless war on terrorism.

Instead, the President called for a new beginning between the United States and the Muslim people. He renewed his pledge that America ''is not—and never will be—at war with Islam.''

He called for cooperation instead of conflict. He courageously acknowledged the mistakes of the past and called for an end to mistrust.

The President marginalized violent extremists by saying, and I quote him, ''The enduring faith of over a billion people is so much bigger than the narrow hatred of a few.''

He defended Israel's right to live in peace while recognizing the Palestinian people's right to a state of their own.

On Iran, President Obama urged diplomacy and reiterated his call for a nuclear-free world. And he advocated for democracy, for religious freedom, economic opportunity and the rights of women and girls.

Madam Speaker, everyone listening to the speech had to be inspired by the President's eloquence and good will. But the President also acknowledged that the speech was just a start. Now we face the hard work, the work of making peace a reality, especially in Iraq and Afghanistan.

On this issue, I've urged the President to move in a bold new direction. I've called upon him to speed up the timetable for the withdrawal of our troops and military contractors from Iraq, and to leave no residual forces behind, because I believe the sooner we return full sovereignty to Iraq, the better.

I voted against the supplemental appropriations action because it will prolong our occupation of Iraq and sink us deeper into the quagmire of Afghanistan.

We must develop a plan to redeploy our troops out of Afghanistan. Otherwise, we'll face another endless occupation, one that will fuel anti-Americanism and promote instability, which actually is happening in Afghanistan and Pakistan today.

□ 1930

We need a whole new approach to the region. Instead of sending in more troops and investing in military solutions that won't work, we should be investing in smart, peaceful power that will work. Smart power means helping the people of Afghanistan and Pakistan to build roads, schools, hospitals, and better agricultural systems. It means helping to create jobs and assisting those who have been displaced by the war. This is what the people of Afghanistan and Pakistan really want from the United States. If we provide smart assistance to them, Madam Speaker, we will defeat the violent extremists. We will bring peace to the region, and we will make America safer. This strategy is at the core of my SMART Security Platform for the 21st Century. This is legislation that is described in House Resolution 363.

Madam Speaker, I encourage all of my colleagues to consider House Resolution 363 and to support it.

REDESIGNATING THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I want to thank my colleagues in the House from both parties for joining me as cosponsors of H.R. 24, legislation to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. As of today, this legislation has 278 bipartisan cosponsors.

For the past 7 years, the language of this bill has been part of the House version of the National Defense Authorization Act. Each year, the full House of Representatives has supported this change. This year, I am grateful to have the support of Senator PAT ROBERTS, a former marine, who introduced the same bill in the Senate, S. 504. With his help, I am hopeful that this will be the year the Senate supports the House's position and joins in bringing proper respect to the fighting team of the Navy and Marine Corps.

The Navy and Marine Corps have operated as one entity for more than two centuries, and H.R. 24 would allow the name of their Department to illustrate this fact. This legislation is not about changing the responsibilities of the Secretary of the Department, reallocating resources between the Navy and Marine Corps or altering their missions. Redesignating the Department as the Department of the Navy and Marine Corps is a symbolic gesture, but it is important to the team.

Over the years, I have been encouraged by the overwhelming support for this change that I have received from so many members of the United States Armed Forces. Last month, I received a letter from retired Marine Colonel Giles Kyser, who kindly expressed his support for H.R. 24.

He wrote, ''As a combat commander of marines and sailors in Iraq, I submit that no one understands the parity of the two services better than the corpsmen and chaplains serving alongside 'their marines.' I dare say, if you asked any one of those sailors to voice an opinion about the proposed change, most would wonder why our country took so long to take this simple action.''

The colonel further wrote, ''When President Truman considered disbanding the Marine Corps after World War II in 1946, then Commandant of the Marine Corps, Medal of Honor recipient Alexander Vandergrift brought the issue before the Congress of the United States. The general merely presented the Marine Corps' combat lineage and let those actions speak for themselves. After hearing the general's remarks, our congressional leaders did the right thing: not only preserving our Corps but ensuring its roles, missions; and even its size became part of the law of the land.''

The colonel further stated in his letter, ''The stroke of a pen, adding three words 'and Marine Corps,' will complete General Vandergrift's action of some 63 years ago; will ensure our leaders, their staffs and their constituents clearly recognize the coequal status of the Marine Corps; and will ensure once and for all time the equality of our marines in the eyes of the Nation and its people.''

Madam Speaker, I submit the full text of Colonel Kyser's letter for the RECORD.

MAY 14, 2009.

Congressman WALTER B. JONES
House of Representatives,
Rayburn Building, Washington, DC.

CONGRESSMAN JONES, Per our discussions on 12 May I wanted to pass on a few suggestions regarding your proposed Bill (H.R. 24) ''To redesignate the Department of the Navy as the Department of the Navy and Marine Corps.'' I believe your initiative comes at a time in the history of our Nation and of our Navy and Marine Corps when permanently establishing the Marine Corps' parity as an equal service with the Army, Navy, and Air Force constitutes an ethical and practical imperative not only from the standpoint of history, but from the standpoint of educating key leaders and their staffs.

Your efforts to-date clearly underscore why according the Marine Corps equal status within the Department of Defense constitutes the ''right thing to do.'' The contributions of our Marines, written in blood across the globe during our current contingency operations merit a change raising the awareness of the Nation and its leaders regarding the role our Marines play in their defense. Moreover, and if only as a supporting argument, how many Americans truly at understand that the sacrifices made since September 11 2001 by our Marines always take place with Sailors at their side on the battlefield? Those Sailors, who while at

their side, often provide either the immediate aid that saves their lives, or the special comfort of a comrade during their final moments on this earth. Such is the unshakable bond of the Marines and Sailors who live at the tip of the spear, where the measure of a man or woman's life is defined by actions, and where moments of courage and compassion confer a nobility that clearly compels equal recognition in the eyes of the citizens they defend.

As a combat commander of Marines and Sailors in Iraq, I submit that no one understands the parity of the two services better than the Corpsmen and Chaplains serving alongside ''their Marines.'' I dare say that if you asked any one of those Sailors to voice an opinion about the proposed change that they would support the change with the same degree of commitment they always show ''their Marines'' and, most would wonder why our country took so long to take this simple action.

After all is said and done, the substance of the proposed change focuses us on the young men and women who willingly gave the last full measure of devotion to this country. The redesignation honors them and constitutes an ethical imperative. * * * it is the right thing to do and we must do it.

The second imperative revolves around a very practical truth. In an environment where decisions taken find their foundation in understanding the context of the issue, most Americans, even those here in the rarefied air of Washington DC, simply do not realize that the Department of the Navy includes both the Navy and Marine Corps. The practical result of that lack of knowledge finds very concrete expression in the history of deliberation and budgets within the Department of Defense. Many Congressional, White House, and even Department of Defense staffers must constantly be reminded that the Department of the Navy, and its total obligation authority includes both the Navy and the Marine Corps in order to avoid cutting away the muscle of the Corps as it competes for funding. The Marine Corps' advertising efforts and information campaign within the Capital Region help to overcome the challenge, but why should the Marine Corps and the Department of the Navy have to begin their efforts from a position of informational weakness? Certainly, the stroke of a pen changing the existing designation provides a demonstrable first step in overcoming the positional deficit plaguing the Corps since its inception some two hundred and thirty-four years ago.

Indeed, when President Truman considered disbanding the Marine Corps after World War II in 1946, then Commandant of the Marine Corps, Medal of Honor recipient Alexander Vandergrift brought the issue before the Congress of the United States. The General merely presented the Marine Corps' combat lineage and let those actions speak for themselves. He refused to, in his words, come on ''bended knee'' to argue the case for Marines and Sailors who served so bravely and brilliantly in places like Tripoli, Montezuma, Belleau Wood, Tarawa, and Iwo Jima. After hearing the General's remarks, our Congressional Leaders did the right thing; not only preserving our Corps, but ensuring its roles, missions, and even its size became part of the law of the land.

It is time again for our Congressional Leaders to ''do the right thing'' in a time when fiscal reality might again place our Marines and the Sailors who serve with them at a disadvantage born not from malice aforethought as was the case in 1946, but born of a lack of education existing for more than two hundred and thirty years. The stroke of a pen, adding three words ''and Marine Corps'' will complete General Vandegrift's action of some sixty-three years ago, will ensure our leaders, their staffs, and their constituents clearly recognize the coequal status of the Marine Corps and, will ensure once and for all time, the equality of our Marines in the eyes of the Nation and its people. This is not a request made from a ''bended knee.'' It is a request made from the position of attention, facing forward, but not forgetting the sacrifice of those Marines and Sailors of the past. The change constitutes an ethical and practical imperative and is ''the right thing to do.''

Very respectfully,

JAMES GILES KYSER IV,
Colonel, U.S. Marine Corps (Retired).

Madam Speaker, the marines who are fighting today deserve this recognition—those living and fighting and those who have given their lives for this country.

I have beside me an actual copy of a letter that was sent to a marine family. This is the way it is today—the Secretary of the Navy with the Navy flag. ''Dear Marine Corps family, on behalf of the Department of the Navy, we extend our deepest sympathy in the loss of your loved one.''

Madam Speaker, if H.R. 24 and Senate 504 become the law of the land, it will be the way it should be to a family—to a Marine family who gave a life for this country. It will say the Secretary of the Navy and the Marine Corps, and it will have the Navy flag and the Marine flag. It will say, ''Dear Marine Corps family, on behalf of the Department of the Navy and the Marine Corps, please accept my sincere condolences on the loss of your loved one.''

This is all it is about—bringing the team together. It is time that the Marine Corps is recognized as part of the fighting team.

With that, Madam Speaker, before I yield back my time, I will ask God to please bless our men and women in Afghanistan and Iraq. I will ask God to, please, with his loving arms, hold the families who have given children, dying for freedom in Afghanistan and Iraq. I close three times by asking God: God, please, God, please, God, please continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

GUANTANAMO BAY DETAINEES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. WOLF) is recognized for 60 minutes as the designee of the minority leader.

Mr. WOLF. Madam Speaker, I rise today to speak about an issue of great importance to our country.

Shortly after I returned from a trip to Algeria in 1998, where thousands had been killed from terror attacks in the wake of the two U.S. Embassy bombings in Africa where 267 people were killed, including one of my constituents from McLean, Virginia, who was serving at the Nairobi Embassy, I authored a bill creating the National Commission on Terrorism.

The commission's report in June of 2000 provided evidence of the growing threat of international terrorism and the steps needed to combat the threat. A Congressional Research Service report described the main finding of the commission this way: ''It calls on the U.S. Government to prepare more actively to prevent and deal with a future mass casualty, catastrophic terrorist attack.''

Regrettably, the commission's recommendations were not implemented until after the attacks on 9/11 when 3,000 people were killed, including 30 from my congressional district.

I was disappointed that both the Clinton administration and, later, the Bush administration did not take more seriously the recommendations of the commission. I take seriously the responsibility of congressional oversight, especially in matters with potential national security implications. Profound national security issues were, of course, thrust to the forefront on 9/11.

Following the attacks, Congress granted the President the authority ''to use all necessary and appropriate force against those who planned, authorized, committed or aided the terrorist attacks against the United States.''

In the ensuing war on terror, many individuals were captured and transferred to Guantanamo Bay. On January 22, 2009, in an attempt to fulfill his campaign pledge, President Obama issued an Executive order requiring that Guantanamo be closed no later than 1 year from the date of issuance. However, in the weeks and months following, the Justice Department, under the direction of Attorney General Eric Holder, has failed to provide necessary information to Congress regarding their plans for implementing this order.

It is important for the American people to know the full details on all of the detainees currently housed at Guantanamo Bay. They are not simply felons who are serving their time with

the future of release; they are hardened terrorists who are bent on killing Americans.

The detainees already released have had a high rate of recidivism. On March 11, The Washington Post detailed how a detainee recently released from Guantanamo Bay is now the operations commander of the Taliban forces that are attacking U.S. and NATO forces in southern Afghanistan. There also have been reports that 61 of the detainees who were processed and released from Guantanamo Bay were recaptured—fighting American forces.

If those individuals were deemed safe to release from custody, yet they returned to terrorist activities, including killing Americans, what does that say about how dangerous the detainees at Guantanamo Bay still must be?

A recent New York Times article indicated that one out of every seven low security prisoners released from Guantanamo Bay was recaptured, fighting American forces on foreign battlefields. What does this say about the threat from the medium and high security risk detainees still being held?

I was also troubled to read that five Guantanamo detainees described themselves as ''terrorists to the bone'' and stated in a court filing that they describe their roles in the 9/11 attacks as a ''badge of honor.'' These dangerous individuals simply cannot be transferred anywhere near large civilian populations.

Khalid Sheikh Mohammed was the architect of the 9/11 attacks, and he took pleasure in beheading Wall Street Journal reporter Daniel Pearl.

Ramzi Binalshibh was identified as one of the planners of 9/11, and he was supposed to be one of the hijackers until he was denied entry into the United States. Walid bin Attash is believed to be the mastermind behind the bombing of the USS Cole in Yemen in the year 2000.

I am also concerned about the danger these individuals would pose were they to be placed in U.S. prisons or jails. These individuals are responsible for planning the deaths of thousands of Americans.

In the case of El Sayyid Nosair, court tapes show that conspirators provided assurances that, in the event some were captured, the others would work to free them. In addition, during the year 2000 trial of Mahmud Salim, one of the terrorists accused of the 1998 bombing of the U.S. Embassy in Kenya, he stabbed New York prison guard Louis Pepe in the eye during a prison escape attempt.

Al Qaeda saw the rights given to its members to meet with counsel as an opportunity to carry out a violent escape attempt. Mr. Salim was one of the original followers of Osama bin Laden, and was the highest ranking al Qaeda member held in the U.S. at the time.

In addition to trying to escape from prison, al Qaeda members have communicated with confederates while in prison. It is my understanding that Nosair was involved in plotting the 1993 World Trade Center bombing while in custody in Attica State Prison. In addition, Osama bin Laden has publicly credited Sheikh Abdel Rahman with issuing the fatwa that approved the 9/11 attacks while he was in Federal prison, despite the high security confinement conditions imposed on him. It also emerged later that, with the assistance of his lawyer, Rahman was continuing to send instructional messages to the Islamic Group, his Egyptian terrorist organization.

In 2004, NBC News reported that, despite their incarceration in maximum security conditions, convicted World Trade Center bombers were communicating by mail with the terrorists in Madrid, Spain. Many, many people died in that attack.

There would certainly be strong reasons to believe that detainees currently held at Guantanamo who are known to have rioted and to have grossly abused prison guards would use their access to counsel and to investigators to convey messages to their allies.

I am also concerned about the extra costs that will be incurred in preparing prisons and courthouses for possible trials. I understand that the courthouses in which prior terrorism cases were litigated and the prisons where defendants were held had to be ''hardened'' to accommodate terrorism prosecutions and the attendant threats they entailed for participants and the public.

A recent New York Times article indicated that one out of every seven prisoners released from Guantanamo Bay and determined to be low security risks were recaptured on foreign battlefields, fighting American forces.

What does this say about the danger posed by the medium and high security risk detainees still being held?

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There have been numerous documented accounts of al Qaeda members using violence in prison attempting to escape. Newsday and the Buffalo News reported that during the 1995 trial in New York of Omar Abdel Rahman, the mastermind of the 1993 World Trade Center bombing, terrorist confederates of Nosair were plotting to break him out of Attica State Prison in New York. An appeals court brief for the trial of Nosair detailed the lengths al Qaeda could go to break out of prison. The appeals court brief states: Mohammad Saad later described to Emad Salem a plan to break El Sayiid Nosair out of jail. He surmised that if he and Salem or others could get jobs with a contractor providing Attica Prison for sanitation or food services and if Nosair could get a prison job that would physically situate him in the appropriate area, they might be able to snatch Nosair and hide him in a nearby apartment until it became safe to move him.

The brief goes on to discuss several conversations Nosair's friends had with him while he was in Attica.

Another portion of the brief talks about plans to murder someone who antagonized Nosair's supporters during the trial as well as the trial judge. It also discusses Nosair getting angry that his friends were not trying to free him: ''The four had 5-hour meetings in the visitor's room during which Nosair railed at the evils of the United States and upbraided his callers for 'sitting doing nothing' while he sat in jail for having done his part in jihad. When told of Saad's jailbreak scheme, Nosair recanted that there had only recently been a great escape opportunity when he had been escorted to the prison hospital by two guards armed merely with pistols.''

Nosair observed that the group should be targeting ''the big heads,'' including Judge Alvin Schlesinger, who had presided over the trial and meted out Nosair's sentence and New York City Assemblyman Doug Hikind. Nosair said the judge should even be kidnapped and held as a bargaining chip to trade for Nosair's release or killed.

The same brief goes into detail on the details these operatives had covered in order to help escaped prisoners leave the United States. Two agents detained Ibrihim el-Gabrowny and attempted to frisk him explaining that they were there to execute a search warrant and that he should relax. El-Gabrowny because increasingly belligerent, ultimately struck both agents and was thus placed under arrest.

On his person, the agents found an envelope containing a stack of documents which included Nosair's American passport, an Egyptian airport document bearing Nosair's photograph, five passports issued by the government of Nicaragua in July of 1991 depicting Nosair, his wife, and three children with false names assigned to each, five fraudulent Nicaraguan birth certificates exhibiting the same false names in which the passports had been issued, a Nicaraguan driver's license issued to Nosair and his wife in the same false names.

An indictment filed in Federal court against Lynne Stewart in the case of U.S. v. Sattar discusses how the blind sheik killed tourists in Egypt in an attempt to force his release from prison. The indictment states: ''On or about November 17, 1997, six assassins shot and stabbed a group of tourists visiting an archeological site in Luxor, Egypt. Fifty-eight foreign tourists were killed along with four Egyptians, some of whom were police officers. Before making their exit, the terrorists scattered leaflets espousing their support for the Islamic Group and calling for the release of Abdel Rahman. Also the torso of one victim was slit by the terrorists and a leaflet calling for Abdel Rahman's release was inserted.''

On or about November 18, 1997, a statement issued in the name of the Islamic Group said: ''A Gama'a unit tried to take prisoner the largest number of foreign tourists possible with the aim

of securing the release of the general emir of the Gama'a al-Islamiyya, Dr. Abdel-Rahman.'' The statement continued: ''But the rash behavior and irresponsibility of government security forces with regard to tourist and civilian lives led to the high number of fatalities.'' The statement also warned that the Islamic Group ''will continue its military operations as long as the regime does not respond to our demands.'' The statement lists the most important demands as ''the establishment of God's law, cutting relations with the Zionist entity Israel and the return of our sheik and emir to his land.''

On or about October 13, 1999, a statement in the name of Islamic Group leader, Rifa'i Ahmad Taha Musa, a.k.a. Abu Yasir, who was a co-conspirator not named as a defendant herein, vowed to rescue Abdel Rahman and said that the United States' ''hostile strategy to the Islamic movement would drive it to 'unify its efforts to confront America's piracy.' ''

In or about March of the year 2000, individuals claiming association with the Abu Sayyaf terrorist group kidnapped approximately 29 hostages in the Philippines and demanded the release from prison of Abdel Rahman and two other convicted terrorists in exchange for the release of those hostages and threatened to behead the hostages if their demands were not met. Philippine authorities later found two decomposed, beheaded bodies in an area where the hostages had been held and four hostages were unaccounted for.

On or about September 21, 2000, an Arabic television station, al Jazeera, televised a meeting of Osama bin Laden and Ayman al Zawahir. Sitting under a banner which read, ''Convention to Support Honorable Omar Abdel Rahman,'' the three terrorist leaders pledged ''made to free Abdel Rahman from incarceration in the United States.'' During the meeting, Mohammed Abdel Rahman, a.k.a. Asadallah, who is a son of Abdel Rahman, was heard encouraging others to ''avenge your sheikh'' and ''go to the spilling of blood.''

These are extremely dangerous individuals who would require extraordinary precautions were they to be held in a prison where they were on trial. The court documents that I have referenced tonight detailed the lengths these individuals are willing to go to set compatriots free. This list includes kidnapping and mass murder. It is imperative that the American people understand that these individuals will not be sent straight to a supermax facility, but will be held first in a local jail. Not only would this put significant strains on the local prison guard and staff; it would require huge expenditures to ''harden'' the facilities to the point where they were secure enough to house high-level threats.

People living in northern Virginia during the trial of Zacharias Moussaoui will recall that his trial took 4 years and was only ended when he pled guilty to most of the charges against him. For terrorists like Khalid Sheik Mohammed, a trial and appeals process could take much longer than 4 years. Every day these dangerous individuals are in our prison system, the more danger they pose to everyone with whom they come into contact. Prison guards and officials, judges, jurors, and inmates and families could possibly need extra protection from the threat posed by these individuals.

Some have stated that detainees would be sent directly from Guantanamo Bay to a U.S. supermax prison facility and the public should not be concerned. Yet, if detainees from Guantanamo Bay are transferred for trial in civilian courts, they would have to be held in a facility near that court near that venue. Often, these are local jails similar to the Alexandria jail that held Zacharias Moussaoui during the 4 years he was in trial in the Eastern District of Virginia.

Such a move could mean that Khalid Sheik Mohammed, the mastermind of the 9/11 attacks and the man who brutally beheaded Wall Street Journal reporter Daniel Pearl, could be housed in Alexandria for the duration of his trial. Similar trials in the past have taken more than 4 years.

Regardless of where these detainees are held, I believe it should be in a location that ensures the safety of both those guarding the detainees and American citizens. My primary concern is that their presence in a large civilian population could invite additional attacks and endanger the citizens.

I take the oversight responsibility of Congress very seriously, and the fact that the Justice Department would take these actions without notifying Members of Congress is incredible. These detainees could pose serious threats to local communities and place an extraordinary burden on the cities where these individuals would be tried.

I believe Congress and the American people have a right to know the history of individuals the administration is intent on bringing onto U.S. soil. The Guantanamo Bay prison facility is closing. Since the President has made that decision, we must know the facts to make informed decisions on the next step. My own view is that any trials or military commissions should be held on a military base far away from civilian population centers.

Madam Speaker, much of the recent debate surrounding the closing of Guantanamo Bay has centered on a group of Uyghur detainees from China who are members of the al Qaeda-affiliated terrorist group, the Eastern Turkistan Islamic Movement, also known as ETIM. Last month, I became aware that Attorney General Eric Holder was planning on allowing these trained terrorists into the United States without informing this Congress or the American people. Newsweek magazine reported that on June 1: ''Administration officials were poised in late April to make a bold, stealthy move: they instructed the U.S. Marshals Service to prepare an aircraft and a Special Ops group to fly two Chinese Uyghurs and up to five more on subsequent flights from Gitmo to northern Virginia for resettlement. In a conference call overseen by the National Security Council, Justice and Pentagon officials had been warned that any public statement about Gitmo transfers would inflame congressional Republicans, according to a law-enforcement official who asked not to be named discussing internal deliberations.''

The Newsweek report—also confirmed by Bloomberg News—makes clear that Attorney General Holder had every intention of releasing these trained terrorists into our communities. I repeat: released into our communities. Not held in our jails, but let free in our neighborhoods and communities.

This administration expects you to take it at its word that these detainees are not a threat. It is unacceptable. Eric Holder should have been prepared to come up and tell the Congress and give the information on these individual cases. But to move these individuals, who were in Guantanamo Bay, on a Friday afternoon when the Congress was gone and the press was not watching, is certainly wrong.

As some of my colleagues may be aware, I have long been an advocate for the Uyghurs, a largely Muslim people in western China. The 8 million Uyghurs have long been the objects of brutal Chinese oppression. And I have advocated for the Uyghurs in China who were being persecuted by the Chinese Government. However, in the 1990s, a small number of Uyghurs began turning to terrorism to target the Chinese Government and innocent civilians. They formed the terrorist organization now known as ETIM. They moved to Afghanistan in 1998 at the invitation of the Taliban.

ETIM is linked to a number of terrorist attacks in China during the mid-1990s, including several bus bombings that killed dozens and injured hundreds of innocent civilians, as well as threats of attacks against the 2008 Olympics in Beijing where people from around the world, including Americans, gathered. Over the past decade, the group has predominantly operated out of Afghanistan and Pakistan and has developed close links with al Qaeda and the Taliban.

On August 19, 2002, then-Deputy Secretary State Richard Armitage designated ETIM as ''a terrorist group that committed acts of violence against unarmed citizens.'' The group was designated by the State Department under Executive Order 13224, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' which defines terrorist activities as ''activity that involves a

violent act or act dangerous to human life, property or infrastructure.''

□ 2000

Later in 2002, the U.S. Embassy in Beijing reported that two members of ETIM were deported from Kyrgyzstan after allegedly plotting to attack the U.S. embassy there.

Following the attempted attacks, the United Nations designated ETIM as a terrorist group under Security Council resolutions 1267 and 1390, which provide for the freezing of the group's assets. In 2004, the State Department further added ETIM to the Terrorist Exclusion List under section 411 of the USA PATRIOT Act of 2001, which prohibits members of designated terrorist groups from entering into the United States. Just 2 months ago, on April 20, the Obama administration, to their credit, added the current leader of ETIM, Abdul Haq, to the terrorist lists under Executive Order 13224 following U.N. recognition of Haq as an individual affiliated with Osama bin Laden, al Qaeda, or the Taliban.

According to Stuart Levey, Treasury Undersecretary for Terrorism and Financial Intelligence, Abdul Haq commands a terror group that sought to sow violence and fracture international unity at the 2000 Olympic games in China.

ETIM's relationship with al Qaeda has grown increasingly since it was invited by the Taliban to conduct training in Afghanistan in the late 1990s. In 2005, Abdul Haq was admitted to al Qaeda's Shura Council. Additionally, on November 16, 2008, an al Qaeda spokesman ''stated that a Chinese citizen named 'Abdul Haq Turkistani' was appointed by Osama bin Laden as the leader of two organizations, al Qaeda in China and Hizbul Islam Li-Turkistan,''—and also confirmed by Abu Sulieman, a member of al Qaeda.

It is abundantly clear that the Uyghur detainees held at Guantanamo Bay are affiliated with the ETIM and trained under Abdul Haq in 2001. According to the detainees' own sworn statements to U.S. authorities, many acknowledged they had trained at an ETIM training camp in Tora Bora from June to November, 2001, and several confirmed that the camp was run by Abdul Haq.

Following the U.S. invasion of Afghanistan in the fall of 2001, it is clear that cooperation between ETIM and the Taliban increased. It is reported that the ETIM's leader prior to Abdul Haq, Hasan Mahsum, ''led his men to support Taliban and fight alongside them against U.S. and the coalition forces. On October 2, 2003, Hasan Mahsum was killed, along with eight other Islamic militants, by a Pakistani Army raid on an al Qaeda hideout in South Waziristan area in Pakistan.''

Additionally, in January, 2008, al Qaeda, in an Afghanistan publication entitled, ''Martyrs in Time of Alienation,'' identified 120 martyrs, including five Uyghur ETIM members who trained in Tora Bora, who fought with the Taliban in Afghanistan against U.S. troops. One is reported to have been killed fighting U.S. forces during the invasion in 2001. And Hasan Mahsum confirmed, prior to his death in 2003, that ETIM's members trained and fought with al Qaeda forces in Afghanistan.

In addition to their affiliation with a designated terrorist organization and association with al Qaeda leader Abdul Haq, these detainees fervently believe in the creation of a Taliban-style Islamic state in northwestern China and do not share American values of respect, tolerance, and religious pluralism. In fact, the L.A. Times recently reported that, ''not long after being granted access to TV, some of the Uyghurs were watching a soccer game. When a woman with bare arms was shown on the screen, one of the group grabbed the television and threw it to the ground, according to the officials.''

I am certainly no friend of the Chinese Government. I have long been critical of the oppressive treatment of Uyghur Muslims, as documented in the State Department's most recent human rights reports. But we ought to have no tolerance for terrorism in any form.

Further, violent aims of this nature do not know national boundaries. Thousands of Americans, including the President and high-ranking U.S. Government officials and many American citizens, traveled to the 2008 Beijing Olympics, a stated terrorist target for the ETIM. If their affiliation, associations, and recent behavior were not troubling enough, I am also concerned about their potential further radicalization over the past 8 years while held with al Qaeda members at Guantanamo Bay. Without a declassified threat assessment, how can the American people know for sure if the Uyghurs have not been further radicalized since their capture? How can we assess their potential threat once released into the U.S.? Will they attack Chinese targets within the U.S., provide intelligence to al Qaeda abroad, or even stage an attack on Americans at the direction of these terrorist groups?

Reports indicate that the ETIM's philosophy has dramatically evolved as a result of their training and cooperation with al Qaeda and the Taliban over the last several years. According to terrorism expert Rohan Gunaratna, who is an expert on the ETIM, he said, ''In the post-9/11 era, ETIM began to believe in the global jihad agenda. Today, the group follows the philosophy of al Qaeda and respects Osama bin Laden. Such groups that believe in the global jihad do not confine their targets to the territories that they seek to control. The ETIM is presenting a threat to the Chinese as well as Western targets worldwide.''

Without detailed information about each Uyghur detainee, including a threat assessment, the American people cannot be expected to tolerate trained terrorists being released into their communities. That is not the transparency nor sound judgment that Eric Holder promised he would bring to the Justice Department when he appeared before the House Commerce, Justice, Science Appropriations Subcommittee last month.

If this administration and Eric Holder will not share this information with the Congress or the American people, how can we be expected to accept assurances that the Uyghur detainees they intend to release into the U.S. are not a threat? Anyone who trains to kill civilians in Tora Bora, whose leader is a member of al Qaeda's Shura Council, does not share our most basic values of tolerance and diversity, and who may have been further radicalized over the last 8 years, is most unequivocally a terrorist and should not be released in the United States. And yet, this Congress and the American people are left in the dark about the administration's plans to release these detainees.

The American people deserve to know and they have a right to know who the Attorney General is asking to place into their communities. Eric Holder's failed attempt to secretly release these Uyghur detainees came in spite of ardent objections from the FBI and the Department of Homeland Security, who were overruled, apparently, by Eric Holder and the White House.

Last month, FBI Director Robert Mueller told the House Judiciary Committee that he was concerned that detainees from Guantanamo could support terrorism or radicalize others, provide intelligence or financial support to terrorist networks, or even take part in terrorist attacks inside the United States. For Eric Holder to do this against the better judgment of the FBI and the Department of Homeland Security and the bipartisan objection from this Congress is unacceptable. This flies in the face of bipartisan congressional opposition to the release of trained terrorists into the U.S., including Republican and Democratic leaderships in the House and the Senate.

Last month, the Senate followed the House lead in removing funding for transferring detainees and demanding that this administration come clean with the American people about their intentions. The Attorney General expects this Congress to sit idly by after it announces it has released 17 Uyghurs held at Guantanamo Bay in the United States. Eric Holder won't allow career FBI agents to even brief Members on this issue. I have asked for briefings from career employees at the FBI, the CIA, the Department of Homeland Security, and have been told by each agency that the Attorney General will not allow them to meet with me.

What is the Attorney General hiding? Let me be clear, these Uyghurs are trained terrorists who were caught in camps affiliated with al Qaeda. Those who would use terror are terrorists, no matter their unintended target.

I have consistently called on the administration to declassify and provide the American people with information regarding the capture, the detention, and a threat assessment of each detainee they intend to release into the U.S. Regardless of their intended targets of terror, the American people deserve to know whether they have been either further radicalized due to their exposure to al Qaeda leaders, such as Khalid Sheik Mohammed, and see the assessments of the threat they pose today.

I also worry about the impact the Uyghurs' release will have on our national security in the long run. What message does their release into the U.S. send to al Qaeda and other terrorist networks? How can the Attorney General guarantee that the released Uyghurs will not stay in contact with al Qaeda and provide them with intelligence from within the U.S.? If the Attorney General cannot or will not answer these questions, then he should not even consider releasing them into the United States. The administration has a moral obligation to share this information with the American people.

Over the last month, both the House and Senate have stripped all funding for these transfers and inserted language into the fiscal year 2009 emergency supplemental bill that would require the administration to provide the American people with a clear plan before any action was taken. Since March, I have written the President, the Attorney General, and the Secretary of Homeland Security asking for answers to these and other questions, and I still have not received a single response. I repeat, not a single response after 2 months to some of the most basic questions about the administration's plans.

For weeks I have asked the FBI for briefings daily, only to be told that the Attorney General would not allow them to meet with Members on these issues. And although the President delivered a speech on May 21 at the National Archives on the closing of the detention center at Guantanamo Bay and other national security matters, we have had no more information about his plans to close Guantanamo than we did before. We still do not have the answers on which detainees Eric Holder is planning to transfer to the United States, where they will be tried, and how the administration intends to protect the American people.

The Germans, who had tentatively agreed to accept some of the Uyghur detainees, have complained that the administration won't share enough information with them for an independent assessment of the detainees' security risk. According to the Washington Post, ''More trouble emerged when Washington stipulated that the Uyghurs would be barred from traveling to the United States.'' Last week, the Canadian Government refused to accept these same Uyghur detainees, citing serious security concerns.

So as I close where I began, congressional oversight is imperative, no more so than on matters with profound national security implications, and yet this Congress and the American people remain in the dark about the administration's plans on this pressing issue.

This is no time for vague assurances. This is no time to play fast and loose with critical information. This is no time for political games. The American people deserve more.

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

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore (Ms. KILROY). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I ask for unanimous consent that all Members be given 5 days to revise and extend their remarks.

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

There was no objection.

Ms. FUDGE. Madam Speaker, the Congressional Black Caucus, the CBC, is proud to anchor this hour.

Currently, the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA FUDGE, representing the 11th Congressional District of Ohio, and I will anchor this hour.

CBC members are advocates for humanity, nationally and internationally, and have played a significant role as local and regional activists. We work diligently to be the conscience of the Congress. But understand, all politics are local; therefore, we provide dedicated and focused service to the citizens of the congressional districts we serve.

The vision of the founding members of the Congressional Black Caucus—to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens—continues to be a focus for our legislative work and our political activities. Tonight's hour will focus on the unemployment crisis in this country.

Just last week, Madam Speaker, the national unemployment numbers were released and the situation is dire. The Bureau of Labor Statistics reported that nationally another 345,000 people lost their jobs in the month of May. The total unemployment nationally has risen above 9 percent. For African Americans, Madam Speaker, that statistic is much greater. African Americans suffer unemployment at a rate of almost 15 percent.

Over one-quarter of the 14.5 million individuals who are jobless have been unemployed for at least 6 months. Not only are they concerned about finding a job, but they are now fearful their benefits will soon expire.

In my home State of Ohio, the situation is even worse. We have entered double-digit unemployment with a rate of over 10 percent. Not only must we work to help the newly unemployed, but we must assist the chronically unemployed who are many times forgotten.

□ 2015

On Friday, I heard from economist Dr. Paul Harrington at the Center for Labor Market Studies at Northwestern University. He gave three recommendations to deal with the job crisis: number one, radically expand the job training; number two, establish a connection between schools and jobs; and, number three, engage in direct job training activities.

We need to assist the unemployed by retooling them, preparing them for employment opportunities now and for the future. We must always remember that when we work on health care reform, energy, tax legislation, we too must focus on the economy. Our national attention must remain focused on job creation and saving sustainable jobs for our workforce and to prepare them for new or better employment as opportunities present themselves because it is most important that we say to our people that there is a future.

And that is why the topic today is so very important, Madam Speaker. Nationally, we have a unique opportunity through these difficult times to help our workforce. We must reinvent and reenergize our workforce with new training opportunities in existing and emerging industries. In my district, doing so involves investing time, money, and energy into health care, bioscience, advanced manufacturing, logistics and transportation, advanced energy and information technology.

As of April, the State of Ohio's unemployment rate reached 10.2 percent, up from 6.2 percent the same time last year. There are thousands of unemployed and underemployed individuals who must enhance their skills to become competitive in this knowledge-based economy which has now defined our Nation's economy. A strong public consensus supports enhancing the skills of America's workers especially through high-quality education and training. In today's environment, the demand for workers to fill mid-level jobs is quite high and will likely remain high in key sectors of our economy. These mid-level jobs require more education than a high school diploma or a GED but less education than a 4-year degree. In Ohio, nearly 55 percent of all jobs are mid-level jobs, and many of these jobs receiving the new Federal job creation dollars are in health care, green jobs, infrastructure, and construction. Unfortunately, only 45 percent of workers in Ohio have the skill sets for these jobs.

Alarmingly, Madam Speaker, the National Commission on Adult Literacy recently reported that 30 million adults score at ''below basic'' levels on assessment tests, meaning they can perform

no more than the most rudimentary literacy tasks. Another 63 million adults are only able to perform only simple, basic everyday literacy tasks. Consequently, Madam Speaker, we have a mismatch between skills of our Nation's workforce, and we must have the ability to succeed and the skills our Nation's workforce actually possesses. What we need to do is match those skills and the people who need jobs.

Years ago, our Nation established a number of workforce development programs to meet this demand by preparing workers for mid-level jobs. Since that time, Federal education and training policies have invested very little in these jobs. Investments in the programs that prepare middle-skilled workers have plummeted. As a result, too many workers struggle to find decent jobs, and too many employers struggle to find skilled employees.

Education and training institutions like community colleges are at the forefront in identifying emerging market demand and training workers to meet 21st century employer needs for professional or career-path opportunities. It is critical that our Federal workforce development policy support the kind of work they are doing.

Cuyahoga Community College, or, as we call it at home, Tri-C, established the Center for Healthcare Solutions, which specializes in fast-track training, allowing displaced workers an opportunity to quickly transition into living wage occupations such as State-tested nursing assistant, dental office assistant, the medical coding specialist that provides stackable credentials and opportunities for rapid career advancement. To meet the needs of a growing health care sector, Tri-C has partnered with the Cleveland/Cuyahoga County Workforce Investment Board to offer State-tested nursing assistant training at the Employment Connection, which is our local one-stop career center. The partnership removes barriers to success for clients by providing wraparound services, which are fundamental skills job training and placement services.

With over 60 hospitals, 30 colleges and universities, strong manufacturing capabilities, and billions of dollars in public and private investment, northeast Ohio is poised to become a biomedical hub. The business development organization BioEnterprise reports that the biomedical industry has grown more than 30 percent in the last 5 years, helping northeast Ohio become home to over 600 biomedical companies. Tri-C offers training for all facets of this growing industry through its one-of-a-kind bioscience laboratory featuring medical device manufacturing, pharmaceutical drug manufacturing, and business startups through its Key Entrepreneur Center for Sustainability.

In 2007, approximately 1,500 positions were unfilled in the bioscience industry due to the lack of a trained workforce. It is estimated that approximately 900 of the unfilled positions are in the functional areas of manufacturing and quality control. We have to bridge this disconnect, Madam Speaker, and help obtain the skill set for this job and others like it. Tri-C's Advanced Manufacturing & Engineering Center was honored with Team NEO's Economic Development Impact Award for developing a remedy for this workforce shortage. The center has more than 12,000 square feet of renovated space and more than $6 million of modern equipment and tooling simulators.

Although manufacturing jobs have decreased significantly over the last 30 years, the manufacturing sector in and around my district provides nearly 300,000 jobs, which is 15 percent of the total workforce. It also generates $36 billion in gross regional product, which is 20 percent of the total gross regional product. Many of the low-skilled occupations have left the region, but there is a significant number of high-skilled, high-wage-paying jobs in advanced manufacturing. This increasingly computerized sector requires a new set of skills. Model job training would work hand in hand with employers to develop customized training for state-of-the-art equipment. Locally, we have developed a Ford Manufacturing Technician Program that is offered for Ford workers at the regional plants for college credit.

Transportation and logistics is also an in-demand sector because of our local regional concentration of warehouses and factories. Utilizing labor market intelligence, the Regional Transportation Institute features a truck driving institute and radio frequency identification lab that sits on the cutting edge of logistics and material tracking systems. Cleveland, Madam Speaker, is within 500 miles of 43 percent of the United States population and is ideally situated as a transportation and logistics hub. The occupations are high tech and hands on.

Recognizing the increasing need for construction contractors to interpret green job specifications, the Green Academy and Center for Sustainability was developed in the fall of 2008. The academy offers both professional development training in the areas of sustainable business practices, Leadership and Energy in Environmental Design accreditation and certification along with a multitude of other offerings in the new green economy requested by businesses and the community. Through GACS, the Pathways to Green Jobs programs will transition at-risk populations into green occupations through training opportunities in deconstruction, weatherization, wind turbine components, manufacturing, and solar panel installation. The first Pathways class, consisting largely of formerly incarcerated individuals and people lacking permanent homes, provide soft skills training along with contextualized hands-on training in a green job.

Federal workforce development programs have faced extremely deep funding cuts over the past 8 years. The Workforce Investment Act, or WIA, and the Wagner-Peyser Employment Services lost more than $9 billion in funding since 2001, reducing the capacity of our national workforce system to respond even to normal levels of demand for skilled workers, let alone the extraordinary demands for job training and reemployment services we now face.

The American Recovery and Reinvestment Act made nearly $4 billion in new funding available through the Department of Labor for jobs training programs. Just under $3 billion of this funding has already gone out to States through formula grants under the Workforce Investment Act. Speaking with the Deputy Director of Workforce Training in Cuyahoga County, I learned that the county will receive nearly $14 million in training. The money will help dislocated adults and youth workers. Another $750 million is due to go out in the form of competitive grants to train people in green jobs, health care, and other high-demand sectors.

There are funds from the Recovery Act that are available to agencies to create jobs in the energy efficiency and renewable energy fields, build roads and bridges, create a new broadband infrastructure, address our Nation's ever-growing health care needs, retrofit public housing and government buildings, and weatherize hundreds of thousands of homes for low-income homeowners. While some of these jobs can be filled by displaced workers already in the affected sectors, many more will be filled by workers dislocated from other sectors like young people entering the labor market for the first time and disadvantaged individuals who previously lacked the skills and opportunities. We cannot expect untrained workers to simply show up at a work site ''shovel ready.''

It is essential that institutions and training facilities have the capacity and resources necessary to identify the emerging needs of the region in order to best prepare the workforce for lifelong employability. Tri-C is currently serving as a regional co-coordinator for the Ohio Skills Bank initiative through Governor Strickland's Turnaround Ohio plan. The Ohio Skills Bank shares Tri-C's goals of having seamless career pathways and certifications that allow adult workers to earn college credit while increasing their job skills and, ultimately, their wages. Employers must create and implement these programs. Through the Ohio Skills Bank, northeast Ohio has decided to first focus on the health care, manufacturing, and information technology sectors as key industries that have immediate workforce needs.

My region is poised to leverage funding made available through the American Reinvestment and Recovery Act

with an existing and nimble infrastructure focusing on career pathways, industry partnerships, and increased training. To best address emerging industry needs with a new kind of workforce that requires a high level of transferrable skills, it is necessary to adjust funding structures so that training opportunities are accessible and usable. The United States Department of Labor has asked that each State revise their State Workforce Investment Act plans to reflect the strategies they intend to pursue and implement these goals. States have the opportunity to increase training capacity through the reauthorization of the Workforce Investment Act with a few key shifts in how the funding is structured.

□ 2030

To increase training, as prioritized by Congress, funding must directly support educational training facilities. This will allow institutions like Tri-C to increase capacity and provide a more effective, less expensive way of receiving immediate training. A few ways to achieve this would be for Congress to eliminate the mandatory sequence of services that very often hurts individuals seeking job training, thereby slowing down the process by which people access the services they need most. In the majority of cases, strong worker training would be the answer. An increased emphasis on training must be coupled with direct support for the development of additional training at community colleges.

A second way to improve the program is through the authorization of Community-Based Job Training Grants created in 2004. These grants build the capacity of community colleges to train workers and develop the skills necessary for success in high-growth and high-demand industries. Finally, Congress should give local workforce investment groups greater flexibility to utilize training contracts. This is especially helpful with low-tuition training providers. We have the opportunity to think broadly about the most effective ways to deliver Workforce Investment Act funds at the regional and local levels. This would ensure the proper mix between participant access to training and the development of training capacity. The Community-Based Job Training Grants provide a model for examining possible reforms of service delivery under the adult and dislocated worker program.

It appears that we are moving toward a pyramid economy, with a small number of highly skilled jobs at the top, a large number of low-skill, low-paying jobs at the bottom, and relatively few middle-class, mid-level jobs, which actually drove the unprecedented growth of our Nation's economy in the 20th century and made the American Dream a reality for millions of families. But the reality is that mid-level jobs still account for almost half the jobs in this country and will continue to be the largest job segment in the economy for years to come. As we look to reform our workforce development system to meet the demands of the 21st century labor market, we need to make sure we focus on proven strategies that help workers acquire the skills necessary to fill these jobs and ensure that employers have a skilled workforce which is able to compete in today's global economy. Two strategies emerged as best practices at the State level—sector partnerships and career pathways. Both can help us achieve this goal, and we should ensure that a reauthorized WIA supports these strategies.

Sector partnerships work by bringing together multiple stakeholders in a specific industry with the interest in developing and implementing workforce development strategies that can contribute to local and regional growth. These stakeholders include firms, labor organization, education and training providers, community-based organizations, and State and local agencies. Sector approaches draw upon the experience of many partners who improve worker training, retention and advancement by developing cross-firm skill standards, career ladders, job redefinitions, and shared training and support capacities that facilitate the advancement of workers at all skill levels, including the least skilled. An emerging body of research demonstrates that sector strategies can provide significant positive outcomes for workers, including increased wages and greater job security.

Sector strategies have become an integral part of the way some States respond to local and regional workforce needs. For example, as discussed earlier, the Ohio Skills Bank is implementing workforce development efforts across a broad range of industries in each of the State's 12 economic development regions. Another example is Congressman FATTAH's State of Pennsylvania, which has more than 6,000 firms participating in nearly 80 partnerships, and 70,000 workers receiving training services since 2005.

To date, at least 39 States have adopted industry or sector strategies; but for the most part they are doing so in spite of the Workforce Investment Act, not because of it. As written, the Workforce Investment Act does not adequately support the hard work of convening multiple stakeholders and allowing a local area or a region to develop targeted depth and capacity in high-growth and emerging industries in a way that complements broader workforce development efforts. The SECTORS Act, introduced in the House, of which I am a cosponsor, would establish a separate title under WIA to support industry or sector partnerships and strategies. As a supporter of the legislation, I am working to ensure that the principles set forth in this bill are included in a reauthorized WIA.

Federal workforce development policy also needs to recognize that different workers enter the job market in different ways, from young people entering apprenticeship programs or community colleges, dislocated workers seeking new skills to transition to new careers, to low-income adults enrolling in adult education courses to obtain the basic skills and the literacy needed to pursue an industry-recognized credential. For reasons of both equity and economic necessity, we must work to provide every individual interested in improving their skills with the means and the opportunity to do so while removing barriers they may face along the way.

Career pathways accomplish this goal of easing individuals into the job market by aligning adult education, job training and higher education systems to create seamless transitions for workers at all points of their educational and career trajectories. Successful career path models allow individuals to easily move between institutions and programs to acquire the skills and credentials they need to take advantage of new career opportunities while continuing to work and support their families.

As with sector partnerships, States have tapped into career pathways models as a way to provide economic opportunities for citizens while supplying businesses with new sources of talent. Washington State has had significant success with its own I-Best model, which combines occupational skills training, college-level coursework, and English language and basic skills education to prepare workers for a broad range of occupations. Research indicates that I-Best participants are more likely to continue into credit-bearing coursework and earn occupational credentials than other adult education students. Congressman BOBBY SCOTT's State of Virginia just recently announced the implementation of a statewide strategy to facilitate student transitions between education and employment systems and expand the provision of supportive services to ensure success.

Unfortunately, current law across a number of Federal programs—including WIA, the Higher Education Act and Temporary Assistance For Needy Families—presents significant obstacles to the development of career pathways, establishing different funding streams for various educational and employment programs and often creating conflicting performance measures between systems.

Even within a single program such as WIA, we often see disconnects in the system. For example, one outcome measure for an individual receiving adult basic education services under WIA title II is the attainment of a GED. However, simply having a GED does not mean that a person has the skills he or she needs to enroll in a job training program funded under WIA title I. Unfortunately, far too often people confronted with such obstacles get frustrated and drop out of the system and never get the skills they need to succeed in the workforce. We must

work to reduce the barriers between systems under current Federal law and create incentives for States to better align and connect their workforce development, education and human services systems. WIA authorization is certainly one great place to start.

Madam Speaker, with that, I would now yield to the distinguished Member from California, our Chair, the gentlelady from California, BARBARA LEE.

Ms. LEE of California. Thank you, Congresswoman MARCIA FUDGE, the gentlelady from Ohio, for continuing to, as I say, beat the drum every Monday night on behalf of the Congressional Black Caucus, on behalf of many of our communities, which have been really shut out and marginalized for years and years and years but also on behalf of the American people because we know and we recognize, as members of the Congressional Black Caucus, that what's good for our communities, especially communities of color, the African American community, makes America stronger. It's good for the country. So thank you very much for continuing to lift our voices on behalf of the people.

Tonight you've done a great job talking about really the reason and the rationale that we have to embrace workforce development training, job training. Because so many of our constituents are not only recently unemployed, but they just haven't been employed for many, many years, for many, many historic reasons, many of which are systemic. The opportunities just have not been there. As I was listening to you, I was reminded of the new green industry. It's a trillion-dollar industry, but of course there are many in our country who don't have the requisite skills to be able to even apply for these jobs in this new industry.

I want to just call attention to one organization in my district, in Oakland California, the Oakland Green Job Corps, where young people are learning green technology, are learning to weatherize homes, are learning to put solar panels on roofs. They are learning and developing the skills necessary to be able to be fully employed in this new industry, and these are young people who may not have had a chance, had it not been for the Cyprus Mandela Training Center, Mayor Ron Dellums, our city of Oakland, and of course the Department of Labor and all of the partners who have helped put that together. Our energy czar from the White House, Ms. Browner came out, and she looked at the Green Job Corps, and we are hoping that this will be seen as a model to replicate throughout the country.

Let me just remind you that the Congressional Black Caucus has historically been known as the conscience of the Congress, and we recognize that the dignity of all human beings is extremely important in our work to close these—some of us call it these moral gaps that exist, these disparities. And tonight of course we're talking about jobs, employment and unemployment.

Well, the good-paying jobs recognize the dignity of all human beings; and when people are unemployed, when they don't have jobs, it's very difficult to take care of their families, take care of themselves. As a person who majored in psychiatric social work, I understand all the psychological effects. We just see that each and every day now, the emotional trauma, the depression. Suicide rates are soaring now as a result of this Bush recession. So we have to remember that when people are unemployed, it's not only that they don't have a job to make money; but it's their self-esteem, their self-worth, it's their dignity that becomes shattered as a result of this, and so we have to work very hard each and every day to make sure that we provide the vehicles and the opportunities for everyone in our country to get a job.

The trigger may have been, of course, the bubble in the housing markets in terms of the unemployment rate; but I tell you, these excesses on Wall Street and the failure of the Bush administration to enforce any securities laws, the deregulation of the financial services industry—and I was on the Financial Services Committee for 8 years, and we kept talking about that with Chairman Greenspan, and there were very few who really wanted to bite the bullet and say, we have to not do this. But we did, unfortunately. So now we have an industry that's just run wild, really. It's run amok. We also have to remember that there was very little oversight of the banks, and this unfortunate situation has spread this crisis to each and every household and business in our country. We've seen 7 million jobs lost since the beginning of the Bush recession, and the unemployment rate has now risen to 9.4 percent nationally—14.9 percent, however, for African Americans and for Latinos.

Now during the Bush administration, 5 million more people fell into poverty. Unfortunately now we have 37 million Americans living in poverty, 47 million with no health insurance, and that is rising. So we have to tackle this because if we don't tackle this, we will have millions more living in poverty. Actually, last week the Congressional Black Caucus released our agenda as well as our biannual report, and we call it Opportunities for All—Pathways Out of Poverty.

□ 2045

All members of the CBC put one of their bills on this agenda. We have 42 bills, and if you look at each and every one of the pieces of legislation that is pending that we consider our priority legislation, each one provides a pathway out of poverty and an opportunity for all.

We also, unfortunately, in the last few years have watched company after company cut their benefits, and millions more Americans now, as I said earlier, have lost their health insurance and their retirement plans and pension plans have fallen, unfortunately, off the table.

The last administration has left us and our Nation in shambles, and it is really critical that we come together to begin the work of providing opportunities for all in America and ending this spiral of poverty that is spiraling downward, unfortunately, with millions more people in this situation.

We have got to expand and extend the proven anti-poverty programs that were included in the American Recovery and Reinvestment Act, like expanding access to the Child Tax Credit and the Earned Income Tax Credit. We have to maintain support for the vital extensions of unemployment insurance and COBRA health insurance.

Millions of Americans need these subsidies, while millions of Americans continue to face job loss and extended periods of unemployment. These are stopgap measures, but this has to be seen as necessary just to stop the hemorrhaging and give people some relief so they can survive and sustain themselves until the jobs that we are working so hard to create are created.

We have got to maintain support for and invest in education and job training programs, as Congresswoman FUDGE talked about earlier, and fully support initiatives such as the Affordable Housing Trust Fund and the Neighborhood Stabilization Program, which our colleague Congresswoman MAXINE WATERS, who chairs the Housing and Opportunity Subcommittee of the Financial Services Committee, worked so hard with the Congressional Black Caucus' support to bring some stability to our hardest-hit communities.

But we all know we have to do more. We need to raise and index the minimum wage so that every working person can be assured that they will earn a wage that will lift them up and out of poverty each and every year without having to rely on legislation to keep up with increases in the cost of living. Yes, we increased the minimum wage several years ago; but I believe, like many of my colleagues believe, that we must support and find ways to provide for a living wage. Raising the minimum wage is not enough.

We also must ensure access to early childhood education, guarantee a quality public education for every American student, and make sure that every working family has access to affordable, quality child care.

Again, why is child care so important? Well, we have millions of women, millions of single moms and single men who want to work, but they can't afford the child care. So we cannot look at creating jobs without understanding we must provide for the job training and child care assistance so that they can really afford to get a job and will not have to worry about their young people.

Also, and oftentimes we forget this, there are millions of men now that we call in my community ''formerly incarcerated individuals'' who have been released from jail. We know that the recidivism rate is very high, and part of

the reason is because there is very little employment for these individuals. So we have to provide support for our reentry initiatives.

I am very proud of the fact that Congressman DANNY DAVIS, a member of the Congressional Black Caucus from Illinois, continues to work on behalf of those who would not have this second chance. We passed the Second Chance Act a couple of years ago, but we must fully fund this so that we can provide for that job training and those jobs for formerly incarcerated individuals.

Also our disconnected youth. We have young people who need jobs. Many families now, because of the fact that mothers and fathers are unemployed, oftentimes young people have to help, and they deserve to be able to get a job too. So we have to fully fund and support summer job programs for our young people, which I am very proud of the fact that President Obama, Speaker PELOSI and all of our leadership here, our majority whip, Mr. CLYBURN, supported with the economic recovery package to make sure we have funding in there for our summer jobs program for youth.

Also access to health care. Some of us believe, and I know many of us in the Congressional Black Caucus believe, that health care should not be a privilege. It is a basic right. It is a basic right, and as we begin health care debate, again we cannot forget that closing health care disparities in communities of color must be part of any health care reform package. Otherwise, those communities, those individuals who have historically been discriminated against in our health care system, and really that is what has happened over the years, it has been discrimination, they deserve to have some of these gaps closed. So this has to be part of, again, a comprehensive approach to job creation and employment.

So let me just conclude by saying that during this economic crisis, we think that we have to see this also as an opportunity to make the changes that we seek, some of the systemic changes that we seek, to guarantee access to health care, to guarantee and ensure fair and adequate housing for all, and to provide top-flight education for all of our children and support the growth of the new green living wage economy that will carry America into the 21st century.

We have to support the Employee Free Choice Act, because many of us in the African American community know if it hadn't been for labor unions, many of our families would not have become middle income. So the right to organize, the right to participate and to be in a union is essential, because when we are talking about jobs, we are not just talking about a job; but we are talking about a job with justice, jobs with good pay, with benefits, with a pension, with health care, the type of a job that any American deserves. So this Employee Free Choice Act is an extremely important part of any jobs movement that we have developed here in the Congress.

The Congressional Black Caucus continues to be the conscience of the Congress, and we are going to continue to speak out and work with those who don't have a voice, who have been marginalized, and who could possibly be left behind were it not for members of the Congressional Black Caucus who stand strong, 42 of us, in moving forward an agenda, opportunities for all, pathways out of poverty.

Let me thank Congresswoman MARCIA FUDGE again for stepping up to the plate and for bringing this very critical debate once again on a Monday night to the country.

Ms. FUDGE. Thank you, Madam Chairman.

I would again like to thank our Chair for her leadership. Certainly Congresswoman LEE has kept the focus of the CBC on those who have the least, and that is very, very important. She has kept our focus on job creation and has allowed us to be the voice for the voiceless. With her leadership, we know that we represent more of the poor than any other group of people in this House, and it is just refreshing to know that our focus as a caucus is on poverty and jobs. I thank you again for your leadership.

Ms. LEE of California. If the gentlelady will further yield for a moment, please, let me talk about very quickly one of the aspects of job creation and the issue as it relates to pay equity for women.

As I remember, the numbers are really staggering when you look at women. They make I think it is maybe 70-some cents on the dollar; African American women a lot less, maybe 60-some cents on the dollar; and Latinas even less than that.

I think it is very important as we talk about jobs and job creation, we have to really first applaud the President for signing the Lilly Ledbetter Act, and, secondly, in each and every initiative that we take here in the House, make sure that we look at the bills in terms of the type of equity and justice it brings to women, because women have a long way to go in our society.

We have made tremendous gains, but when you look at these moral gaps in terms of wages, we have to understand that we do need to take, and some don't want to say affirmative action, but I consider affirmative action a very Democratic policy, and so we do need to take affirmative action to make sure that these disparities in wages as they relate to women are closed and closed very quickly as we create these new jobs in the industries of the future.

Ms. FUDGE. Thank you, Madam Chairman. I would say there are so many things we need to be addressing. Certainly what I have found in my home district is that as you look at what is happening with women and children, it is really appalling. Right now, the fastest growing group of children in schools today are homeless children. That means their parents are homeless, and more times than not it is just a mother. So these are people who most of the time don't have jobs and don't have the ability to take care of their children, and we have to do what we have to do as a government. We have to make sure we provide.

So I am really happy that in the Recovery and Reinvestment Act we put significant money in there for shelters, for meals for children, for food stamps, for many things that I think are going to make their lives better. We have done what we think we needed to do to at least get them back moving in the right direction.

So I think you are right. As we look at where women are today, not just in equal pay, not just in benefits, but in how we live as people in this society, I think it is very, very important that we focus on where women are going in this society. I know that because of your leadership, that is one of the things the CBC has been looking at.

So I thank you again for all that you do to make sure that women get equal treatment, that women have the ability to raise their children in a positive and safe place, because if we hadn't done some of the things that we have done with this recovery package, where would they be? Certainly you may be poor, but you still deserve a decent place to live. You still deserve to be able to feed your children and send your kids to school in a safe environment.

Again, I thank you just for the kind of leadership that you have given to us that makes us really take a look at what is happening in our communities.

Ms. LEE of California. Well, I thank the gentlelady for her comments, and I just want to say, we have to look at what is taking place with everyone in our country during this economic downturn. Many have said, why would we do some of the things we did in the economic recovery package, such as many of the initiatives that you spoke of? How could we not do it? Otherwise we would leave millions behind once again. So that was a mandate that we had to do.

Another area that you helped us so brilliantly on was the involvement of and ensuring the involvement of minority and women-owned businesses in the economic recovery package.

Oftentimes, as difficult as it is when you lose a job and are unemployed, new opportunities open up. Small entrepreneurs now have the opportunity, those with creative ideas, to establish small businesses. We put I believe it was $35 million in a micro-loan program, so the small entrepreneurs, people who have been unemployed, who want to start a business, who want to start whatever type of a business, can go to the SBA now and apply for a loan without having to go through all of the rigmarole that oftentimes businesses have to go through. Now people who

have been recently unemployed can have the opportunity to actually establish a small business so that they can take care of themselves and their families during this very difficult time.

We also made sure that we put some very strong language in terms of the involvement of minority and women-owned businesses in all the Federal funding that was coming through the agencies in our package, for example, the Department of Transportation and the infrastructure money.

Well, I am saying this loud and clear now to everyone in this country in terms of minority and women-owned businesses: that money that will be coming to these States, you have to make sure that you involve your minority and women-owned companies in contracts and subcontracts in this construction money, in this infrastructure money, because it is all well and good to be able to hire people for the jobs, but there are many who have the skills and the businesses who want to participate in the economic vitality of our country through the business route. So it is very important that our small and minority-owned and women-owned businesses are able to create the jobs themselves.

That is a Federal requirement. Hopefully, States are complying with the law. But if they are not, we definitely have an oversight process that is going to be looking at this.

I happily yield back to my colleague from Ohio.

□ 2100

Ms. FUDGE. Again, Madam Chairman, I think that we have done a lot of work in a very short period of time. And I thank you for your leadership, and certainly I thank our leadership, the leadership of our caucus, as well as the leadership of the administration of our Nation for their vision.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Mr. HOYER) for today on account of family reasons.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of travel.

Mr. MACK (at the request of Mr. BOEHNER) for today, June 9 and 10 on account of attending his daughter's graduation.

Mrs. BONO MACK (at the request of Mr. BOEHNER) for today, June 9 and 10 on account of attending her daughter's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, June 12.

Mr. BURTON of Indiana, for 5 minutes, today, June 9, 10, 11 and 12.

Mr. POE of Texas, for 5 minutes, June 12 and 15.

Mr. MORAN of Kansas, for 5 minutes, today, June 9, 10, 11, 12 and 15.

Mr. JONES, for 5 minutes, June 12 and 15.

Mr. PAULSEN, for 5 minutes, June 9.

Mr. MCCLINTOCK, for 5 minutes, June 9.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 663. An act to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''.

H.R. 918. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''.

H.R. 1595. An act to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the ''Brian K. Schramm Post Office Building''.

ADJOURNMENT

Ms. FUDGE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 9, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2035. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Mushroom Promotion, Research, and Consumer Information Order [Document Number: AMS-FV-09-0019; FV-09-703] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2036. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Order Amending Marketing Order No. 984; Correcting Amendment [Doc. No.: AO-192-A7; AMS-FV-07-0004; FV06-984-1 C] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2037. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearment Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2009-2010 Marketing Year [Doc. No.: AMS-FV-08-0104; FV09-985-1 FR] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2038. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Change in Regulatory Period [Doc. No.: AMS-FV-309-0012; FV09-959-1 IFR] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2039. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Honey Research, Promotion, and Consumer Information Order; Termination [Document Number: AMS-FV-09-0006; FV-09-701] received May 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2040. A letter from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting a letter to report the Antideficiency Act violation, Army case number 06-07, estimated at $32,144,000, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

2041. A letter from the Major General, USAF Vice Director, Defense Logistics Agency, transmitting notification that the Section 14 Biennial Requirements Report has been delayed pending completion of the Senate Appropriations Committee (SAC) report to accompany H.R. 3222, the FY 2008 National Defense Appropriations Bill, S. Rep. No. 110-155; to the Committee on Armed Services.

2042. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of the Navy, transmitting a letter notifying Congress of a performance decision by the Department of the Navy to convert the information assurance functions currently being performed by eight (8) military personnel of the Fleet Area Control and Surveillance Facility, located in Virginia Beach, VA; to the Committee on Armed Services.

2043. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Security Clause (RIN: 1991-AB71) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2044. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Organ-Specific Warnings; Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Monograph [[Docket No.: FDA-1977-N-0013] (formerly Docket No.: 1977N-0094L)] (RIN: 0910-AF36) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2045. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations [MB Docket No.: 08-253] received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2046. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2047. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2048. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting letter(s) of Offer and Acceptance for Transmittal No. 09-22, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2049. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting proposed Letter(s) of Offer and Acceptance for Transmittal No. 09-15, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2050. A letter from the Acting Assistant Secretary Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 032-09, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

2051. A letter from the Acting Assistant Secretary Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 036-09, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

2052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-78, ''Transportation Infrastructure Improvements GARVEE Bond Financing Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2053. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2054. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2055. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2056. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2057. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2058. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

2059. A letter from the Director, Department of Justice, transmitting the Department's report entitled, ''National Prescription Drug Threat Assessment 2009 (NPDTA 2009)''; to the Committee on the Judiciary.

2060. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on Settlements by the United States with Nonmonetary Relief Exceeding Three Years and Settlements Against the United States Exceeding $2 Million for the Fourth Quarter 2008, pursuant to Public Law 107-273, section 202(a)(1)(c); to the Committee on the Judiciary.

2061. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 (including the MD902 Configuration) Helicopters [Docket No.: FAA-2008-0772; Directorate Identifier 2008-SW-30-AD; Amendment 39-15872; AD 2009-07-13] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2062. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Liberty Aerospace Incorporated Model XL-2 Airplanes [Docket No.: FAA-2009-0329; Directorate Identifer 2009-CE-020-AD; Amendment 39-15878; AD 2009-08-05] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2063. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model BH.125 Series 600A Airplanes and Model HS.125 Series 700A Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA2271SW [Docket No.: FAA-2008-1240; Directorate Identifier 2008-NM-098-AD; Amendment 39-15877; AD 2009-08-04] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2064. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2008-0412; Directorate Identifier 2007-NM-346-AD; Amendment 39-15870; AD 2009-07-11] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2065. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters [Docket No.: FAA-2009-0301; Directorate Identifier 2008-SW-69-AD; Amendment 39-15876; AD 2009-08-03] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2066. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) JT9D-7 Series Turbofan Engines [Docket No.: FAA-2008-0759; Directorate Identifier 2008-NE-02-AD; Amendment 39-15824; AD 2009-04-18] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2067. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines [Docket No.: FAA-2008-1025; Directorate Identifier 2008-NE-31-AD; Amendment 39-15862; AD 2009-07-03] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2068. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; Model DC-8-70F Series Airplanes [Docket No.: FAA-2008-1324; Directorate Identifier 2008-NM-101-AD; Amendment 39-15875; AD 2009-08-02] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2069. A letter from the Program Analyst, Department wof Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell Flight Management System (FMSs) Equipped with Honeywell NZ-2000 Navigation Computers and Honeywell IC-800 or IC-800E Integrated Avionics Computers; as Installed on Various Transport Category Airplanes [Docket No.: FAA-2008-0899; Directorate Identifier 2008-NM-022-AD; Amendment 39-15874; AD 2009-08-01] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2070. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds [Docket Number: 0812021539-81544-01] received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2071. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Measurment, Science and Engineering Research Grants Programs; Availability of Funds [Docket No.: 0812021541-81547-01] received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2072. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — IMPORTED DIRECTLY REQUIREMENT UNDER THE UNITED STATES-BAHRAIN FREE TRADE AGREEMENT [Docket No.: USCBP-2009-0015 CBP Dec. 09-17] (RIN: 1505-AC13) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2073. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Insturments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2009-16) received May 20,2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2074. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 72.-Annuities; certain proceeds of endowment and life insurance contracts (Also Sections 1001, 1011, 1012, 1221, and 1234A) (Rev. Rul. 2009-13) received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2075. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Date for Multiemployer Plans to Elect Relief under Sections 204 and 205 of WRERA [Notice 2009-42] received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2076. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 101.—-Certain Death Benefits. (Also Sections 263, 865, 1001, 1011, 1012, and 1221) (Rev. Rul. 2009-14) received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2077. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rule and Regulations. (Also Part I, Sections 25, 103, 143; 1.25-4T, 1.103-1, 6a.103A-2.) (Rev. Proc. 2009-27) received May 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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:

[Pursuant to the order of the House on June 4, 2009 the following report was filed on June 5, 2009]

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2454. A bill to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy; with an amendment (Rept. 111–137 Pt. 1). Ordered to be printed.

[Submitted on June 8, 2009]

Mr. CONYERS: Committee on the Judiciary. H.R. 1741. A bill to require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain protection and witness assistance programs; with amendments (Rept. 111–138). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 2344. A bill to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters (Rept. 111–139). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1687. A bill to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse''; with amendments (Rept. 111–140). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 472. Resolution congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and their dedication to general aviation, safety and the important contribution general aviation provides to the United States; with an amendment (Rept. 111–141). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 410. Resolution recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States (Rept. 111–142). Referred to the House Calendar.

[The following action occurred on June 5, 2009]

Pursuant to clause 2 of rule XII the Committees on Education and Labor and Foreign Affairs discharged from further consideration of H.R. 2454.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

(The following action occurred on June 5, 2009)

H.R. 2454. Referral to the Committees on Financial Services, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, and Ways and Means for a period ending not later than June 19, 2009.

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. MAFFEI (for himself, Mr. KRATOVIL, Mr. VAN HOLLEN, Mr. HOYER, Mr. MCMAHON, Ms. SUTTON, Mr. BARTLETT, Mr. HALL of New York, Mr. POSEY, Mr. HEINRICH, Mr. PAULSEN, Ms. SHEA-PORTER, Mr. MANZULLO, Mr. DEFAZIO, and Mr. DAVIS of Alabama):

H.R. 2743. A bill to restore the economic rights of automobile dealers, and for other purposes; to the Committee on Financial Services.

By Ms. RICHARDSON (for herself, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONYERS, Mr. FILNER, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Ms. NORTON, Ms. ROYBAL-ALLARD, and Ms. BORDALLO):

H.R. 2744. A bill to prohibit discrimination in Federal assisted health care services and research programs on the basis of sex, race, color, national origin, sexual orientation, gender identity, or disability status; to the Committee on Energy and Commerce.

By Mr. HENSARLING:

H.R. 2745. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide repayment procedures for certain assistance received under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. CARNAHAN (for himself and Ms. MATSUI):

H.R. 2746. A bill to amend title 49, United States Code, to allow for additional transportation assistance grants; to the Committee on Transportation and Infrastructure.

By Mrs. HALVORSON:

H.R. 2747. A bill to amend the Small Business Act to improve outreach and support activities and to increase award recipients from rural areas with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2748. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. PALLONE, Mr. STUPAK, Ms. DEGETTE, and Ms. SUTTON):

H.R. 2749. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LATOURETTE (for himself, Mr. KUCINICH, Mr. MCCOTTER, Mr. NUNES, Mr. YOUNG of Alaska, Mr. MCKEON, Mr. TIBERI, Mr. YOUNG of Florida, Mr. TURNER, Mr. WHITFIELD, Mr. MCHENRY, and Mr. SIMPSON):

H.R. 2750. A bill to restore the economic rights of automobile dealers, and for other purposes; to the Committee on Financial Services.

By Ms. SUTTON (for herself, Mr. ISRAEL, Mr. DINGELL, Mr. INSLEE, Mr. STUPAK, Mr. WAXMAN, Mr. BARTON of Texas, Mr. MARKEY of Massachusetts, Mr. UPTON, Mrs. MILLER of Michigan, Mr. BRALEY of Iowa, Mr. ROGERS of Michigan, Ms. DEGETTE, Mr. DOYLE, Ms. BALDWIN, Mr. BOCCIERI, Ms. FUDGE, Mr. CARNAHAN, Mr. COURTNEY, Mr. SCHAUER, Mr. ARCURI, Mr. MCCOTTER, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. CAMP, Mr. HARE, Mr. KILDEE, Mr. BLUMENAUER, Mr. LOEBSACK, Mr. HALL of New York, Mr. PETERS, Mr. MICHAUD, Mr. MCNERNEY, Ms. KILROY, Mr. SARBANES, Ms. TITUS, Ms. KILPATRICK of Michigan, Mr. HILL, Mr. CONNOLLY of Virginia, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. DRIEHAUS, Mr. LATOURETTE, Mr. COHEN, Mr. BISHOP of New York, Mr. WATT, Mr. YARMUTH, Mr. KAGEN, Mr. PERLMUTTER, Mr. LEVIN, and Ms. SCHAKOWSKY):

H.R. 2751. A bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles; 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. AKIN (for himself, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CARTER, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GRAVES, Mr. HERGER, Mr. HOEKSTRA, Mr. JORDAN of Ohio, Mr. LAMBORN, Mr. LATTA, Mr. MARCHANT, Mr. MCCOTTER, Mr. MORAN of Kansas, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. TERRY, Mr. TIAHRT, Mr. WAMP, and Mr. WILSON of South Carolina):

H.R. 2752. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. BERRY:

H.R. 2753. A bill to delay the implementation of new Medicare hospital geographic wage reclassification criteria until the Secretary of Health and Human Services issues a proposal to revise the hospital wage index classification system that addresses certain considerations; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. TERRY):

H.R. 2754. A bill to amend the Public Health Service Act to establish the Nurse-Managed Health Clinic Investment program, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Ms. CASTOR of Florida, Mr. GRIJALVA, and Ms. CORRINE BROWN of Florida):

H.R. 2755. A bill to amend the Elementary and Secondary Education Act of 1965 to assist underperforming schools to recruit, support, and retain highly qualified and effective teachers by providing grants for participation in the Targeted High Need Initiative program of the National Board for Professional Teaching Standards; to the Committee on Education and Labor.

By Mrs. DAVIS of California (for herself, Mr. BLUMENAUER, Mr. CALVERT, Ms. SPEIER, Mr. KIND, Mr. MCNERNEY, Mr. RODRIGUEZ, Mr. BACA, Mr. BILBRAY, and Mr. FILNER):

H.R. 2756. A bill to amend the Internal Revenue Code of 1986 to allow eligible veterans to use qualified veterans mortgage bonds to refinance home loans, and for other purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. REICHERT, Mr. LIPINSKI, and Mr. INGLIS):

H.R. 2757. A bill to require the return to the American people of all proceeds raised under any Federal climate change legislation; to the Committee on Ways and Means.

By Mr. KIND (for himself and Ms. BALDWIN):

H.R. 2758. A bill to amend part C of title XVIII of the Social Security Act with respect to Medicare special needs plans and the alignment of Medicare and Medicaid for dually eligible individuals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 2759. A bill waiving the cost-share requirement under the Staffing for Adequate Fire and Emergency Response grant program for grants awarded during fiscal year 2008; to the Committee on Science and Technology.

By Ms. WATSON (for herself, Mr. DREIER, Mr. HERGER, Mr. HUNTER, Mr. MCKEON, Mr. MCCARTHY of California, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. RADANOVICH, Mr. STARK, and Mrs. TAUSCHER):

H.R. 2760. A bill to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the ''Johnny Grant Hollywood Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself, Ms. NORTON, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. BUTTERFIELD, Mr. CONYERS, Mr. CLAY, Ms. LEE of California, Mr. TOWNS, Mr. AL GREEN of Texas, and Mr. FATTAH):

H.R. 2761. A bill to sever United States' government relations with the Cherokee Nation of Oklahoma until such time as the Cherokee Nation of Oklahoma restores full tribal citizenship to the Cherokee Freedmen disenfranchised in the March 3, 2007, Cherokee Nation vote and fulfills all its treaty obligations with the Government of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on 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. WELCH:

H.R. 2762. A bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. CLARKE, and Mr. MEEKS of New York):

H. Con. Res. 145. Concurrent resolution supporting the goals and ideals of National Caribbean American HIV/AIDS Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. DELAHUNT, Mr. MARKEY of Massachusetts, Mr. SERRANO, Ms. LEE of California, Ms. BORDALLO, Mr. MCGOVERN, Mr. HINCHEY, Mr. TOWNS, Mr. KUCINICH, Mr. FARR, Mr. HONDA, and Mr. OLVER):

H. Con. Res. 146. Concurrent resolution recognizing the 64th anniversary of the United Nations; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona:

H. Res. 515. A resolution condemning the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas on June 1, 2009; to the Committee on the Judiciary.

By Mr. MARKEY of Massachusetts (for himself and Mr. SMITH of New Jersey):

H. Res. 516. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease; to the Committee on Oversight and Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. REICHERT, Mr. INSLEE, Mr. BAIRD, Mr. DICKS, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. LARSEN of Washington, and Mr. SMITH of Washington):

H. Res. 517. A resolution congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mrs. CAPPS, Ms. BORDALLO, Ms. HIRONO, Mr. EHLERS, Mr. BAIRD, Mr. HOLDEN, and Mr. PALLONE):

H. Res. 518. A resolution honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation; to the Committee on Natural Resources.

By Mr. STUPAK (for himself, Mr. LARSEN of Washington, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. MASSA, Mr. SESTAK, Mr. LEVIN, Mr. DELAHUNT, Ms. WOOLSEY, Mr. HALL of New York, Ms. SLAUGHTER, and Ms. KAPTUR):

H. Res. 519. A resolution expressing appreciation to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States and congratulating Canada as it celebrates ''Canada Day''; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

63. The SPEAKER presented a memorial of the State House of Representatives of Michigan, relative to House Resolution No. 12 EXPRESSING SUPPORT FOR THE PEOPLE OF INDIA FOLLOWING THE TERRORIST ATTACKS IN MUMBAI AND TO MEMORIALIZE THE PRESIDENT AND CONGRESS TO WORK WITH INDIAN AUTHORITIES IN BOTH HUMANITARIAN AND STRATEGIC CAPACITIES; to the Committee on Financial Services.

64. Also, a memorial of the State House of Representatives of Michigan, relative to House Resolution No. 47 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO OPPOSE PREEMPTIVE FEDERAL INSURANCE REGULATORY MEASURES; to the Committee on Financial Services.

65. Also, a memorial of the State House of Representatives of Michigan, relative to House Resolution No. 40 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO GIVE FAIR CONSIDERATION TO ALL FACETS OF THE DOMESTIC AUTOMOTIVE INDUSTRY IN THE DISTRIBUTION OF THE $5 BILLION FEDERAL AUTO SUPPLIER TARP FUNDING, AND TO ENACT AN OVERSIGHT MECHANISM TO ASSURE THAT THE FUNDS ARE FAIRLY DISTRIBUTED; to the Committee on Financial Services.

66. Also, a memorial of the 52nd Legislature of Oklahoma, relative to SENATE RESOLUTION NO. 42 disagreeing with President Obama's Administration's characterization of returning military veterans and other supporters of traditional American values; to the Committee on Homeland Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CROWLEY:

H.R. 2763. A bill for the relief of Llesh Miraj, Enkeleda Miraj, Michaela Miraj, Vanessa Miraj, and Sabrina Miraj; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 2764. A bill for the relief of Lilly M. Ledbetter; to the Committee on the Judiciary, 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.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. KRATOVIL, Mr. CAMP, and Mr. BRADY of Texas.

H.R. 25: Mr. BARRETT of South Carolina.

H.R. 49: Mr. SMITH of Texas.

H.R. 137: Mr. AKIN and Mr. GINGREY of Georgia.

H.R. 211: Mr. ARCURI and Mr. WILSON of South Carolina.

H.R. 213: Mr. COHEN and Mr. FORTENBERRY.

H.R. 235: Mr. KRATOVIL, Mr. LOEBSACK, and Mr. HODES.

H.R. 303: Mr. GONZALEZ, Mr. DUNCAN, Mr. WITTMAN, Mr. BURGESS, and Mr. SCOTT of Virginia.

H.R. 327: Mr. CAO and Mr. HARPER.

H.R. 426: Ms. BERKLEY.

H.R. 430: Mr. SCHOCK.

H.R. 450: Mr. WAMP.

H.R. 503: Mr. PRICE of North Carolina and Mr. CLEAVER.

H.R. 574: Mr. WEINER.

H.R. 594: Mr. GRIJALVA.

H.R. 616: Mr. THOMPSON of Pennsylvania, Mr. KAGEN, Mr. MELANCON, Mr. GERLACH, Mr. HOLDEN, and Mr. BOYD.

H.R. 621: Mr. OBEY, Mr. BUTTERFIELD, Mr. THOMPSON of Pennsylvania, Mr. ABERCROMBIE, Mr. REYES, Mr. CASTLE, and Mrs. LOWEY.

H.R. 622: Mrs. DAHLKEMPER.

H.R. 690: Mr. MAFFEI, Ms. JENKINS, and Mr. MORAN of Kansas.

H.R. 710: Ms. MOORE of Wisconsin.
H.R. 745: Mr. BOUCHER.
H.R. 816: Ms. ROYBAL-ALLARD and Mr. NYE.
H.R. 840: Mr. NADLER of New York.
H.R. 853: Mr. KING of New York.
H.R. 881: Mr. TIAHRT and Mrs. MILLER of Michigan.
H.R. 913: Mr. PASTOR of Arizona.
H.R. 988: Mr. PLATTS, Mr. WALDEN, Mr. BRALEY of Iowa, Ms. SCHAKOWSKY, Mr. THOMPSON of Pennsylvania, Mr. LATOURETTE, Mr. MORAN of Virginia, and Mr. RYAN of Ohio.
H.R. 997: Mr. DAVIS of Tennessee.
H.R. 1064: Mr. BILBRAY, Mr. TONKO, Mr. TIM MURPHY of Pennsylvania, and Mr. REYES.
H.R. 1067: Mr. DEAL of Georgia.
H.R. 1103: Mr. CONAWAY and Mr. WILSON of South Carolina.
H.R. 1126: Mr. LYNCH.
H.R. 1135: Mrs. SCHMIDT.
H.R. 1142: Mr. BOUCHER.
H.R. 1165: Mr. PASTOR of Arizona.
H.R. 1166: Mr. MURTHA.
H.R. 1173: Mr. MURTHA.
H.R. 1177: Mr. MILLER of North Carolina, Mr. LAMBORN, Mr. ARCURI, Mr. ORTIZ, Mr. ROONEY, Mr. CONNOLLY of Virginia, and Mr. COLE.
H.R. 1210: Mr. LUETKEMEYER.
H.R. 1211: Mr. WALZ and Mr. FORTENBERRY.
H.R. 1283: Mr. BRALEY of Iowa.
H.R. 1324: Mr. GONZALEZ, Mr. CARNAHAN, Mr. LYNCH, and Mr. PIERLUISI.
H.R. 1326: Mrs. MYRICK.
H.R. 1335: Mr. BRADY of Pennsylvania, Mr. MCGOVERN, and Mr. SESTAK.
H.R. 1378: Mr. MATHESON, Mr. WEINER, and Mrs. CAPPS.
H.R. 1395: Mrs. BONO MACK.
H.R. 1409: Mr. MURPHY of New York.
H.R. 1423: Mr. NEAL of Massachusetts, Mr. YARMUTH, Mr. SESTAK, Ms. SCHWARTZ, Mr. BLUMENAUER, Mr. SCHAUER, Mr. LEWIS of Georgia, and Mr. PASTOR of Arizona.
H.R. 1425: Mr. HODES.
H.R. 1443: Mr. CLEAVER.
H.R. 1454: Mr. SESTAK and Mr. PAULSEN.
H.R. 1460: Mr. EDWARDS of Texas.
H.R. 1470: Mr. MITCHELL.
H.R. 1478: Mr. FRANK of Massachusetts and Mr. TERRY.
H.R. 1479: Mr. MCGOVERN and Mr. MASSA.
H.R. 1505: Mr. WILSON of South Carolina, Mr. EHLERS, Mr. CONNOLLY of Virginia, and Mr. CONYERS.
H.R. 1521: Mr. BOREN, Mr. AL GREEN of Texas, Mr. DANIEL E. LUNGREN of California, Mr. BRADY of Texas, Mr. JONES, Mr. TIM MURPHY of Pennsylvania, and Mr. LATHAM.
H.R. 1528: Mrs. CAPPS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HONDA.
H.R. 1530: Mrs. CAPPS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HONDA.
H.R. 1531: Mrs. CAPPS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HONDA.
H.R. 1544: Mr. NYE.
H.R. 1551: Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, and Mr. MILLER of North Carolina.
H.R. 1552: Mr. MURPHY of New York.
H.R. 1557: Mrs. DAHLKEMPER.
H.R. 1588: Mr. WILSON of South Carolina and Mr. ADERHOLT.
H.R. 1616: Mr. DAVIS of Alabama.
H.R. 1670: Mr. THOMPSON of Mississippi.
H.R. 1682: Mr. SESTAK.
H.R. 1716: Mr. HALL of New York and Mr. MURPHY of New York.
H.R. 1721: Mr. FRANK of Massachusetts.
H.R. 1751: Mr. MARKEY of Massachusetts.
H.R. 1774: Mr. GRIJALVA.
H.R. 1775: Mr. GRIJALVA.
H.R. 1799: Mr. KRATOVIL.
H.R. 1802: Mr. LAMBORN.
H.R. 1826: Mr. PERRIELLO.
H.R. 1827: Ms. LEE of California.
H.R. 1835: Mr. ALEXANDER and Mr. BACHUS.
H.R. 1855: Mr. SESTAK.
H.R. 1910: Mr. SESTAK.
H.R. 1912: Mrs. MALONEY and Ms. SCHWARTZ.
H.R. 2017: Mr. BOOZMAN, Mr. YOUNG of Florida, Mr. BOREN, Mr. TERRY, and Mr. MCHENRY.
H.R. 2035: Mr. HILL and Mr. SNYDER.
H.R. 2051: Mr. PLATTS.
H.R. 2060: Mr. MCINTYRE.
H.R. 2062: Mr. SESTAK and Mr. MICHAUD.
H.R. 2085: Ms. WOOLSEY.
H.R. 2135: Mr. LATHAM.
H.R. 2163: Mr. MINNICK.
H.R. 2164: Mr. MINNICK.
H.R. 2193: Mr. WILSON of South Carolina and Mr. CULBERSON.
H.R. 2196: Mr. FRANKS of Arizona.
H.R. 2202: Mr. MOORE of Kansas.
H.R. 2209: Mr. ANDREWS.
H.R. 2261: Mr. MCINTYRE.
H.R. 2296: Mr. MARCHANT.
H.R. 2304: Mr. MCCOTTER.
H.R. 2321: Mr. NEUGEBAUER.
H.R. 2329: Mrs. MYRICK, Ms. MARKEY of Colorado, Mr. COFFMAN of Colorado, and Mr. LUETKEMEYER.
H.R. 2332: Mr. TOWNS.
H.R. 2339: Mr. HARE and Mr. GRIJALVA.
H.R. 2350: Mr. MURPHY of Connecticut.
H.R. 2360: Mr. KRATOVIL and Mr. MURPHY of New York.
H.R. 2373: Mr. MARSHALL, Mr. KING of New York, Mr. KAGEN, and Ms. CORRINE BROWN of Florida.
H.R. 2393: Mr. LATHAM and Mr. KLINE of Minnesota.
H.R. 2414: Mr. MAFFEI, Ms. WOOLSEY, and Mr. MILLER of North Carolina.
H.R. 2426: Mr. FRANK of Massachusetts.
H.R. 2497: Mr. GONZALEZ, Ms. HIRONO, and Ms. MATSUI.
H.R. 2499: Ms. SPEIER, Ms. WOOLSEY, Mr. MARCHANT, Ms. MCCOLLUM, and Mr. SMITH of New Jersey.
H.R. 2517: Ms. KILROY.
H.R. 2520: Mr. CAMPBELL and Mr. MARCHANT.
H.R. 2523: Mr. MINNICK.
H.R. 2527: Ms. LINDA T. SÁNCHEZ of California, Mr. RUSH, and Mr. SCHRADER.
H.R. 2547: Mr. MILLER of Florida and Mr. SPACE.
H.R. 2597: Mr. CONNOLLY of Virginia and Mr. GRIJALVA.
H.R. 2609: Mr. MILLER of North Carolina.
H.R. 2624: Mr. CAPUANO.
H.R. 2662: Mr. PERLMUTTER and Mr. SESTAK.
H.R. 2669: Mr. HONDA.
H.R. 2674: Mr. FORBES.
H.R. 2690: Ms. WATSON.
H.R. 2695: Mr. DELAHUNT and Mr. QUIGLEY.
H.R. 2709: Mrs. MCCARTHY of New York and Mr. MEEKS of New York.
H.R. 2715: Mr. SHUSTER and Mr. WILSON of South Carolina.
H.J. Res. 37: Mr. KING of Iowa.
H.J. Res. 46: Mr. GONZALEZ.
H. Con. Res. 59: Mr. FORTENBERRY.
H. Con. Res. 102: Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. GEORGE MILLER of California, and Mr. SCHAUER.
H. Con. Res. 110: Mr. MCCOTTER.
H. Con. Res. 131: Mr. DEAL of Georgia, Mr. LAMBORN, Mr. RADANOVICH, Mr. ALEXANDER, and Mr. MANZULLO.
H. Con. Res. 135: Mr. HARPER.
H. Con. Res. 142: Ms. DELAURO, Mr. SIRES, Mr. FILNER, Mr. TIM MURPHY of Pennsylvania, and Mr. HILL.
H. Res. 44: Mr. ROONEY.
H. Res. 55: Mr. FILNER.
H. Res. 57: Mr. KENNEDY, Ms. MOORE of Wisconsin, and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 69: Mr. SABLAN and Mr. SESTAK.
H. Res. 81: Mrs. DAHLKEMPER.
H. Res. 89: Mr. COHEN.
H. Res. 90: Mr. COURTNEY.
H. Res. 191: Mr. SESTAK.
H. Res. 260: Mr. GENE GREEN of Texas, Mrs. CAPPS, and Mr. CARSON of Indiana.
H. Res. 271: Mr. SESTAK.
H. Res. 350: Mr. CUMMINGS, Mr. MACK, Mr. ABERCROMBIE, Mrs. DAVIS of California, Mr. GRAVES, and Mr. STUPAK.
H. Res. 364: Mr. LIPINSKI.
H. Res. 366: Mr. VAN HOLLEN and Mr. WU.
H. Res. 383: Mr. CAPUANO.
H. Res. 398: Ms. MCCOLLUM.
H. Res. 408: Mr. FORBES.
H. Res. 409: Mr. TERRY and Mr. SESTAK.
H. Res. 410: Mr. PAUL and Mr. PENCE.
H. Res. 411: Mr. BILBRAY, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. BOOZMAN, Mr. SCHIFF, Mr. NUNES, Mr. HONDA, Ms. GIFFORDS, Mr. HENSARLING, Mr. CASSIDY, Mr. SESTAK, Mr. CASTLE, Mr. CAMPBELL, Mr. BROUN of Georgia, Mr. SESSIONS, Mr. KLINE of Minnesota, Mr. DREIER, Mr. GUTHRIE, Ms. ZOE LOFGREN of California, Mr. LEE of New York, Mr. SMITH of Nebraska, and Mr. PAULSEN.
H. Res. 419: Ms. CLARKE and Mr. DAVIS of Illinois.
H. Res. 420: Mr. KLINE of Minnesota, Mr. SESTAK, Mr. CONNOLLY of Virginia, and Mr. BUYER.
H. Res. 443: Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. TIM MURPHY of Pennsylvania, and Mr. HALL of New York.
H. Res. 454: Mr. POMEROY, Mr. PAYNE, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCAUL, Mr. MORAN of Virginia, Mr. SESTAK, Mr. MOORE of Kansas, Mr. ROYCE, Mr. GENE GREEN of Texas, Mr. LATHAM, Mr. KRATOVIL, Mr. VAN HOLLEN, Mr. GARY G. MILLER of California, Mr. GORDON of Tennessee, Mr. REICHERT, Mr. CARDOZA, Mr. MCCOTTER, Mr. CARNEY, and Mr. PAULSEN.
H. Res. 479: Ms. BORDALLO, Mr. OBERSTAR, Ms. CORRINE BROWN of Florida, Mr. HONDA, Mr. COSTA, Mr. SIRES, Mr. BACA, Mr. MITCHELL, Ms. ROYBAL-ALLARD, Mr. ELLISON, Ms. LEE of California, Mr. PERLMUTTER, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. CROWLEY, Mr. BOSWELL, Mr. PAYNE, Mr. LOEBSACK, Ms. WOOLSEY, Mr. ENGEL, Mr. CARNAHAN, Mr. KLEIN of Florida, Mr. WALZ, Ms. FUDGE, Ms. RICHARDSON, Ms. BALDWIN, Mr. COHEN, Mr. FARR, Ms. WATSON, and Mr. STUPAK.
H. Res. 483: Ms. ROS-LEHTINEN, Mr. FORTENBERRY, Mr. NYE, Mr. LUETKEMEYER, and Mr. LAMBORN.
H. Res. 486: Mr. HOLT.
H. Res. 491: Mr. HALL of New York and Mr. SESTAK.
H. Res. 492: Mr. SHIMKUS, Mr. WAMP, Mrs. MYRICK, Mr. CASTLE, Mr. LANCE, Mr. EHLERS, Mr. GERLACH, Mr. SCHOCK, Mrs. CAPITO, Mr. DENT, Mr. SENSENBRENNER, Ms. GINNY BROWN-WAITE of Florida, Mr. KIRK, Ms. SCHWARTZ, Mr. SESTAK, Mr. WU, Mr. QUIGLEY, Mr. MCDERMOTT, and Mr. HIMES.
H. Res. 496: Mr. MCMAHON, Mr. LAMBORN, Mr. SMITH of New Jersey, and Mr. CAO.
H. Res. 498: Mr. KLINE of Minnesota, Mr. GENE GREEN of Texas, Mr. MCINTYRE, Mr. ROONEY, Mr. BARTON of Texas, and Mr. CALVERT.
H. Res. 503: Mr. JOHNSON of Illinois.
H. Res. 505: Mr. LANGEVIN.
H. Res. 507: Ms. HIRONO and Mr. WALZ.
H. Res. 509: Ms. BORDALLO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative BERMAN, or a designee, to H.R. 2140, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

39. The SPEAKER presented a petition of the California Federal of Teachers AFT, AFL-CIO, relative to 2009 CFT RESOLUTION 6 Support quality preschool and invest in early childhood workers; to the Committee on Education and Labor.

40. Also, a petition of the County of Lancaster, Pennsylvania, relative to RESOLUTION NO. 17 OF 2009 OPPOSING FEDERAL LEGISLATION IMPLEMENTING THE CARD-CHECK PROCESS AND ELIMINATING SECRET BALLOTS; to the Committee on Education and Labor.

41. Also, a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 141-09 calling on the U.S. Department of State to use all diplomatic channels to work with the Iraqi Government to stop the persecution of Iraqi Lesbian Gay Bisexual Transgender (LGBT) citizens and immediately stop the murders of Iraqi LGBT citizens; to the Committee on Foreign Affairs.

42. Also, a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 138-09 declaring April 24, 2009, as Armenian Genocide Commemoration Day in San Francisco; to the Committee on Oversight and Government Reform.

43. Also, a petition of the City of Watsonville, California, relative to RESOLUTION NO. 83-09 OPPOSING EXPANSION OF OFF-SHORE OIL DRILLING AND REQUESTING THAT THE CONGRESS OF THE UNITED STATES REINSTATE THE FEDERAL OFF-SHORE OIL AND GAS LEASING MORATORIUM FOR 2009 AND BEYOND; to the Committee on Natural Resources.

44. Also, a petition of the California Federation of Teachers AFT, AFL-CIO, relative to 2009 CFT RESOLUTION 27 Support justice for Oscar Grant; to the Committee on the Judiciary.

45. Also, a petition of the California Federation of Teachers AFT, AFL-CIO, relative to a resolution urging Congress to not be swayed by corporate lobbying for second-class workers, or racist elements who want to scapegoat Latin American neighbors for the recent economic downturn; to the Committee on the Judiciary.

46. Also, a petition of the San Francisco Board of Supervisors, relative to RESOLUTION NO. 137-09 Urging federal authorities to remove obstacles to United Citizenship for Shirley Tan, and urging the passage of the Uniting American Families Act (UAFA, H.R. 1024, S. 424); to the Committee on the Judiciary.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, MONDAY, JUNE 8, 2009 No. 84

Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of wonder, majesty and grace, You have promised that wherever two or three or a thousand gather in Your Name, You are in their midst. Come and dwell with us today. Be with our Senators but also with all beyond this Chamber who daily join us in prayer. Lord, raise up an army of praying people, whose love for You and country will bring a new birth of spirituality and patriotism to our land. Today, we claim Your promise that the earnest fervent prayers of righteous people produce powerful results. In response to our prayer, give us wisdom to discern Your will and the power to do it. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators allowed to speak therein for up to 10 minutes each. Following that, the Senate will resume consideration of the tobacco legislation. We will immediately proceed to a cloture vote on the Dodd substitute amendment.

The first vote will occur at 5:30 p.m. The filing deadline for first-degree amendments is 3 p.m. today. The filing deadline for second-degree amendments is 4:30 p.m. today.

ORDER OF PROCEDURE

I ask unanimous consent that the time from 5 until 5:30 be equally divided and controlled between Senators DODD and ENZI or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. REID. At 5:30, we are going to have an extremely important vote on whether this body will invoke cloture on the tobacco legislation.

Sunday—yesterday—3,500 children who had never smoked before tried their first cigarette. Today, another 3,500 will do the same and Tuesday it will be the same and Wednesday it will be the same. For some, it will also be their last cigarette but certainly not all.

We all have had our experiences of when we tried our first cigarette. In a little book I wrote about myself, I talk about that experience, and I will relay it here briefly.

My Brother Don is 12 years older than I am. He came home from the Marine Corps smoking Kool cigarettes. He smoked a lot of them. He agreed to take his little brother hunting. There isn't much to hunt in Searchlight, but it was a time to get together with his brother. We had a little .22 rifle, and we were hoping we would see a rabbit or something. Mostly, it was a chance for my big brother to be with his little brother. He was smoking, and he smoked a lot. We were driving down a dirt road, what we called the railroad grade. I kept saying: Don, give me a puff. I kept asking, as a little boy would do; I was maybe 10 or 11 at the time. Finally, he said: OK. Here is what you do. Take it like I do and suck in as hard as you can. I did anything my brother asked me to do, so I did that. I can still feel it. That was the last cigarette I ever smoked or ever wanted to smoke. Even though my entire family smoked, not me; it hurt too bad.

For others not having had the experience that I had, smoking would become part of their daily lives, as happened with the kids I grew up with in the little town of Searchlight. They all smoked as little kids. If you think 3,500 is a scary number, how about 3.5 million. That is a pretty scary number. That is how many American high school kids smoke—3.5 million. Nearly all of them aren't old enough to buy cigarettes. That means there are at least a half million more students who smoke than there are men, women, and children living in Nevada. It means we have as many boys and girls smoking as are participating in athletics in high schools. We have as many as are playing football, basketball, track and field, and baseball combined. When

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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there are that many students endangering their health as there are staying healthy by playing the four most popular sports in the country—remember, I didn't mention soccer, but it is popular now, so we can include that and still outmatch that by far.

Should we be surprised? Every year, the tobacco industry pours hundreds of millions, if not billions, of dollars into marketing and designing to get more people, including children—because they know what the market is—to start smoking. Nine out of ten regular smokers in America started when they were kids—some of them as young as 8 or 9 years old. The tobacco marketers are very good at their jobs, there is no question. But it is time we do our job.

The bipartisan bill Senator KENNEDY and the HELP Committee delivered does a lot of good. It helps keep American children and their families healthy. It keeps tobacco companies honest about the dangers of using their poisonous products by strengthening the existing warning labels. It will make it harder for them to sell cigarettes, and even smokeless tobacco, to children. It will make it harder for tobacco companies to lure our children in the first place.

When this bill becomes law—and it will; it is only a question of time—it will also help those who smoke overcome their addictions and make tobacco products less toxic for those who cannot or don't want to stop.

I wish to be clear about one thing. Nobody is trying to ban the use of tobacco products. But we are giving the proper authority—the Food and Drug Administration—the tools it needs to help those who smoke and protect those around them.

We will talk a lot in the coming weeks and months about different ways to lift the heavy weight of health insurance costs. Think of tobacco. These crushing costs keep Americans from getting the care they need to stay healthy or help a loved one stay the same. The overall cost of health care—think about tobacco. Health care costs have driven countless families into bankruptcy, foreclosure, disease, and even death. We will debate and, at times, we will disagree. But think of tobacco. One of the most surefire solutions is to prevent health emergencies before they begin.

There is no doubt the effects of smoking qualify for such an emergency. Tobacco-related health care costs in America are unbelievably high—more than $100 billion every year. If you think government is spending too much of your money, consider this: Your State and Federal Government spend about $60 billion every year on Medicare and Medicaid payments for health problems related to tobacco. For Medicare and Medicaid, it is $60 billion a year related to tobacco diseases and conditions. So it is not just a health crisis, it is an economic crisis—one we cannot afford.

We cannot afford to spend $60 billion in Medicare and Medicaid money on tobacco-related problems. Still, if that weren't bad enough, about 500,000 people die every year as a result of their smoking or someone else's smoking. These deaths are from lung cancer, emphysema, and many other conditions related to tobacco, including heart disease, because we all know that is made much worse by tobacco. You can name any disease, and it is rare that tobacco doesn't make it worse. It is preventable. This bill will ease the pain and prevent others from going through it.

The dangers of smoking are hardly breaking news. We have known about it for decades. We know about it, and we have known about it for a long time. I have to say, though, that my parents didn't know about it. They didn't know about it. They started smoking as kids, and everybody smoked. When you went into the military, they gave you free cigarettes as part of the deal. We didn't know about it when my brother offered me the cigarette. But we know volumes about it today. We must do more than just know about it.

This vote is simple. It is between endangering our children's health and enriching the multibillion-dollar tobacco industry that poisons and preys upon them. It is between accepting the responsibility we have to our future and rejecting the irresponsibility of the pervasive and perverse tobacco companies. It is time we have that vote because tomorrow 3,500 more of our sons and daughters will light up their first cigarette.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, when it comes to health care, Americans are looking to Washington for real reform. Americans are rightly frustrated with the ever-increasing cost of health care, and many are concerned about losing the care they already have. Americans also believe that in a nation as prosperous as ours, no one should go without the health care they need. All of us agree reform is necessary, that we must do something to address the concerns Americans have on this issue. The only question is, What kinds of reform will we deliver?

Will we deliver a so-called reform that destroys what people like about the care they already have or will we deliver a reform that preserves what is good even as we solve the problems all of us acknowledge and want to address?

Unfortunately, some of the proposals coming out of Washington in recent weeks are giving Americans reason to be concerned. Americans have witnessed a government takeover of banks, insurance companies, and major portions of the auto industry. They are concerned about the consequences. Now they are concerned about a government takeover of health care—and for good reason.

What Americans want is for health care to be affordable and accessible. What some in Washington are offering instead is a plan to take away the care people already have—care that the vast majority of them were perfectly satisfied with—and replace it with a system in which care and treatment will either be delayed or denied.

Last week, I offered some examples of real people in Britain and Canada who were denied urgent medical treatment or necessary drugs under the kind of government-run system those two countries have and that many in Washington would now like to impose on Americans, whether the American people like it or not. This afternoon, I will describe how government-run health care systems such as the one in Canada not only deny but also delay care for weeks, months, and even years.

By focusing on just one hospital in one city in Canada—Kingston General, in the city of Kingston, Ontario—we can begin to get a glimpse of the effect that government-run health care has on the Canadians and the long waits they routinely endure for necessary care.

I have no doubt that the politicians in Canada never intended for the people of that country to see their health care denied or delayed. I am sure the intention was to make health care even more accessible and affordable than it was. But as we have seen so many times in our own country, government solutions have a tendency to create barriers instead of bridges. The unintended consequence becomes the norm. That is what happened in Canada, and Americans are concerned it could happen here too.

A medium-sized city of about 115,000, Kingston, Ontario, has about the same number of residents as Lansing, MI, to its south. But while it is not uncommon for Americans to receive medical care within days of a serious diagnosis, at Kingston General Hospital wait times can be staggering. Take hip replacement surgery, for example. A couple of years ago, the wait time for hip replacement surgery at Kingston General was almost 2 years. A lot of people were understandably unhappy with the fact that they had to wait more than a year and a half between the time a doctor said they needed a new hip and their surgery to actually get it. So the government worked to shorten the wait. Today, the average wait time for the same surgery at the same hospital is about 196 days. Apparently in Canada, the prospect of waiting 6 months for hip surgery is considered progress. That is hip replacement surgery. What about knee replacements? At Kingston General, the average wait is about 340 days, or almost a year, from the moment the doctor says you need a new knee. How about brain cancer? In Ontario, the target wait time for brain cancer surgery is 3 months—3 months. The same for breast cancer and for prostate cancer. And for cardiac bypass

surgery, patients in Ontario are told they have to wait 6 months for surgery Americans often get right away.

The patients at Kingston General Hospital in Kingston, Ontario, have been understandably unhappy with all the waiting they have to do. Fran Tooley was one of them.

Two years ago, Fran herniated three disks in her back and was told that it would take at least a year before she could consult a neurosurgeon about her injury which had left her in constant pain and unable to sit or stand for more than a half hour at a time. According to a story in the Kingston Whig-Standard, Fran's doctor referred her to a neurosurgeon after an MRI scan showed the herniated disks were affecting the nerves in her legs. The story went on to say that patients in Ontario can be forced to wait for up to 2 years and sometimes even longer for tests, appointments with specialists, or even urgent surgery.

Americans don't want to end up like Fran Tooley. They like being able to get the care they need when they need it. They don't want to be forced to give up their private health plans or to be pushed into a government plan that threatens their choices and the quality of their care. They don't want to wait 2 years for surgery their doctors say they need right away. And they don't want to be told they are too old for surgery or that a drug they need is too expensive. But all of these things could be headed our way. Americans want health care reform, but they don't want reform that forces them into a government plan and replaces the freedoms and choices they now enjoy with bureaucratic hassles, hours spent on hold, and surgeries and treatments being denied and delayed. They don't want a remote bureaucrat in Washington making life-and-death decisions for them or their loved ones. But if we enact the government-run plan, that is precisely what Americans can expect.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin a period for the transaction of morning business until 5:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Arizona.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT OF 2009

Mr. MCCAIN. Mr. President, I take the floor this afternoon to discuss the issue of importation of prescription drugs and the amendment, which is No. 1229, which is pending but may be made nongermane because of a vote, if cloture is invoked.

There has also been some discussion about the fact that I am holding up the bill because of my desire for this amendment. I am not. I am simply asking for 15 minutes or even 10 minutes of debate and a vote. I understand there are other amendments, such as one by Senator LIEBERMAN and one by Senator BURR, that also should be considered. I wish to point out that I am not holding up the bill nor putting any hold on the legislation. The fact is, importation of prescription drugs is certainly germane and should apply to this legislation before us.

Last week, the majority leader was kind enough to say he would see about this amendment and when it could be considered. He has just informed me that he has discussed the possibility that it be brought up on the health care legislation when it comes to the floor. One, the issue cannot wait and, two, that is not an ironclad commitment. As much as I enjoy people's consideration around this body, from time to time I have found that without an ironclad commitment, sometimes those commitments of consideration go by the wayside. But I do appreciate very much the majority leader seeking to help me address this issue.

Mr. President, I ask unanimous consent that when the Senate begins consideration of H.R. 1256, it be in order for the Senate to consider amendment No. 1229 regarding prescription drug importation, the text of which is at the desk, and I ask that the amendment be considered in order, with 15 minutes of debate on the amendment equally divided between both sides, and that at the disposition of such time, the Senate vote on or in relation to the amendment.

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from the State of Virginia and at the request of the leadership, I object.

Mr. MCCAIN. I thank the Chair. I am not surprised. But if there is to be any allegation that this bill is being held up because of this amendment, that is simply patently false. In fact, I am more than eager to vote on this legislation because it has been before this body for a long time and it is a very clear-cut issue. The pharmaceutical industry has spent millions of dollars to sway lawmakers against the idea of drug importation.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from The Hill newspaper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, June 3, 2009]

PHRMA DEFENDS VULNERABLE DEMS

(By Aaron Blake and Reid Wilson)

What a difference a Speaker's gavel makes.

Just a few years ago, before Democrats took control of Congress, the pharmaceutical industry was busy funneling millions to Republican candidates, at times giving the GOP three dollars for every one headed to Democrats.

Over the last two cycles, though, drug makers have been much more generous with the other party. In the 2008 cycle, pharmaceutical companies gave the two parties about $14.5 million each, and this year the industry has given $714,000 to Republicans and $721,000 to Democrats.

But the industry's main lobbying arm in Washington is now going beyond writing a check. The Pharmaceutical Research and Manufacturers of America, better known as PhRMA, spent the congressional recess running advertisements thanking four vulnerable Democratic freshmen for their early work in Congress.

The advertisements are running on behalf of Reps. Parker Griffith (D–Ala.), Bobby Bright (D–Ala.), Tom Perriello (D–Va.) and Frank Kratovil (D–Md.). They cite the four freshmen's votes for the State Children's Health Insurance Program (SCHIP) and for extending healthcare benefits to unemployed workers, a measure contained within the stimulus package passed earlier this year.

PhRMA is also running advertisements for a few Republican candidates, though the group declined to provide their names.

Nonetheless, Democrats are encouraged by the group's ads on behalf of the four members, all of whom won in 2008 by the narrowest of margins.

PhRMA ''has really stepped it up and shown a willingness to work with us where our policy interests intersect,'' one senior Democratic aide said.

The group isn't the only one that gives overwhelmingly to Republicans that has had to change its approach lately. In February, the Chamber of Commerce put out press releases praising Democratic votes in favor of the stimulus legislation, and the National Federation of Independent Businesses backed Democrats on the credit card bill last month.

PhRMA itself has grown more bipartisan. In recent years, Democratic strategist Steve McMahon has crafted many of the organization's advertisements, and former Democratic Congressional Campaign Committee political director Brian Smoot has been helping its efforts as well.

The group said the ads are part of a yearlong campaign run in conjunction with the Healthcare Leadership Council. Both groups say they ''share the goal of getting a comprehensive healthcare reform bill on the president's desk this year,'' according to PhRMA Senior Vice President Ken Johnson.

Ken Spain, spokesman for the National Republican Congressional Committee, said the question going forward is ''whether or not Democrats in Congress will choose to do for the healthcare industry what they have done for General Motors. That is a concern many in the healthcare community share with Republicans in Congress.''—R.W.

No partnership among brothers when it gets down to promotions.

Republicans are Republicans and Democrats are Democrats.

Except, that is, when it comes to House members eyeing the Senate.

The start of the 2010 election cycle has been marked by a pretty overt attempt by House campaign committees—specifically the Democratic Congressional Campaign Committee (DCCC)—to push members of the opposing party into statewide races.

Problem is, those statewide races are pretty important, too. And when the pressure on people like Reps. Mark Kirk (R-Ill.) and Mike Castle (R-Del.) pushes them out of their House seats and into their states' open Senate races, they could seriously hamper Senate Democrats' efforts to win those much rarer seats.

The equation is really pretty simple: If you're a random Democrat somewhere, even if you are guaranteed to win that House seat—one of 435—do you really want Kirk and Castle to run for Senate, where they have a good chance at winning one out of 100 Senate seats?

That goes double when the upper chamber often requires 60 percent of the votes to prevail. After all, one House seat is pretty expendable when you are close to an 80-seat majority, but one Senate seat is golden when you have an 18- or 20-seat edge in the filibuster-able Senate.

The latest example is Rep. Pete King (R-N.Y.), about whom our colleague Jeremy Jacobs writes in today's Campaign section.

Sure, Democrats want his ripe Long Island seat in their hands, but polling has also shown him within 11 digits of Sen. Kirsten Gillibrand (D-N.Y.), and he has the right kind of profile to be competitive for her seat.

King was bound and ready to run for Senate when it looked like Caroline Kennedy would win the Senate appointment, but he has since backed off. Now Democrats are working hard to put pressure on him, emphasizing that the State Legislature might make his reelections much harder in the next round of redistricting.

Democrats have also been applying pressure to another frequent target—Rep. Jim Gerlach (R-Pa.). Gerlach is a centrist in the same vein as Kirk, Castle and King, and he could pack some bipartisan appeal in a run for Senate.

Of course, the tactic isn't solely a Democratic province. Republicans have sought to put pressure on Reps. Peter DeFazio (D-Ore.), Stephanie Herseth Sandlin (D-S.D.) and Loretta Sanchez (D-Calif.) to seek their states' governors' mansions.

—A.B.

Mr. MCCAIN. Mr. President, it says:

Just a few years ago, before Democrats took control of Congress, the pharmaceutical industry was busy funneling millions to Republican candidates, at times giving the GOP three dollars for every one headed to Democrats.

Over the last two cycles, though, drug makers have been much more generous with the other party. In the 2008 cycle, pharmaceutical companies gave the two parties about $14.5 million each, and this year the industry has given $714,000 to Republicans and $721,000 to Democrats.

Which helps to explain the e-mail sent by the top lobbyist for the Pharmaceutical Research and Manufacturers of America, known as PhRMA, which stated:

The Senate is on the tobacco bill today. Unless we get some significant movement, the full-blown Dorgan or Vitter bill will pass. . . . We're trying to get Senator DORGAN to back down—calling the White House and Senator REID. Our understanding is that Senator MCCAIN has said he will offer regardless . . . Please make sure your staff is fully engaged in this process. This is real.

It really is real. It is real that it would provide savings to the millions of Americans who have lost a job, millions of Americans who are struggling to put food on the dinner table, and millions of Americans who are struggling with health care costs and the high cost of prescription drugs.

The Congressional Budget Office has estimated that this amendment would save American consumers $50 billion over the next decade. Let me repeat—$50 billion. Why is that? The Fraser Institute found in 2008 that Canadians paid on average 53 percent less than Americans for identical brand-name drugs. Specifically, the institute found that the most commonly prescribed brand-name drug, Lipitor, is 40 percent less in Canada, Crestor is 57 percent less in Canada, and the popular arthritis drug Celebrex is 62 percent less expensive in Canada. Americans would love a 60-percent off coupon for prescription drugs and deserve such a discount now more than ever.

This morning, President Obama met with his Cabinet and announced that he intended to accelerate the distribution of the $787 billion stimulus funds, which, by the way, were all supposed to be shovel-ready, but that is the subject of a different debate. Many have lamented the slow pace at which the stimulus funds are being spent. This amendment would provide an immediate stimulus to each and every American if enacted. Over half of all Americans must take a prescription drug every day, according to a 2008 poll by Kaiser Public Opinion, and millions more take prescription drugs when diagnosed with a virus or other ailment. Many Americans who are cutting household expenses cannot afford to cut out the prescription drugs they must take each day for their health. We must help these Americans by enacting this amendment.

Some of my colleagues have argued that this amendment should not be considered on legislation regulating tobacco and my efforts to add this amendment to the bill are actually holding up the bill.

The amendment is directly relevant to the underlying legislation. The bill would require the Food and Drug Administration to regulate tobacco because of its well-known negative health effects. This amendment would require the Food and Drug Administration to regulate the importation of prescription drugs from importers declared safe by the FDA. I reject any argument that this amendment is not related.

Furthermore, it is well documented that smokers have higher health costs than nonsmokers. So this amendment is necessary to assist those who have experienced so many health issues due to smoking. Smoking kills. I have supported stricter regulation of tobacco products for 10 years. In fact, this bill contains many of the provisions included in the National Tobacco Policy and Youth Smoking Reduction Act I introduced and fought for weeks on the floor of this Senate to achieve passage.

I don't seek to hold up consideration of the bill. I merely ask for an up-or-down vote on the amendment. Therefore, I think the American people deserve better than the monetary influence buying by PhRMA, an organization that has spent tens of millions of dollars to prevent the American consumer from being able to acquire prescription drugs, screened by the FDA, at a lower cost. That is what this is all about. It is the special interests versus the American interests, and special interests—in this case, PhRMA—have won rounds 1 through 9. We will not quit this fight because the American people deserve it, particularly in these difficult economic times.

We may be blocked on this bill. We may be blocked on the next bill. But we will come back and back and keep coming back. That is my message to the other side and those at PhRMA. We will succeed in allowing Americans to acquire much needed, in some cases lifesaving, prescription drugs at a lower cost for themselves and their families. That is what this amendment is all about.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska.

TRIBUTE TO OUR ARMED FORCES

SERGEANT JUSTIN J. DUFFY

Mr. JOHANNS. Mr. President, today I rise in solemn remembrance of the life of a fallen hero, SGT Justin J. Duffy, of the U.S. Army's 82nd Airborne Division.

Justin died while serving his country in Iraq on June 2 when his humvee was struck by an improvised explosive device in eastern Baghdad. He was 31 years old.

A native Nebraskan, Justin was born in Moline and later moved with his family to Cozad, graduating from Cozad High School in 1995. He earned a degree in criminal justice from the University of Nebraska at Kearney.

After working in Kearney for 5 years, Justin joined the Army in June 2007, beginning a career that satisfied his sense of adventure and work ethic. He had been serving with the 82nd Airborne Division in Iraq since November of 2008.

Justin's family and friends referred to him as ''The Shepherd.'' He was always looking after the welfare of others, putting their well-being above his own. In this same fashion, Justin selflessly gave his life while protecting the safety of others.

Justin is survived by his parents, Joseph and Janet Duffy, his two sisters, and his grandfather. Today I join them in mourning the death of their beloved son, brother, and grandson. Justin made the ultimate sacrifice in service to his country. Our Nation owes him and his family an immeasurable debt of gratitude. May God's peace be with Justin's family, friends, and all those who continue to mourn his death and remember his life.

Let us also pause today to remember and celebrate the lives of all our Nation's fallen soldiers, marines, sailors,

and airmen who have laid down their lives defending our country. We also lift in prayer all those serving our country today, spreading freedom and democracy abroad. May God bless them and their families.

Mr. President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask I be permitted to take whatever time I may consume in my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

START

Mr. KYL. Mr. President, there are three things I would specifically like to address today. First, briefly, a matter of concern to the Senate, namely the ongoing negotiations between the United States and the Russian Federation on the so-called START follow-on. Specifically, I am concerned that the administration is heading toward a confrontation with the Senate that could easily be avoided.

I ask unanimous consent to have two letters printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KYL. Mr. President, the first is one I sent as Administrative Co-Chairman of the successor to the Arms Control Observer Group—to Assistant Secretary of State Rose Gottemoeller, prior to her confirmation by the Senate. The second letter is the response that I received from her.

The response makes clear that Assistant Secretary Gottemoeller would regularly consult with Senate committees and the National Security Working Group. In fact, the response from Ambassador Michael Polt, the then-Acting Assistant Secretary of State for Legislative Affairs, quotes Ms. Gottemoeller in her confirmation hearing: ''For me, consultation is not a catch word. It is a commitment.''

The National Security Working Group was established to provide a forum for the administration, any administration, to meet with and consult with a bipartisan group of Senators concerning matters that the administration may seek to advance through the Senate, especially on matters requiring the Senate's advice and consent.

The value of this working group was also recognized in the recent final report of the Perry-Schlesinger Commission.

I remind the administration: this is advice and consent.

If the administration wants to have the Senate on board when it concludes the treaty negotiation process—for example, when and if it attempts to have a treaty ratified by this body, it would be prudent for the administration to live up to its commitments and ensure thorough consultation with the Senate so it is on board at the beginning of the process.

I hope that this is possible. I believe it still is, but the administration must reverse course quickly.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 1, 2009.

Hon. ROSE GOTTEMOELLER,
Assistant Secretary of State for Verification, Compliance and Implementation—Nominated, Department of State, Washington, DC.

DEAR MS. GOTTEMOELLER: Congratulations on your nomination to be Assistant Secretary of State for Verification, Compliance and Implementation. This is an extremely important position; if confirmed, you will be the point person on matters with the greatest impact on the national security of the United States.

I was reassured by your response to Senator Lugar during the Foreign Relations Committee hearing on your nomination regarding your familiarity with the historical role played by the Arms Control Observer Group, now known as the National Security Working Group (NSWG), which, as you know, has the responsibility—by Senate Resolution—to support the Senate's advice and consent role by understanding in real time the Administration's negotiation positions on arms control matters and providing the Administration with feedback as to the perspective of Senators on those positions.

As Senator Lugar noted, the Arms Control Observer Group was created at the behest of President Reagan, who understood that it was vital for the Senate to be well-versed in ongoing negotiations—in that case, on arms control treaties—from the very beginning, so that it would be more likely the Administration could negotiate a treaty that the Senate would be able to support and ratify.

As you know, the National Security Working Group has been given the responsibility, on behalf of the Senate, to ''act as official observers on the United States delegation to any formal negotiations to which the United States is a party on the reduction of nuclear, conventional, or chemical arms.'' In the past, it has been helpful for the Administration to provide regular briefings to the Members and designated staff of the Arms Control Observer Group throughout the formal and informal negotiation process.

In reviewing your response to Senator Lugar, it is clear to me that you understand the statutory and historical role of this Senate body. As an Administrative Co-Chairman of the National Security Working Group, I look forward to ensuring that this productive relationship between the Administration and the Senate continues.

I agree with Senator Lugar that this will be all the more important this year. In fact, in view of the commitment of Presidents Obama and Medvedev to reach an agreed draft on the next START treaty well in advance of the December 5th expiration of the current START treaty, we should probably begin briefings and consultation between the Administration and NSWG soon.

I hope you could begin discussing these matters with the NSWG Members and staff immediately upon your confirmation.

Sincerely,

JON KYL,
United States Senator.

DEPARTMENT OF STATE,
Washington, DC, April 2, 2009.

Hon. JON KYL,
U.S. Senate.

DEAR SENATOR KYL: Thank you for your letter of April 1 to Rose Gottemoeller, the President's nominee for Assistant Secretary of State for Verification and Compliance, regarding the importance of consultation with the Congress and the National Security Working Group.

In Ms. Gottemoeller's testimony on March 26 before the Senate Foreign Relations Committee, she quoted a phrase from Secretary of State Clinton's statement before the Committee. She said, ''For me, consultation is not a catch word. It is a commitment.'' Ms. Gottemoeller fully shares the Secretary's commitment.

If she is confirmed by the Senate, Ms. Gottemoeller would be working with the Congress as a partner in addressing our national security challenges. She would provide regular and complete briefings to the Senate Foreign Relations Committee, the Armed Services Committee, the Select Committee on Intelligence, the National Security Working Group, and other relevant and interested organizations.

We expect the future Assistant Secretary to engage in a dynamic consultation process with you and others in the Congress on the key national security issues in the Bureau's portfolio, including the follow-on to the Strategic Arms Reduction Treaty.

Sincerely,

MICHAEL C. POLT,
Acting Assistant Secretary, Legislative Affairs.

COMMISSION ON STRATEGIC POSTURE

Mr. KYL. Mr. President, the next matter I wish to address is a follow-on also to the bipartisan Commission on the Strategic Posture of the United States. I called it the Perry-Schlesinger Commission a moment ago. As part of the 2008 National Defense Authorization Act, Congress created this bipartisan Commission and charged the Commission of six Democrats and six Republicans to assess the needs of the United States with regard to nuclear weapons and missile defense and asked that it make recommendations regarding the role each should play in the Nation's defense.

As its Chair and Vice-Chair, former Secretary of Defense for President Clinton, William Perry, and former Secretary of Defense for Defense and Energy for Presidents Nixon, Ford and Carter, James Schlesinger, respectively, stated in testimony to the House and Senate Armed Services Committees, the Congress wanted the Commission to reach a bipartisan consensus on its recommendations and

findings to provide a roadmap for action by the administration and Congress.

The final report issued by the Commission on May 6th did that to a remarkable degree.

In fact, the Commission reached bipartisan consensus on all but one issue, the merit of the Comprehensive Test Ban Treaty, which this body rejected 10 years ago.

It now falls to the administration and the Congress to act on the findings and recommendations of the Commission. And the recommendations come at a propitious time because the administration and Congress have been following a course significantly at odds with the Commission's findings.

It is not too late for the President to change course and pursue the bipartisan recommendations of this esteemed panel to recreate the basic building blocks of the U.S. strategic deterrent.

First, let me discuss the Commission's recommendations. The unifying theme of the Commission on the Strategic Posture was a simple one: nuclear weapons will be needed to guarantee U.S. national security—and that of our allies—for the indefinite future.

There has been a great deal written about ways the U.S. should lead the world toward the elimination of nuclear weapons.

The President himself has endorsed this goal.

The Commission, however, urged caution:

> [t]he conditions that might make the elimination of nuclear weapons possible are not present today and establishing such conditions would require a fundamental transformation of the world political order.

It necessarily follows that if the United States needs to possess nuclear weapons for the foreseeable future, it needs a safe, reliable and credible nuclear deterrent.

As the Commission stated:

> [t]he United States requires a stockpile of nuclear weapons that is safe, secure, and reliable, and whose threatened use in military conflict would be credible.

However, the Commission issued ominous warnings about the current state of our weapons, and the programs to extend their life, stating:

> The life extension program has to date been effective in dealing with the problem of modernizing the arsenal. But it is becoming increasingly difficult to continue within the constraints of a rigid adherence to original materials and design as the stockpile continues to age.

Of course, this is not breaking news. Those with responsibility for the safety and reliability of our nuclear weapons have been issuing similar, and, in some cases, more dire, warnings.

For example, Secretary Gates stated in his October 2008 speech at the Carnegie Endowment:

> [L]et me first say very clearly that our weapons are safe, reliable and secure. The problem is the long-term prognosis, which I would characterize as bleak.

He went on:

> [A]t a certain point, it will become impossible to keep extending the life of our arsenal, especially in light of our testing moratorium.

Add to this the warnings of our lab directors, like Director Michael Anastasio at the Los Alamos National Lab who said in open testimony last April:

> [T]he weapons in the stockpile are not static. The chemical and radiation processes inside the nuclear physics package induce material changes that limit weapon lifetimes. We are seeing significant changes that are discussed in detail in my Annual Assessment letter.

Sadly, these warnings have fallen on the deaf ears of Congress, which has killed, with next to no debate, even the most restrained modernization programs and has even been underfunding the tools by which we maintain the weapons we have.

As Director Anastasio said in that same testimony:

> At the same time, there are ever-increasing standards imposed by environmental management, safety, and security requirements driving up the costs of the overall infrastructure. When coupled with a very constrained budget, the overall effect is exacerbated, restricting and, in some cases eliminating, our use of experimental tools across the complex. This puts at risk the fundamental premise of Stockpile Stewardship.

That is a profound statement. Stockpile stewardship was the promise made—the bargain, so to speak—when Congress imposed the testing moratorium in the early 1990s and then again when President Clinton urged ratification of the Comprehensive Test Ban Treaty.

We were told testing wasn't necessary because we would undertake a robust science-based stockpile stewardship program. But, as the Commission recognized, it isn't adequately funded. In fact, inadequate funding is now a recurring theme for the U.S. nuclear weapons enterprise. Director Anastasio warned last year that, at least regarding Los Alamos, the purchasing power of his laboratory has declined by more than half a billion dollars over the last 5 years and that according to preliminary planning—of the kind reflected in the President's budget for fiscal year 2010—the next 5 years will see a further erosion of about another $400 million. These are significant cuts.

Perhaps the most troubling impact of these budgets is the human capital, the scientists, engineers and technicians who possess skills and experience that can't be replaced.

In an understated fashion, the Commission warned that the ''intellectual infrastructure is also in serious trouble'' and that budget trends show further workforce elimination is imminent.

Secretary Gates expressed his concern about the nuclear weapons workforce this way:

> The U.S. is experiencing a serious brain drain in the loss of veteran nuclear weapons designers and technicians. Since the mid-1990s, the National Nuclear Security Administration has lost more than a quarter of its workforce. Half of our nuclear lab scientists are over 50 years old, and many of those under 50 have had limited or no involvement in the design and development of a nuclear weapon. By some estimates, within the next several years, three-quarters of the workforce in nuclear engineering and at the national laboratories will reach retirement age.

This is playing out today on the newspaper pages: just look at the May 29 Los Angeles Times report on delays in the Lifetime Extension Program for the W76 warhead, the submarine-based mainstay of America's nuclear deterrent.

The L.A. Times reported:

> At issue with the W76, at least in part, is a classified component that was used in the original weapons but that engineers and scientists at the Energy Department's plant in Oak Ridge, Tennessee, would not duplicate in a series of efforts over the last several years.

As Philip Coyle, a former deputy director of the Livermore Lab, stated in this article:

> I don't know how this happened that we forgot how to make fogbank, it should not have happened, but it did.

Related to the safety and reliability of our nuclear weapons stockpile, said the Commission, is the design and size of the nuclear force itself. On this point, it is not only U.S. security that is threatened, so is the security of the 30 or so friendly and allied nations that rely on the so-called U.S. extended deterrent, aka the nuclear umbrella.

As Secretary Schlesinger explained at the Senate Armed Services Committee on Thursday, May 7th:

> The requirements for Extended Deterrence still remain at the heart of the design of the U.S. nuclear posture.

While this may seem like an onerous responsibility for the United States, it is one, Secretary Schlesinger explained, we must continue to pay, because ''extended deterrence remains a major barrier to proliferation.''

And restraining proliferation is definitely a top national security interest of the United States.

In essence, what this means is, numbers matter. We cannot just reduce the numbers of our weapons to some arbitrary number, like 1,500 or 1,000, significant only because they end with zeroes, we must have a nuclear arsenal sufficient to cover both the U.S. and the allies who rely on us. And if we do not, our allies could conclude they need to develop their own.

The Commission also recognized that specific platforms matter; this is why the Commission stated that the triad, the submarines, bombers, and ICBMs, must be retained as well as other delivery systems, such as our nuclear-capable cruise missiles, which are of interest to key allies in strategically vital areas of the world.

It is my hope that the administration and Congress will take these findings and recommendations seriously.

We owe the Commissioners a debt of gratitude for their service. The best

way to show our gratitude is by listening to them and charting our course based on where they revealed consensus is possible.

Will Congress and the administration heed the Commission's bipartisan findings and recommendations?

I am fearful that that will not be the case. Why do I say that?

It appears the administration is preparing to take big risks in the negotiation of a START follow-on treaty with Russia.

Specifically, the President announced at his G–20 meeting with Russian President Medvedev that he intends to seek a START follow-on treaty that moves below the lower level of strategic nuclear forces permitted by the Moscow Treaty.

Some press reports suggest that administration is seeking to go as low as 1,500 deployed strategic nuclear weapons, or about a 30-percent reduction from present levels.

I am not going to prejudge the correct number of nuclear forces for the U.S.

I will, however, say that I agree with the Commission, which referred to the ''complex decision-making'' process involved in determining the size of the U.S. nuclear force.

What this means is that careful and rigorous analysis is needed before pursuing reductions below Moscow levels.

Congress has ordered just this analysis in the form of a Quadrennial Defense Review and Nuclear Posture Review.

But there is every indication that our arms control negotiators are working off of some other kind of analysis.

Presumably, the next NPR would then have to conclude that the level agreed to in a START follow-on is the right number.

This is like writing the test to suit what the test taker knows, and not what the test taker should know.

The last NPR looked at the world as it stood in 2001 and its recommendations resulted in reductions of U.S. nuclear forces to approximately 2,200 strategic nuclear weapons.

Is the world more or less safe than in 2001? Is Russia more or less aggressive that it was then? Is Pakistan a more or less significant threat? Is Iran closer to a nuclear weapon? How many more nuclear weapons has China built since 2001?

These are all questions that must be answered.

And the needs of our allies must be understood in this threat context. They are similarly concerned about the size of our deterrent, as I noted before.

We must engage in consultations with each of them about what U.S. nuclear force posture assures them of their security, not what we think should assure them.

And we must understand what threats they need to deter for their security. We must understand whether they are concerned about Russia's tactical nuclear weapons, which Russia insists absolutely cannot be discussed.

If so, how do further U.S. strategic nuclear reductions affect the balance of forces between the hundreds of tactical nuclear weapons the U.S. possesses versus the several thousands of tactical nuclear weapons Russia possesses?

Equally concerning is the fact that the cart appears to be before the horse. And by that I mean, it appears we may be presented with a START follow-on that compels a new nuclear posture, with significant reductions, but does not explain how that posture will be supported.

What kind of modernization program will be undertaken to support the requirement articulated by the Commission that the U.S. maintain a safe and reliable deterrent for so long as one is necessary? And what about the Manhattan Project-era complex of physical infrastructure that sustains it—what will be done to modernize it?

It is unclear how we can safely put further reductions ahead of long overdue modernization. All of this argues for slowing down and taking a breath.

The START Treaty of 1991 expires early this December. I agree with those who say that the verification and confidence building elements of that treaty are too important to allow to expire. It is also significant that that treaty's provisions undergird the Moscow Treaty.

So why not simply negotiate a 1- or 2-year extension to permit time to perform the complex analyses that are involved in appropriately sizing the U.S. nuclear force posture?

At the same time, the administration could devise a plan for the modernization of our nuclear weapons and the complex which supports it.

Otherwise, the administration will be asking the Senate to ratify a START follow-on that may include significant strategic arms reductions, which compels serious and lengthy review based on the panoply of issues the Commission addressed, without the necessary modernization plan, which, in light of the fiscal year 2010 budget request, would have to be included in the fiscal year 2011 budget request that will not be submitted to the Congress until February of 2010.

So the administration either needs to slow down on this ambitious START follow-on, move forward on a follow-on that only deals with the necessary issues, or submit an amended budget request that reflects modernization programs recommended by the last administration, such as the NNSA complex transformation, which the Commission endorsed, and RRW.

In fact, with or without nuclear weapons reductions, this is a critical exercise.

We maintain a significant nondeployed reserve of nuclear weapons today because we are concerned about the reliability of our aging weapons, the last of which was designed in the 1980s and built in the 1990s and we have no viable production capability.

We worry about the failure of a weapon that could affect an entire class of weapons, possibly knocking out a leg of the triad.

We worry about this because the weapons are old and we have do not have the capacity to respond quickly to a significant failing in these weapons because of the age and obsolescence of the nuclear weapons complex.

Additionally, because of the ancient state of much of the nuclear weapons complex, we must also be worried about the danger of a strategic surprise, put another way, a new global threat.

If a new threat emerged, a real prospect given the instability in Pakistan and North Korea's proliferation to Syria, we do not presently have the capacity to quickly build up our stockpile or develop a nuclear weapon capable of dealing with the threat.

So, we maintain many more nuclear weapons than necessary.

A modernization program for our stockpile and infrastructure would permit the administration to pursue all of its objectives now, including reducing the number of warheads.

The administration should fund the NNSA transformation plan, which would allow us to build a smaller, more efficient, and modern laboratory and production infrastructure, and finally replace the Manhattan Project-era facilities we are currently spending so much money to maintain. In fact, the NNSA complex transformation plan was specifically endorsed by the Commission.

It can pick up and fund the Reliable Replacement Warhead studies, which would, for the first time since the 1980s, put our weapons designers to work on a modern warhead for the U.S. stockpile.

But it must move forward now.

Unfortunately, the budget the administration just put forward does not recognize the critical state of affairs in our nuclear weapons enterprise.

It not only does nothing to modernize our weapons, it continues the neglect of the Stockpile Stewardship Program and the basic science and engineering that supports it.

Specifically, the science campaign, the science in science-based stockpile stewardship, continues to be underfunded in the President's fiscal year 2010 budget request. Worse yet, according to the projections in the President's budget, the underfunding of the science in Stockpile Stewardship will actually be accelerated between fiscal year 2011 and fiscal year 2014.

The impact of these cuts to the science campaign can also be seen in the continued cuts in the funding requested for the laboratories to use the Stockpile Stewardship Program, SSP, tools, including the DAHRT facility, which is essentially a big x-ray used to study what goes on in a nuclear weapon at the earliest stages of criticality, without actually producing nuclear yield.

Another example is the advanced computing program, the use of which this budget continues to underfund.

The budget for the engineering campaign, which develops capabilities to improve the safety and reliability of the stockpile, is kept at the fiscal year 2009 level, which is a reduction from the fiscal year 2008 level. Again, between fiscal year 2011–2014, the engineering campaign budget is cut, and it is cut more significantly than the science campaign budget.

The effect of the administration's budget is to continue, and even accelerate, the brain drain at the labs.

The Commission is not alone in warning about the effects of this brain drain.

The recent Los Angeles Times article was based off of, in part, a recent GAO study that pointed out that the lifetime extension programs on the W–76 and the B–61 were in some cases affected by the fact that we have forgotten some of the key processes involved in building our nuclear weapons.

The administration would also be wise to consider that there was bipartisan consensus on every aspect of the Commission's report save one, the CTBT.

The administration has said that it intends to push hard to get the Senate to ratify this treaty, even though the Senate has already rejected it once, by a significant margin.

I know of no information that suggests that the matters that led the Senate to reject the treaty have changed for the better. In some respects, like the deteriorating condition of our strategic deterrent, they have gotten worse.

Lastly, it is worth pointing out that the Commission articulated real dangers from nuclear terrorism and the ''tipping point'' of a proliferation cascade on which we are now perilously perched thanks to the impotent response of the world community to the illegal Iranian and North Korean nuclear weapons programs.

The President also recognized this threat in recent remarks in Prague when he stated: ''in a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up.''

I think that is exactly right.

My concern is the initial steps the President has chosen to deal with this threat, the threat also identified by the Commission, are not at all tailored to provide a solution to these grave threats.

It is important to ensure the verification measures of START do not expire, but that treaty would not deal with the threat of terrorists obtaining nuclear weapons technology or material.

Likewise, CTBT, a bad idea shrouded in good intentions, would not even be capable of detecting political tantrums like the North Korean test, even when the international monitoring system is told where and when to look.

Yet, these are the measures the administration has chosen to spend its capital on.

I urge the administration to look for areas to work with the Congress: globalizing the Nunn-Lugar program, dealing with the threat posed by the spread of civilian nuclear technology, strengthening our nuclear intelligence, attribution and forensic capabilities to name a few.

Mr. President, the Commission on the Strategic Posture, led by two of our most esteemed experts on U.S. national security, has just completed more than a year-long review of the role that nuclear weapons play in our national security.

The 12 Commissioners have done what no one thought was possible: they have found a bipartisan consensus.

They have presented their findings and recommendations to the President and the Congress.

It now becomes our turn, the elected political leaders, to take the fruit of the Commission's labor and move forward on the necessary and long overdue steps these experts have deemed necessary, regardless of party affiliation, to protect the American people.

GUANTANAMO BAY

Mr. KYL. Mr. President, finally, I wish to refer to a debate that occurred on the floor, I believe it was last Thursday, following remarks of the distinguished minority leader and concerning remarks made by the assistant majority leader. This has to do with Guantanamo Bay, the prison there, and the people whom we have kept in prison there.

I want to specifically address the chorus of false claims and insinuations about that facility, noting it has grown louder, in tandem, I suspect, with growing American opposition to closing the facility and bringing the terrorists to U.S. soil.

A majority of Americans now oppose the closure of Guantanamo. This is according to a USA Today poll of June 2. This is by a margin of 2 to 1. Many of the arguments we have heard recently to dissuade them, frankly, give off more heat than light.

My friend and colleague, the majority whip, recently gave a speech in which he claimed arguments opposing the closure of the prison at Guantanamo made by Senator MCCONNELL and others are ''based on fear.'' I contend these arguments are based on concerns about both the safety of Americans and the logistical obstacles to closing the facility.

Last month, before the House Judiciary Committee, FBI Director Robert Mueller testified that transferring the remaining Guantanamo detainees to U.S. prisons—even maximum security prisons—would entail serious security risks. He said this: ''The concerns we have about individuals who may support terrorism being in the United States run from concerns about providing financing, radicalizing others,'' as well as ''the potential for individuals undertaking attacks in the United States.''

The Guantanamo facility is separated from American communities. It is well protected from the threat of a terrorist attack. No one has ever escaped from Guantanamo.

Why should we feel pressure to support President Obama's arbitrary deadline to close the facility when the administration has yet to offer a plan about where to relocate the terrorists and where, I would submit, a case has not been made for closing this facility and locating those prisoners elsewhere? In fact, other countries have told us they do not want them, with the exception of France, which offered to take one prisoner. And a new June 2 USA Today poll, which I talked about before, shows that Americans, by a measure of 3 to 1, reject bringing those terrorists to the United States.

In his speech, Senator DURBIN also made reference to the ''torture of prisoners held by the United States'' and the ''treatment of some prisoners at Guantanamo.''

Regarding the treatment of Guantanamo detainees, I think the record needs to reflect the following: The living conditions at the facility are safe and humane. This is a $200 million state-of-the-art facility that meets or exceeds standards of modern prison facilities. Following his February tour of Guantanamo, Attorney General Holder said:

> I did not witness any mistreatment of prisoners. I think, to the contrary, what I saw was a very conscious attempt by these guards to conduct themselves in an appropriate way.

Numerous international delegations and government officials from dozens of countries have likewise visited the facility. During a 2006 inspection by the Organization for Security Cooperation in Europe, a Belgian representative said:

> At the level of the detention facilities, it is a model prison, where people are better treated than in Belgian prisons.

Detainees get to exercise regularly, receive culturally and religiously appropriate meals three times a day, and access to mail and a library. Additionally, the International Committee of the Red Cross has unfettered access to the detainees. They have met all detainees in private sessions and routinely consult with the United States on its detention operations.

The facility provides outstanding medical care to every detainee. In 2005, the military completed a new camp hospital to treat detainees, who have now received hundreds of surgeries and thousands of dental procedures and vaccinations. So this idea that the prisoners are treated badly is patently false.

The insinuation—directly or indirectly—that torture has occurred at

Guantanamo must stop. Torture is illegal. It was never permitted at Guantanamo. And torture has never been sanctioned by the United States.

In discussions about torture, we have heard a lot of rhetoric that attempts to draw a straight line between what happened at Abu Ghraib and the legal, enhanced interrogations at Guantanamo. But let's be clear about the distinction: At Abu Ghraib, a few brutal prison guards abused inmates. In doing so, they violated American law and military regulations. And for that they rightly received Army justice.

The methods of legal interrogation used at Guantanamo, which have wrongly been characterized by some as ''torture,'' were used on a few of the most hardened terrorists after all other efforts failed.

At Guantanamo, all credible allegations of detainee abuse are investigated, and the military has not hesitated to prosecute or discipline any guards who violate those standards, regardless of provocation.

Navy RADM Mark Buzby, commander of the Joint Task Force at Guantanamo, said, in 2007, the facility's practices have been in keeping with DOD policies:

> We tend to get wrapped up in the greater discussion of detainees down here with those detained elsewhere. There have been many, many investigations conducted of the conditions in Guantanamo . . . and they found no deviations from standing DOD policies.

''No deviations from standing DOD policies.''

Then there is the idea that has been floated by the President, Senator DURBIN, and others that keeping Guantanamo Bay open serves as a ''recruitment tool'' for al-Qaida. By this logic, our fight against the Taliban or our targeted airstrikes against terrorists in Pakistan could be dubbed ''recruitment tools'' for al-Qaida, since both policies involve planting U.S. forces in Muslim nations to fight jihadists.

This ''recruitment tool'' idea is the latest incarnation of what Ambassador Jeane Kirkpatrick dubbed the ''blame America first'' mentality. It makes excuses for the terrorists and heaps scorn on the United States for fighting back.

Recall that al-Qaida was swelling its ranks throughout the 1990s—before the war on terror and well before the prison at Guantanamo Bay was even created. During that decade, it struck the World Trade Center, the Khobar Towers in Saudi Arabia, and the U.S. Embassies in Kenya and Tanzania. Then, in October 2000, it attacked the USS *Cole* off the coast of Yemen.

So by the time the 19 hijackers boarded the four planes that crashed on September 11, 2001, al-Qaida had already identified numerous grievances with America, including its contempt for Western culture, equal rights for women and men, and our support for free speech and the exchange of ideas.

I have sent a letter to the National Security Advisor asking for evidence that keeping Guantanamo Bay open has created more terrorists than the facility has housed. That was a statement that President Obama made, that the existence of the Guantanamo prison has created more terrorists than the facility has housed. It is an incredible assertion, but it is at the foundation of his claim that we need to close Guantanamo because somehow it represents a valid symbol of American torture or oppression that hurts our efforts abroad. Anything we do is going to cause recruitment of terrorists who hate us. Whether we close Guantanamo or not, the terrorists will still have plenty of reasons to recruit fellow jihadists. I wish to ask again, today, that the administration provide us with the information that backs up the President's claim on this issue.

Ultimately, the debate over Guantanamo has become a debate over geography. Both the new Attorney General and the new Solicitor General have endorsed the government's right to detain suspected terrorists indefinitely. That is correct. Whether we detain them at Guantanamo or at prisons on U.S. soil does not change the fundamental reality that this administration, like its predecessor, will be holding certain individuals without trial.

We have been told that Guantanamo must be closed for symbolic reasons. But America should never make national security decisions based on symbolism or false moral arguments.

I hope as we continue to debate this issue of the prison at Guantanamo, and as the President has been asked to provide a plan for how that base would be closed, and how much it would cost, and as he continues to ask Congress to provide the funding to carry out that plan, we keep in mind these critical points.

The first is you cannot legitimately make the argument that anything has occurred at Guantanamo for which the United States should be embarrassed, should apologize, or should, at the end of the day, close the facility because of some embarrassment that the United States has about our activities there.

Our soldiers who are involved in protecting our interests by guarding those terrorists, the medical personnel, and all of the others who are involved, have done a job which, frankly, we should be thankful for. And rather than slapping them in the face and insinuating they have done something wrong—which makes us have to close that prison down—is a terrible indictment on the military men and women who have worked hard to do their very best at that facility and, as I pointed out, have in all respects conducted themselves in accordance with Army procedures.

At the end of the day, you cannot lie prostrate at the feet of your enemies—in this case, the terrorists—and say: We are sorry that we do some things to offend you, we will stop doing those, and then maybe you will no longer be offended. To suggest that will cause them to no longer recruit colleagues and plan attacks against us is fantasy. Therefore, I challenge the administration again: Supply the facts on which the President made the allegation that the existence of Guantanamo created more terrorists than have ever been housed there. It is a palpably false statement, and he should not be able to argue to the American people and to the Congress, from which he is requesting money, that we have to give money to shut down Guantanamo because of that false fact. I urge my colleagues, as we continue to debate this issue, to challenge the administration to provide that information to us.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

''CAR CZAR'' AWARD

Mr. ALEXANDER. Mr. President, I am here to present the ''Car Czar'' award for Monday, June 8, 2009. It is a service to taxpayers from America's newest automotive headquarters: Washington, DC.

This is the first in a series of ''Car Czar'' awards to be conferred upon Washington meddlers who distinguish themselves by making it harder for the auto companies your government owns to compete in the world marketplace.

Today's ''Car Czar'' award goes to Congressman BARNEY FRANK of Massachusetts for interfering in the operation of General Motors. Congressman FRANK is chairman of the Financial Services Committee of the House of Representatives. One might call it the ''House Bailout Committee.'' Congressman FRANK's phone call to General Motors always is likely to be returned since the U.S. Treasury recently purchased 60 percent of GM and 8 percent of Chrysler with $62 billion of your tax dollars.

According to the June 5 Wall Street Journal:

> The latest self-appointed car czar is Massachusetts's own Barney Frank, who intervened this week to save a GM distribution center in Norton, Mass. The warehouse, which employs some 90 people, was slated for closing by the end of the year under GM's restructuring plan. But Mr. FRANK put in a call to GM CEO Fritz Henderson and secured a new lease on life for the facility.

The Congressman's spokesman said that Mr. FRANK was ''just doing what any other Congressman would do'' in looking out for the interests of his constituency—precisely the reason for these ''Car Czar'' awards. As the journal put it:

> . . . that's the problem with industrial policy and government control of American business. In Washington, every Member of Congress now thinks he's a czar who can call ol' Fritz and tell him how to make cars.

I will continue to confer ''Car Czar'' awards until Congress and the President enact my Auto Stock for Every Taxpayer legislation which would distribute the government's stock in General Motors and Chrysler to the 120 million Americans who paid taxes on April 15. That is the fastest way to get ownership of the auto companies out of the hands of meddling Washington politicians and back into the hands of Americans and the marketplace.

It also may be the fastest way for Congressmen to get themselves reelected. According to the National Tennessean, an AutoPacific survey reports that 81 percent of Americans polled ''agreed that the faster the government gets out of the automotive business, the better.'' And 95 percent disagreed ''that the government is a good overseer of corporations such as General Motors and Chrysler.'' And 93 percent disagreed ''that having the government in charge of (the two automakers) will result in cars and trucks that Americans will want to buy.''

There should be plenty of material for these ''Car Czar'' awards. For example, last week auto executives spent 4 hours testifying before congressional committees about dealerships. I assume the executives drove to Washington, DC, from Detroit in their congressional approved modes of transportation—probably hybrid cars—leaving them very little time on that day to design, build or sell cars and trucks.

I have counted at least 60 congressional committees and subcommittees with the authority to hold hearings on auto companies, and no doubt most will. Car executives trying to manage complex companies will be reduced to the status of some Assistant Secretary hauling briefing books between subcommittees answering questions—under oath, of course—about models, sizes, paint colors, plant closings, fuel efficiency, and why the GM Volt's battery is being made in South Korea.

And should Congressmen run out of reasons to meddle, the President and his aides stand ready. Already, the administration has warned General Motors it is making too many SUVs and that its Chevy Volt is too expensive. The President himself has weighed in on whether General Motors should move to Warren, MI, and has fired one president of General Motors.

Now, here is an invitation for those who may be listening: If you know of a Washington ''Car Czar'' who deserves to be honored, please e-mail me at CarAward@alexander.senate.gov, and I will give you full credit in my regular ''Car Czar'' reports here on the floor of the United States Senate.

And after you write to me, I hope you will write or call your Congressmen and Senators and remind them to enact the Auto Stock For Every Taxpayer Act just as soon as General Motors emerges from bankruptcy. All you need to say when you write or call are these eight magic words, ''I paid for it. I should own it.''

Mr. President, I ask unanimous consent that the Wall Street Journal editorial from June 5, entitled ''Barney Frank, Car Czar'' be printed in the CONGRESSIONAL RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 5, 2009]

BARNEY FRANK, CAR CZAR

President Obama may have ''no interest'' in running General Motors, as he averred Monday. But even if that's true, we are already discovering that he shares Washington with 535 Members of Congress, many of whom have other ideas.

The latest self-appointed car czar is Massachusetts's own Barney Frank, who intervened this week to save a GM distribution center in Norton, Mass. The warehouse, which employs some 90 people, was slated for closure by the end of the year under GM's restructuring plan. But Mr. Frank put in a call to GM CEO Fritz Henderson and secured a new lease on life for the facility.

Mr. Frank's spokesman, Harry Gural, says the Congressman discussed, among other things, ''the facility's value to GM.'' We'd have thought that would be something that GM might have considered when it decided to close the Norton center, but then a call from one of the most powerful Members of Congress can certainly cause a ward of the state to reconsider what qualifies as ''value.'' A CEO who refuses the offer can soon find himself testifying under oath before Congress, or answering questions from the Government Accountability Office about his expense account. To that point, Mr. Henderson spent Wednesday with Chrysler President Jim Press being castigated by the Senate Commerce Committee for their plans to close 3,400 car dealerships. Every Senator wants dealerships closed in someone else's state.

As Mr. Gural put it, Mr. Frank was ''just doing what any other Congressman would do'' in looking out for the interests of his constituents. And that's the problem with industrial policy and government control of American business. In Washington, every Member of Congress now thinks he's a czar who can call ol' Fritz and tell him how to make cars.

Mr. ALEXANDER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

HEALTH CARE REFORM

Mr. SANDERS. Mr. President, let me be very clear. Our health care system is disintegrating. Today, 46 million Americans have no health insurance and even more are underinsured with high deductibles and copayments. At a time when 60 million people, including many with insurance, do not have access to a doctor of their own, over 18,000 Americans die every year from preventable illnesses because they do not get the medical care they should. This is six times the number of people who died at the tragedy of 9/11, but this occurs every single year, year after year. In the midst of this horrendous lack of coverage, the United States spends far more per capita on health care than any other Nation, and health care costs continue to soar. At $2.4 trillion and 18 percent of our GDP, the skyrocketing cost of health care in this country is unsustainable, both from a personal and macroeconomic perspective.

At the individual level, the average American spends about $7,900 per year on health care—$7,900 per individual every year. Despite that huge outlay, a recent study found that medical problems contributed to 62 percent of all bankruptcies in 2007. From a business perspective, General Motors spends more on health care per automobile than on steel—more on health care than on steel—while small business owners are forced to divert hard-earned profits into health coverage for their employees rather than new business investments. Because of rising health care costs, many businesses are cutting back drastically on their level of health care coverage or they are doing away with it entirely.

Further, despite the fact that we spend almost twice as much per person on health care as any other Nation, our health care outcomes lag behind many other countries. We get poor value for what we spend. According to the World Health Organization, the United States ranks 37th—37th—in terms of health system performance, and we are far behind many other countries in terms of such important indices as infant mortality, life expectancy, and preventable deaths. In other words, we are spending huge amounts of money, but what we are getting for that investment does not compare well to many other countries that spend a lot less than we do.

As the health care debate heats up in Washington, we as a nation have to answer two fundamental questions.

First, should all Americans be entitled to health care as a right and not a privilege? That is the way every other major country treats health care and the way we respond to such other basic needs as education, police, and fire protection. One hundred or more years ago, this country decided that every young person, regardless of income, is going to get a primary and secondary education because that is the right thing to do and good for the country. But unlike every other major industrialized Nation, we have not come to that same conclusion that health care is a right.

Second, if we are to provide quality health care to all, the next question is, how do we accomplish that in the most cost-effective way possible? We can provide health care to all people in a lot of ways, but some of those ways will essentially bankrupt this country. What is the most cost-effective way to provide quality health care to every man, woman, and child in this country?

In terms of the first question I asked: Should all Americans be entitled to health care as a right, I think the answer to that question is pretty clear and is, in fact, one of the reasons Barack Obama was elected President of the United States. Most Americans do

believe all of us should have health care coverage and that nobody should be left out of the system. The real debate is how we accomplish that goal in an affordable and sustainable way. In that regard, I think the evidence is overwhelming that we must end the private insurance company domination of health care in our country and move toward a publicly funded, single-payer, Medicare-for-all approach.

Our current private health insurance system is the most costly, wasteful, complicated, and bureaucratic in the world. Its function is not to provide quality health care for all of our people but to make huge profits for the people who own the companies. That is what private health insurance is about. With thousands of different health benefit programs designed to maximize profits, private health insurance companies spend an incredible 30 percent of each health care dollar on administration and billing. Thirty cents of every dollar is not going to doctors, nurses, medicine, medical personnel; it is going to bureaucracy and administration. Included in that spending are not only general administration and billing but exorbitant CEO compensation packages, advertising, lobbying, and campaign contributions. Public programs such as Medicare, Medicaid, and the VA are administered for far less money.

In recent years, while we have experienced an acute shortage of primary health care doctors as well as nurses, as well as dentists, and many other health care personnel, we are paying for a huge increase in health care bureaucrats and bill collectors. Over the last three decades, the number of administrative personnel has grown by 25 times the number of physicians. Instead of investing in primary health care, instead of investing in doctors, instead of addressing the nursing shortage, where our health care dollars are going is to health insurance bureaucrats who spend half their lives on the telephone telling us we are not covered for the procedures we thought we had paid for. That is a dumb way to spend health care dollars.

Further, and not surprisingly, while health care costs are soaring, so are the profits of private health insurance companies. From 2003 to 2007, the combined profits of the Nation's major health insurance companies increased by 170 percent. Health care costs are soaring; people can't afford health insurance. Yet the profits of the private health insurance companies have gone up by 170 percent from 2003 to 2007. While more and more Americans are losing their jobs and their health insurance, the top executives in the industry are receiving lavish compensation packages. It is not just William McGuire, the former head of United Health, who several years ago accumulated stock options worth an estimated $1.6 billion, or CIGNA CEO Edward Hanway, who made more than $120 million in the last 5 years. It is not just them. It is the reality that CEO compensation for the top seven health insurance companies now averages $14.2 million. Forty-six million Americans have no health insurance, more are underinsured, and we apparently have the money to pay exorbitant compensation packages to the heads of private health insurance companies.

Moving toward a national health insurance program, which provides cost-effective, universal, comprehensive, and quality health care for all, will not be easy. That is an understatement. It will not be easy. The powerful special interests, the insurance companies, the drug companies, and the medical equipment suppliers, among others, will wage an all-out fight to make sure we maintain the current system which enables them to make billions and billions of dollars every year in profits.

In recent years, these special interests have spent hundreds of millions of dollars on lobbying, on campaign contributions, and advertising, and with unlimited resources. They can make out a check as big as they need. They will continue to spend as much as they need in order to preserve this dysfunctional health care system from which they profit so much.

But at the end of the day, as difficult as it may be, the fight for a national health care program will prevail. Like the civil rights movement, the struggle for women's rights, and other grassroots efforts, justice in this country is often delayed, but it will not be denied. We shall overcome.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mrs. FEINSTEIN. Madam President, I have come to the floor to offer a few comments on the Family Smoking Prevention and Tobacco Control Act, the bill on which we will shortly be voting cloture, I hope.

I wish to begin by paying tribute and thanking Senator KENNEDY. I have had occasions to discuss this subject with him more than once. No one has been more dedicated, worked harder or longer to see this day on the floor than Senator TED KENNEDY. I thank him for it. I hope once this bill gains cloture we will pass it swiftly, and it will become the law of the land, and it will, in fact, save lives.

I would like to make three main points. The first is that tobacco is the leading preventable cause of death in this country; the second is the huge financial cost to tobacco; and finally, the relationship between tobacco and cancer.

We know tobacco harms the health of Americans—those who use cigarettes and those who are exposed to secondhand smoke. But I think what most people do not know is that every year, 400,000 Americans die from tobacco use. That makes tobacco the leading preventable cause of death in the United States, killing more people each year than HIV/AIDS, illegal drug use, alcohol use, motor vehicle accidents, suicides, and murders combined. That is why it is the leading preventable cause of death.

In California, every year 36,600 adults die from their smoking; in Michigan, the number is 14,500; in New York, 25,400; in Wyoming, a very small State, 700 people die every year. Every State in this country loses people prematurely to death from smoking.

We know the high cost, the human cost of tobacco use, but I think people also do not realize my second point, and that is the tremendous financial cost. Smoking costs our health care system $96 billion every year. States pay $13.3 billion every year in Medicaid expenses and the Federal Government spends $17.6 billion. Medicare pays $27.6 billion and the VA and other Federal programs spend an additional $9.6 billion. The rest of this cost, about $28 billion, is borne by private payers. So the financial cost is $96 billion a year.

The Senate is about to embark on the enormous task of expanding health care coverage and access for the 47 million Americans without insurance. Imagine that instead of spending $96 billion every year to treat tobacco-related illnesses, we could use this money to improve our health care system. It could fund a significant portion of health reform. One, we could nearly triple the budget of the National Institutes of Health, a very good thing. Two, only 2 months of tobacco-related health spending could provide a year of health insurance for every uninsured child in America. Three—let me put it another way—we could provide health insurance to every uninsured child in America and still have $80 billion left over. That is the inordinate, inexplicable cost of tobacco products in this country. Instead, we continue to spend $96 billion every year on preventable illness caused by tobacco.

Passing this bill will not immediately end smoking or the illness it causes, but helping Americans to live healthier lives is a critical component of any long-term reform of our health care system. I believe we should view this bill as a sound, critical, and important first step on the road to broader reform.

Tobacco and cancer. My life has been surrounded by cancer, so I am very sensitive on this point. Without a doubt, cancer is one of the most expensive tobacco-related illnesses. Cigarette

smoking alone accounts for approximately 30 percent of cancer deaths annually. It is the leading cause of lung cancer, and lung cancer is the No. 1 cancer killer in this country.

Since coming to the Senate, I have tried to be committed to finding cures and treatments that will end death and suffering from cancer. My goal is in my lifetime. As I tell people, I am not that young anymore, so I want to see it come fast and soon. I have had the opportunity to talk with countless experts in oncology, biomedical research, and medicine about how to meet this goal. They all say one thing: Go after tobacco. We will not end cancer until we end tobacco use. This bill takes a major step in that direction.

In 2007, the President's cancer panel called on Congress to authorize the FDA to strictly regulate tobacco products and product marketing. This same report called the tobacco industry ''a vector of disease and death that can no more be ignored in seeking solutions to the tobacco problem than mosquitos can be ignored in seeking to eradicate malaria.'' I think that is a very good quote. I think it is really true.

Most people associate tobacco use with lung cancer, as I just have. But according to the National Cancer Institute, 90 percent of lung cancer deaths among men can be attributed to smoking—90 percent—and 80 percent of these same deaths attributed to women are from smoking as well. But there are a variety of other cancers caused by tobacco products: cancer of the mouth, of the nasal cavities, of the larynx, of the throat, of the esophagus—esophageal cancer is increasing, for some strange reason, and I suspect this has to do with it—stomach, liver, pancreas, kidney, bladder, cervix, and even acute myeloid leukemia. There is so much we do not know about cancer—how it is caused, how it progresses, how to treat it effectively. But we know beyond a shadow of a doubt that many types are caused at least in part by tobacco use. So I firmly believe the passage of this bill will lead to a reduction in cancer, and most importantly to cancer deaths, and it will give the FDA the ability to make the cigarettes currently available less toxic and less carcinogenic and less addicting.

Let me give an example. A study by researchers—namely, David Burns and Christy Anderson, both of the University of California, San Diego School of Medicine—suggests that cigarette smoke today may double the risk of lung cancer compared to cigarettes smoked by Americans 40 years ago. Now, that is amazing.

Remember all the unfiltered cigarettes of yesteryear? You would think those cigarettes would be stronger; right? No, they are saying. They attribute this to a change in the chemicals which have been added in recent years to cigarettes. The researchers compared cigarettes in the United States with cigarettes in Australia, and here is what they found: Cigarettes smoked in Australia have a much lower level of a compound known as tobacco-specific nitrosamines. This chemical is a carcinogen. It causes a type of lung cancer called adenocarcinoma. Rates of this lung cancer are much lower in Australia, leading researchers to conclude that the contents of cigarettes are exposing American smokers to a higher risk.

This suggests that lung cancer rates could be reduced by regulatory control of additives to tobacco products. That is what this bill will do. It will give the Food and Drug Administration the ability to make the cigarettes smoked in this country less dangerous, less addictive. They can ratchet down chemical components and addictive qualities that are added to tobacco to increase the addiction.

Under this bill, the FDA can reduce carcinogens such as tobacco-specific nitrosamines. Some Americans may still smoke, but the products they will smoke will be less likely to give them lung cancer. I think that is a good thing, and I hope you would agree with me.

It is time to close the decades-long loophole that has allowed tobacco to become the one product that is sold and advertised without any government oversight—without any government oversight. Think about that. Food is regulated, consumer products are regulated, medicine and medical devices are regulated, products designed to save lives are regulated. Yet tobacco companies sell products that, when used as directed, No. 1, addict people; No. 2, make them sick; and, No. 3, in some cases, kill them. So if there is one industry that deserves the strictest scrutiny of the Federal Government, it is in fact tobacco.

So I urge my colleagues to join me in supporting this legislation. I know it is difficult, but I am one who has participated in something that the American Cancer Society started called C-Change. This is where the cancer society has brought together some 65 groups—advocates, individuals, providers, government officials—to deal with cancer and what causes cancer. Madam President, the one constant through all the discussions, the one thing the physicians and the scientific community were the strongest on is that tobacco causes cancer, and that is just an inescapable fact. This bill deals with it. It provides regulation, it allows for the ratcheting down of addictive components, it allows for the control of chemicals that go into tobacco products, and it will, in fact, save lives.

I thank the Chair, and I yield the floor.

Madam 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.

Mr. DEMINT. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH KOREA

Mr. DEMINT. Madam President, all of us know the United States is facing many challenges at home and abroad today. We are in the middle of an economic crisis. Many Americans are losing their jobs. We are also being tested by our enemies and potential enemies all around the world. We have certainly seen Iran continue its nuclear weapons program. It snubbed its nose at the international community as the international community asked it to halt.

Recently, perhaps the most alarming threat to our security has come from North Korea. We have seen them fire test missiles over the last year, actually test a very powerful nuclear weapon, and now they are telling us they are going to test a rocket that is capable of reaching our shores. In the middle of this, they kidnapped two Americans and sentenced them to, I think, 12 years in a labor camp.

Throughout all this, America has talked tough, but I am afraid North Korea believes we are all talk.

The problem with our position with North Korea at this point is there are other rogue nations looking at what is happening and seeing that they can basically ignore the United States and the international community and continue to be a growing threat to all of us.

It is very important that the United States not reward this behavior as we have done for North Korea. The Democratic People's Republic of Korea was added to the State Department's ''State Sponsors of Terrorism'' list in 1988 for activities ranging from the protection of Japanese terrorists to its role in the bombing of a Korean airliner. Since that time, North Korea has remained, as a matter of documented fact, a sponsor of terrorism.

Last June, President Bush announced his intention to remove North Korea from the list. At no time before or since has anyone said that North Korea ceased to be a state sponsor of terror. The delisting of North Korea was a carrot waved in front of Kim Jong Il as part of a well-meaning but extremely dangerous attempt to deal diplomatically with the urgent problem of North Korea's illegal nuclear programs. Secretary of State Clinton acknowledges that North Korea was delisted only in exchange for North Korea's commitment to abandon its nuclear weapons program and submit to outside verification.

Since then, I think as most of us know, North Korea has gone further in its campaign of militant destabilization of the world than ever before. It has detonated a large nuclear bomb. It has launched missiles capable of hitting our allies. It has withdrawn from the six-party talks. It has reprocessed spent fuel rods. It has withdrawn from the United Nation's treaty that ended

the Korean war over 50 years ago. It has announced its intention to launch a ballistic missile capable of hitting the Western United States.

In response to these threats, I and seven of my colleagues wrote Secretary Clinton asking that she relist North Korea as a state sponsor of terrorism. In addition, Senator BROWNBACK and I authored amendments that have been endorsed by 15 Senators directing Secretary Clinton to redesignate North Korea. The response thus far has fallen short. Secretary Clinton says relisting is being considered but as part of an ongoing diplomatic process. President Obama has offered strong words, but we have yet to see action.

North Korea has proven that it is immune to talk, whether that talk be sweet or tough. The President gave a speech last week saying that good relationships require speaking ''clearly and . . . plainly'' about international controversies. Relisting North Korea will speak clearly and plainly about the true nature of North Korea's regime. It will send a strong signal to our allies in the Pacific.

It is now clear that President Bush's diplomatic gamble, which many opposed last year, has failed. North Korea has exploited its newfound flexibility and respectability and used it to threaten Asia and the United States. They have tapped unfrozen assets to fund their mischief, and they remain a supplier to both Hezbollah in Lebanon and the Iranian Revolutionary Guard.

Secretary Clinton's statement over the weekend that she wants ''to see recent evidence of [North Korea's] support for international terrorism'' misses the point. North Korea was not delisted because it ceased assisting in sponsoring terror. If a convicted arsonist is released on parole, he does not have to burn down a house to go back to prison. Any crime will do. That is where we are with North Korea today. They are not operating in the spirit or letter of their agreements, and without a shred of good faith. They have not reformed and cannot be trusted. They are a state sponsor of terror and should be recognized for it.

Once relisted, North Korea will suffer consequences for its aggressive provocations. There will be trade restrictions, there will be sanctions and the refreezing of assets to limit North Korea's ability to fund its weapons program. Relisting North Korea as a state sponsor of terrorism will let them and the world know that the United States is serious—something this administration has yet to do.

I yield the floor, and 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. ENZI. 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. ENZI. Madam President, I ask unanimous consent that the time in the quorum call be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. 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. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DODD. Madam President, I further ask—and this has been cleared on both sides—unanimous consent that the vote occur at 5:35 instead of at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Presiding Officer.

Madam President, I wish to take a few minutes to first thank my colleague from Wyoming, Senator ENZI. We have had a very productive couple of weeks. We had a good markup in our committee. We were able to accommodate some of the concerns that Senator ENZI has had. He has been involved with this issue for a long time. I am filling in for my colleague from Massachusetts who obviously would be standing where I am at this moment and managing this proposal. As we all know, Senator KENNEDY is dealing with a health issue himself and would love to have been here to manage this bill, but I am confident we can get this matter done.

Let me say to my colleagues, I know we ended up in sort of a little bit of a knot here as we finished business last week. Having spoken with the majority leader—and I always hesitate to speak for him, but he told me that we want to inform our colleagues that there are a number of amendments that are either germane or close to being germane that the majority leader wishes to accommodate, including I believe the substitute offered by our colleague from North Carolina—both of our colleagues from North Carolina, the Presiding Officer as well as Senator BURR—and our hope is to be able to do that as well. I am told they might not be quite germane, but the majority leader wishes to do that. They have offered an amendment in committee. A case has been made for it and they ought to have the ability to make the case here as well. So our hope would be to get cloture and then deal with the germane and close-to-germane amendments as well so we can have a full debate on this issue, the substance of this debate and issue, which has been about 10 years, I think 10 years—my colleague may correct me—8 or 10 years that this matter has been kicking around.

This is a matter of substantial import. I know I have said this repeatedly over the last several weeks, but maybe the significance of it can't be repeated often enough. That is the number of children every day who start smoking, somewhere between 3,000 and 4,000 a day, and 400,000 people who perish every year as a result of smoking-related illnesses. Thousands more live very debilitated lives as a result of their use of tobacco, cigarettes, or other tobacco products.

This is a matter for which it is absolutely essential to have Food and Drug Administration regulation. We know the Food and Drug Administration has the ability to regulate virtually every product we consume, including the irony of every product our pets consume, and yet does not have the power or the right to regulate tobacco products. This is the 21st century. With 400,000 people a year losing their lives, millions more in jeopardy of grave illness or death as a result of this self-inflicted health hazard, this must be addressed. It will give them the ability to deal with sales and marketing, as well as the production of cigarettes, particularly to children. Ninety percent of the adults in this country who smoke started as child smokers. Of the 3,000 to 4,000, as I mentioned a moment ago, 1,000 become addicted and about one-third of that number end up dying as a result of that addiction. Those are numbers that are unacceptable. They ought to be, particularly on the eve of a health care debate, in talking about how to prevent illness, how to make sure we don't end up with more people in hospitals and doctors' offices in dealing with these issues. What stronger step could this body take with a strong bipartisan vote?

The reason this legislation has been around 10 years is because every time this body has acted, the other body has not or when they have acted, we have not. So we have had these ships passing in the night for 10 years. The House has now acted and we have an opportunity to join them in that action for the first time since the court ruled that tobacco products did not have to be regulated by a court order, and clearly, congressional action was necessary. Well, here is the action. We urge our colleagues to support cloture. To accommodate our colleagues on matters they still wish to raise in debate as part of this bill, I will support them in doing that. I may disagree with the substance they are offering, but they ought to have the right to do that and I will do everything I can to see that those opportunities are available.

At any rate, I thank my colleague from Wyoming, who cares deeply about this issue as well. We end up disagreeing on this matter, but no one brings more passion than the Senator from Wyoming, Senator ENZI. So I thank him and his staff for the terrific work they have done on this matter.

I yield the floor to my colleague from Wyoming, and then we will see if others wish to be heard.

Mr. ENZI. Madam President, I thank the Chair, and I thank the chairman, but from the speeches, one can tell that the Senator from Connecticut has more passion than I do. Nobody is more passionate than the Senator from Connecticut, and I appreciate his passion, particularly on this issue.

I am very hopeful we can get something done. It has been at least 10 years—I know I have worked on this all the time I have been here, and it is true in the Senator's explanation that sometimes it makes it through the House and sometimes it makes it through the Senate but it never makes it through both Houses at the same time. I think to get it done, though, it is going to take a little bit longer. I appreciate the offer the leader is making that he wishes to have votes on the relevant and arguably germane amendments that are before us, but there isn't any assurance of that if there is cloture on the bill, and that is the difficulty.

It seems to me as though we ought to be able to work out some kind of an agreement so we can quickly get into the couple of amendments that have already been debated and debated extensively, and that we would be assured of at least those two, but we haven't had a vote on anything.

I appreciate the cooperation we have had from Chairman DODD in working out a couple of the provisions, but there are some other people who have some provisions they think ought to be debated and brought up and perhaps included, but if we invoke cloture, there is no assurance they get to do that. So I have been asked to suggest that we not invoke cloture at this point in time and then do it quickly another time if it can be brought up again.

One of the amendments is Senator BURR's alternative. Even though he represents a tobacco State, he has a substitute amendment that takes major steps to restrict tobacco. It takes a tougher stance than some of the things we have in the bill. It creates a new office within HHS to regulate tobacco. I spoke about the difficulties of having the FDA do it, as they are supposed to take poisonous materials and get them off the market. Instead of giving that kind of a seal of approval, this new office would regulate the tobacco industry. It puts in place a realistic, science-based standard for the approval of new and reduced risk products. It also requires States to do more on tobacco control—something we can all support. The Burr amendment makes it more difficult for kids to get tobacco and start smoking, and that is the most important thing of all, and that is what Senator DODD has concentrated on in his remarks.

But we won't be considering that amendment, nor will we consider my amendment to ensure that the FDA continues to have the resources to carry out this program, or any amendments on smoking cessation. We won't have an opportunity to improve the bill and attack the root of the problem, which is tobacco use.

For example, I had an amendment to reduce smoking by 1 percent a year. That is a 100-year phaseout that ought to be fairly reasonable, but we aren't going to get to debate that at all or have a vote on that amendment if we invoke cloture. So I hope we can find a way to give germane amendments serious consideration over a short period of time.

I have to oppose cloture at this point in time, and I urge my colleagues to do the same.

I yield the floor, reserve the remainder of the time, and suggest the absence of a quorum, with the time to be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there has been some misunderstanding. I announced this on Thursday, and Senator DODD followed me and also said the same thing. Right now, there is a question with the minority on whether there would be a vote on Burr on the substitute. We said Thursday, and we say today, we are happy to allow Senator BURR to have a vote on that amendment. We have never said anything to the contrary. We still believe that should be the way it is. It is important to him, it is important to Senator HAGAN, and we are going to allow a vote on that unless there is some objection from the minority. Over here, even though cloture is invoked and technically it may not be in order, we would be happy to arrange a vote on that. We have said it for the last many hours we have been on this legislation. My point is, anybody who is not going to vote for cloture because of that is misguided and doesn't understand the facts.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Burr/Hagan amendment No. 1246 (to amendment No. 1247), in the nature of a substitute.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees' retirement.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dodd substitute amendment No. 1247 to Calendar No. 47, H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Christopher J. Dodd, Robert P. Casey, Jr., Benjamin L. Cardin, Blanche L. Lincoln, Patty Murray, Ron Wyden, Jack Reed, Sheldon Whitehouse, Maria Cantwell, Roland W. Burris, Tom Harkin, Sherrod Brown, Debbie Stabenow, Richard Durbin, Mark Udall, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1247 offered by the Senator from Connecticut, Mr. DODD, to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

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 New York (Mrs. GILLIBRAND), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—61

Akaka	Cardin	Feingold
Baucus	Carper	Feinstein
Bayh	Casey	Grassley
Begich	Cochran	Harkin
Bennet	Collins	Inouye
Bingaman	Conrad	Johnson
Boxer	Cornyn	Kaufman
Brown	Dodd	Kerry
Burris	Dorgan	Klobuchar
Cantwell	Durbin	Kohl

Landrieu	Murkowski	Snowe
Lautenberg	Murray	Specter
Leahy	Nelson (NE)	Tester
Levin	Nelson (FL)	Udall (CO)
Lieberman	Pryor	Udall (NM)
Lincoln	Reed	Warner
Lugar	Reid	Webb
McCaskill	Rockefeller	Whitehouse
Menendez	Sanders	Wyden
Merkley	Schumer	
Mikulski	Shaheen	

NAYS—30

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Risch
Brownback	Hagan	Sessions
Bunning	Hatch	Shelby
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	Johanns	Voinovich
Corker	Kyl	Wicker

NOT VOTING—8

Byrd	Gregg	Roberts
Crapo	Hutchison	Stabenow
Gillibrand	Kennedy	

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Madam President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Madam President, I rise as a cosponsor of a bipartisan amendment that will provide targeted reforms to the Federal Employee Retirement System in order to be more effective and equitable for our past, current, and future Federal employees. I am joining Senators LIEBERMAN, AKAKA, and VOINOVICH in this effort.

First, I would like to highlight a provision that I was pleased to introduce earlier this year as a bipartisan standalone measure with Senators VOINOVICH, KOHL, and MCCASKILL.

This portion of the amendment would establish a 5-year pilot project allowing agencies to hire back Federal retirees for a limited period of time without having to offset their salaries by the amount of their annuities. This will strengthen the Federal Government's ability to serve the public, particularly at a time when agencies face a wave of retirement of highly experienced employees and there exists a critical need for these skilled employees.

Across the government, our agencies face a host of challenging missions that require focused leadership and vigilant oversight. In Afghanistan, our government faces an increasing demand for development experts. As the government implements the Recovery Act, experienced auditors are in high demand to ensure funds are spent wisely.

On average, however, retirements from the Federal workforce have exceeded 50,000 a year for a decade. The numbers will certainly rise in the near future. The Office of Personnel Management calculates that 60 percent of the current Federal workforce, whose civilian component approaches 3 million people, will be eligible to retire during the coming 10 years.

This baby boom retirement wave will have another impact. It will cause a sudden acceleration in the loss of accumulated skills and mentoring capabilities that experienced workers possess.

The amendment we offer today would provide a limited, but vital, measure of relief to agencies who could benefit from the skills, knowledge, and productivity of federal retirees. It provides an opportunity for Federal agencies to reemploy retirees without requiring them to take pay cuts based on the amount of their annuity payment.

With some exceptions, retirees can currently return to work without having their salaries reduced only if OPM grants a waiver for the reemployment. This creates a disincentive for experienced Federal retirees to return to Federal service—preventing their knowledge and experience from filling critical agency needs.

The cumbersome waiver process also dissuades agencies from considering annuitants when evaluating their overall workforce strategy.

Congress has already provided exceptions to this rule. Both GAO and the Department of Defense have utilized this authority to rehire skilled annuitants to meet important mission requirements.

Other agencies, especially those charged with overseeing the stimulus and TARP funds, need the same ability to hire back experienced workers. Acting Comptroller General Gene Dodaro has indicated that the ability to reemploy annuitants without salary offset is a critical authority that GAO uses whenever a surge in staffing is necessary.

This amendment would grant the opportunity for Federal agencies, on a limited basis, to reemploy retirees without requiring them to take pay cuts based on their annuity payment or to wait for OPM to grant a waiver.

While providing needed flexibility for agencies to meet mission critical responsibilities, the amendment would also strictly prescribe the periods of time for which retirees can be rehired, thereby preventing agencies from relying solely on retirees instead of hiring a new crop of employees to fill the ranks behind our seasoned employees as they retire.

According to the Congressional Budget Office, this provision will not cost the Federal Government any additional money. The returning annuitants' health and life insurance benefits would be unaffected by their part-time work, and the government would not need to make any additional contributions to the annuitant's retirement plan. Thus, even without making any allowance for the positive effects of these returning employees' organizational knowledge, commitment, productivity, and mentoring potential, their reemployment may actually produce a net savings for taxpayers.

This reform would also provide some much needed hiring flexibilities for agencies, given the expertise the Federal Government will need to effectively implement and oversee the American Recovery and Reinvestment Act of 2009. The Chair of the Council of Inspectors General on Integrity and Efficiency, in testimony before the Homeland Security and Governmental Affairs Committee, agreed with this point, and the council has sent a letter endorsing this authority.

The ability to rehire Federal retirees would also help strengthen the Federal acquisition workforce. The Federal Government has entered the 21st century with 22 percent fewer Federal civilian acquisition personnel than it had at the start of the 1990s. Moreover, as early as 2012, 50 percent of the entire Federal acquisition workforce will be eligible to retire. This amendment will help shore up this workforce at a critical time.

The bill I originally introduced with this provision has been endorsed by the Partnership for Public Service, National Active and Retired Federal Employees Association, Federally Employed Women, the Government Managers Coalition, and the National Council on Aging.

Beyond this provision, the amendment also corrects an inequity between the two Federal retirement systems—FERS and CSRS. Current law compensates CSRS employees at the time of their retirement for the unused portion of the sick leave that they accrued over the course of their Federal careers. Employees under FERS are not provided similar compensation. This creates an unfair disparity within the Federal workforce which this amendment would rectify.

This amendment includes many provisions that would help to strengthen the Federal workforce, attracting highly skilled and talented employees at a time when they are desperately needed. I urge my colleagues to support this amendment.

Mr. AKAKA. Madam President, I rise today to support the Family Smoking Prevention and Tobacco Control Act. Tobacco products kill approximately 400,000 people each year. The Food and Drug Administration must be provided with the authority to regulate deadly tobacco products, limit advertising, and further restrict children's access to tobacco.

I commend my friend from Massachusetts, Senator TED KENNEDY, for his long-term commitment to advancing this vital public health legislation, and I want to thank my friend from Connecticut, Senator CHRIS DODD, for managing this bill. I am proud to support their efforts.

Included in the bill are a number of Federal retirement provisions that go a long way to support retirement security and provide more options for Federal employees. The provisions in the managers' amendment would make four changes to enhance the Thrift Savings Plan, TSP.

First, automatic enrollment in the TSP would encourage Federal workers

to plan for their retirement. Federal employees would be automatically enrolled in the TSP with the option of opting out of the program. The Federal Retirement Thrift Investment Board—FRTIB—indicated that raising TSP participation by just 1 percent would mean approximately 21,000 participants will have an improved ability to live comfortably in retirement.

Second, Federal employees also will be eligible for immediate matching TSP contributions from their employing agency. A recent survey from the profit sharing—401k Council of America shows that 65 percent of large employers now provide immediate matching retirement contributions. The amendment would allow the Federal Government to catch up to the practices of other large employers.

Third, FRTIB will have the option to create a ''mutual fund window'' in which major mutual funds will be available to TSP participants. Employees will be able to select mutual funds that are appropriate for their investment needs.

The final TSP component is the addition of a Roth individual retirement account option for participants. The Department of Defense strongly supports the inclusion of a Roth option because it is advantageous for uniformed servicemembers who would benefit more from posttax contributions than from traditional pretax contributions.

I also am proud to support my other good friend from Connecticut, Senator JOSEPH LIEBERMAN in offering an amendment to address a number of other Federal employee retirement issues. As chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I believe we have an opportunity to provide critical support to the tobacco bill and correct certain retirement inequities.

Most important to my home State of Hawaii, the amendment provides needed retirement equity to Federal employees in Hawaii, Alaska, and the territories. Nearly 20,000 Federal employees in Hawaii, and another 30,000 Federal employees in Alaska and the territories, currently receive a cost-of-living allowance, COLA, which is not taxed and does not count for retirement purposes. Because of this, workers in the nonforeign areas retire with significantly lower annuities than their counterparts in the 48 States and DC. COLA rates are scheduled to go down later this year along with the pay of nearly 50,000 Federal employees if we do not provide this fix.

In 2007, the Office of Personnel Management, OPM, offered a proposal to correct this retirement inequity. After soliciting input from the affected employees, I introduced the Non-Foreign Area Retirement Equity Assurance Act. The bill passed the Senate by unanimous consent in October 2008. Unfortunately, the House did not have time to consider the bill before adjournment.

I reintroduced S. 507, which is included in the amendment, with Senators LISA MURKOWSKI, DANIEL INOUYE, and MARK BEGICH. It is nearly identical to the bill that passed the Senate last year. It is a bipartisan effort to transition employees in Hawaii, Alaska, and the territories to the same locality pay system used in the rest of the United States, while protecting employees' take-home pay. In this current economic climate we must be careful not to reduce employees' pay.

The measure passed unanimously through the Homeland Security and Governmental Affairs Committee on April 1, 2009. OPM recently sent Congress a letter asking for prompt and favorable action on this measure. Retirement equity is one of the most important issues facing Federal workers in Hawaii, Alaska, and the territories. I urge my colleagues to support this change.

One of the other provisions in the amendment corrects how employees' annuities are calculated for part-time service under the Civil Service Retirement System, CSRS. This provision treats Federal employees under CSRS the same way they are treated under the newer Federal Employee Retirement System, FERS. Eliminating this unnecessary disparity is a matter of fairness and correction.

Similarly, this amendment includes a provision to treat unused sick leave the same under the new retirement system as under the old system. The Congressional Research Service , CRS, found that FERS employees within 2 years of retirement eligibility used 25 percent more sick leave than CSRS employees within 2 years of retirement. OPM also found that the disparity in sick leave usage costs the Federal Government approximately $68 million in productivity each year. This solution was proposed by the managers who wanted additional tools to build a more efficient and productive workplace and to provide employees with an incentive Congress should have retained years ago.

This amendment also will make good on the recruitment promise made to a small group of Secret Service agents. Approximately 180 Secret Service agents and officers hired during 1984 through 1986 were promised access to the DC Police and Firefighter Retirement and Disability System. This amendment is meant to provide narrow and specific relief only to this small group of agents and officers by allowing them to access the retirement system they were promised at the time they were hired.

The majority of these retirement reform provisions have the endorsement of all the major Federal employee groups including: the American Federation of Government Employees, the National Treasury Employees Union, the National Active and Retired Federal Employee Association, the Senior Executives Association, the Federal Managers Association, the Government Managers Coalition, the International Federation of Professional and Technical Engineers, and the list goes on.

I strongly encourage my colleagues to support this amendment, the Federal retirement reform provisions, and the bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, let me express my gratitude to my colleagues on both sides. This was a bipartisan effort to allow us to get to more votes. I promise my good friend Senator BURR if I have to vote against a point of order to make sure he gets his amendment up, I will do so.

Tomorrow afternoon, we will set a time for that, and there are other germane amendments, and the leadership will describe how that will work so the germane amendments can be offered and these matters can be considered fully so that we can get to final passage after that.

But I am very grateful to my colleagues on both sides who made this possible. It has been 10 years in waiting to get to this bill that allows us finally to deal with the marketing of tobacco products to children. That is more than 400,000 deaths a year, with 3,000 to 4,000 kids starting to smoke every day. This bill, for the first time, will allow us to step up and require FDA regulation of tobacco products. That is a great accomplishment for the people of our country, and I am very grateful to my colleagues.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withdraw his request for a quorum call?

Mr. DODD. I will withdraw the request.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent that the Senator from Illinois, Senator DURBIN, be recognized following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I wanted to compliment Senator DODD for his work on this bill, as well as Senator ENZI and others. I want the RECORD to reflect something we agreed to today. Some will wonder what has happened to the legislation that I indicated I would offer on the bill we just had a cloture vote on—the importation of prescription drugs. I intended to offer it on this bill. I have received from the majority leader a commitment that it will be put on the calendar under rule XIV and brought to the Senate for a vote, and he will do that very soon. On that basis, I voted for cloture.

I know my colleagues, Senator SNOWE, Senator MCCAIN, Senator STABENOW, and many others feel very strongly about this, as do I. We have been at this for 8 or 10 years. It has been a long time, and the support for allowing the importation of FDA-approved prescription drugs is very broad

in the Senate. Senators MCCAIN, GRASSLEY, KENNEDY, STABENOW, myself—in fact, President Obama was a cosponsor of our legislation last year. He has included in his budget a provision for this kind of legislation. We had over 30 Senators—Republicans and Democrats—who believed the same thing, and that is we ought to allow the American consumer to access FDA-approved prescription drugs from other countries—not because we want them to shop in other countries but because we believe the ability to do so will put downward pressure on prescription drug prices in our country.

Madam President, if I might, I ask unanimous consent to display these two pill bottles to show exactly what we are talking about.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This is Lipitor, produced in Ireland by the same company, shipped in two different directions. Even the bottle is identical, except one has a blue label and one has a red label. One of these went to Canada and one of them went to the United States. The American people get the pleasure of paying twice the price for Lipitor than the Canadians do. But it is not just Canada, it is virtually every other industrialized country that is able to pay a fraction of the price for prescription drugs our consumers are required to pay. Why? Because there is a law in our country that says the only entity that can import prescription drugs is the manufacturer of the drug itself.

The legislation we have put together on a bipartisan basis is very straightforward and it provides substantially greater protections with pedigree and batch lots, and so on, substantially greater protection than now exists. So don't anybody tell me there is a safety issue. This is about whether the American people should continue to be paying the highest prices in the world for prescription drugs.

At last—at long last—we ought to have a vote on this and get it through the Congress and signed by a President who was a cosponsor when he served in this body. So the majority leader has committed to giving us the opportunity to get this on the floor, and that commitment we will exchange by letter in the morning. I expect that to happen in the very near future, within a matter of a couple of weeks, and I believe that finally we will be able to dispose of this on the floor of the Senate. I believe that we have more than sufficient votes to pass this importation of prescription drugs legislation in order to put downward pressure on drug prices in this country.

What is happening in this country with drug pricing is unfair to the American people. It is as simple as that, and we aim to correct it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is to be recognized.

Mr. DURBIN. Madam President, I will be happy to yield to the Senator from Arizona and then reclaim the floor after he has spoken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Illinois. I will be brief.

I thank the Senator from North Dakota for his outstanding work, and I thank also the majority leader, who assured us that he would give consideration to this issue. He has. He has agreed to bring it to the floor. And when the majority leader gave that assurance, frankly, I was a little skeptical about our ability to do so. I am happy he is bringing it forth for a vote, and I appreciate it very much. And I again thank Senator DORGAN for his outstanding work. It has been a lot of years we have been working on this, but I think we can move forward.

I yield the floor, and I thank my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

GUANTANAMO

Mr. DURBIN. Madam President, over the course of the last several weeks, the minority leader—the Republican leader, Senator MCCONNELL—has come to the floor repeatedly to raise the issue of the closing of Guantanamo. Day after day after day he raised the question as to whether we should close the Guantanamo facility and, if we did close such facility, where these detainees would be sent and whether they could be securely incarcerated and detained. These questions were raised repeatedly, and little was said on this side of the aisle, in deference to the President, who was coming forward with his plan and dealing with this problem, and it was a problem he inherited.

When President Obama was sworn into office, he inherited about 240 Guantanamo detainees, some of whom had been held in Guantanamo for a lengthy period of time, some had been interrogated, many had been considered for trial or military tribunal, or even released, but President Obama inherited these 240 detainees. He made a statement in one of his first days in office as President that two things would happen under his administration: First, we would not engage in torture as a nation; and second, we would close Guantanamo.

After making that announcement, he made it clear he would have to come back with a specific set of proposals, which he did 2 weeks ago, in a historic speech at the National Archives. Until that speech was made, Senator MCCONNELL, and some other Republicans in support of his position, came to the floor and continued to question whether we could or should close Guantanamo. Today, earlier this afternoon, the assistant minority leader, Senator KYL of Arizona, came to the floor and made remarks about my views on the issue as well as President Obama's views on closing the Guantanamo Bay detention facility.

It is true that I believe, as President Obama does, that closing Guantanamo is an important national security priority for America. But Senator KYL did not mention the others who support closing Guantanamo. It is not just the President and his former Illinois colleague Senator DURBIN who support the closing of Guantanamo. Many security and military leaders have said that closing Guantanamo will make America safer, and here are a few examples. Leading the list of those who agree with President Obama in closing Guantanamo, General Colin Powell, the former chairman of the Joint Chiefs of Staff and former Secretary of State under President George W. Bush; Republican Senators JOHN MCCAIN of Arizona and LINDSEY GRAHAM of South Carolina have both publicly stated they favor the closing of Guantanamo; former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice, ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, and GEN David Petraeus.

So for Senator KYL to come to the floor and suggest this notion of closing Guantanamo is not one shared by military and security leaders is not accurate. The list I have given you is not complete. Many others agree with the President's position. According to the experts, Guantanamo has been a recruiting tool for al-Qaida that is actually hurting America's security. In his remarks this afternoon, Senator KYL challenged the notion of closing Guantanamo, saying:

> An idea that's been floated by the President, Senator Durbin, and others.

But Senator KYL didn't mention who these nameless ''others'' are who agree with the closing of Guantanamo or who agree it is a recruiting tool for terrorists. Let's take one for example: Chairman of the Joint Chiefs of Staff Mike Mullen said:

> The concern I've had about Guantanamo is that it has been a recruiting symbol for those extremists and jihadists who would fight us. That's the heart of the concern for Guantanamo's continued existence.

That was a quote from the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen.

Retired Air Force MAJ Matthew Alexander led the interrogation team that tracked down Abu Musab Al-Zarqawi, the leader of al-Qaida in Iraq. Here is what he said:

> I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason they had decided to pick up arms and join Al Qaeda was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay. . . . It's no exaggeration to say that at least half of our losses and casualties in that country have come at the hands of foreigners who joined the fray because of our program of detainee abuse.

Alberto Mora, former Navy General Counsel, testified to the Senate Armed

Services Committee about Guantanamo. Here is what he said:

> Serving U.S. flag-rank officers . . . maintain that the first and second identifiable causes of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are, respectively the symbols of Abu Ghraib and Guantanamo.

So it is not accurate to suggest that President Obama and I dreamed up the notion that Guantanamo is a recruiting poster. It is our military who have told us that, based on their experiences fighting the war in Iraq and Afghanistan.

Senator KYL also claims that no one has been abused at Guantanamo. He said:

> This idea that prisoners are treated badly is patently false. The insinuation directly or indirectly that torture has occurred at Guantanamo must stop.

That is Senator KYL's opinion. But others have a different view. The Senate Armed Services Committee issued a bipartisan report which reached a different conclusion. They found:

> Secretary of Defense Donald Rumsfeld's authorization of aggressive interrogation techniques for use at Guantanamo Bay was a direct cause of detainee abuse there.

Let's take another example. Susan Crawford was the top Bush administration official dealing with military commissions at Guantanamo Bay. She was general counsel of the Army during the Reagan administration and Pentagon inspector general when Dick Cheney was the Defense Secretary. She is a lifelong Republican.

Susan Crawford reached the conclusion that Mohammad Al-Qahtani, the so-called 20th hijacker, could not be prosecuted for his role in the 9/11 attacks because he was tortured at Guantanamo Bay. Here is what she said:

> We tortured Qahtani. . . . If we tolerate this and allow it, then how can we object when our servicemen and women, or others in the foreign service, are captured and subjected to the same techniques? How can we complain? Where is our moral authority to complain? Well, we may have lost it.

This is one reason that President Obama is closing Guantanamo and has put an end to the abusive interrogation techniques that were used at Guantanamo—because they put our troops at risk of being abused if they are captured.

Senator KYL also claimed that there is no connection between the abuse that took place at Abu Ghraib and Guantanamo Bay. That is Senator KYL's view.

But the Senate Armed Services Committee reached a different conclusion. Here is what they found:

> The abuse of detainees at Abu Ghraib in late 2003 was not simply the result of a few soldiers acting on their own. Interrogation techniques such as stripping detainees of their clothes, placing them in stress positions, and using military working dogs to intimidate them appeared in Iraq only after they had been approved for use in Afghanistan and at GITMO.

Senator KYL said those of us who advocate closing Guantanamo should be thankful for the service of our soldiers and sailors at Guantanamo rather than, quote, ''slapping them in the face and insinuating they have done something wrong.''

Let me be very clear. I visited Guantanamo in 2006. I left with a feeling of great pride and admiration for the soldiers and sailors who are serving in Guantanamo. They are doing a great job, but they are being asked to carry a heavy burden created by the previous administration's policies. It is no favor to the men and women who serve there to have them continue their service if, in fact it is a recruiting tool for terrorists who are putting the lives of other servicemen and women of America at risk around the world.

President Obama is closing Guantanamo because it will make America, and our troops, safer. What is a slap in the face is to continue policies from the previous administration that recruit more terrorists and put our troops at greater risk of being abused if they are captured.

Senator KYL said there are ''serious concerns about the safety of Americans'' if Guantanamo is closed and detainees are transferred to the United States to be held in supermax prisons.

But Republican Senator LINDSEY GRAHAM, who is a military lawyer said:

> I do believe we can handle 100 or 250 prisoners and protect our national security interests, because we had 450,000 German and Japanese prisoners in the United States. So, this idea that they cannot be housed somewhere safely, I disagree.

People who suggest that we cannot detain terrorists in our prisons should show more respect for the brave corrections officers who put their lives on the line every day to keep us safe.

Just the week before last I went to Marion Federal Prison in southern Illinois. It was once our maximum security prison in the United States before the supermax facility was opened at Florence, CO. It was interesting. As I met with the corrections officers in the lockup of the Marion Federal Prison, and after a little bit of a tour, I asked him: What do you think of this notion that we hear from Senators on the floor, such as Senator KYL and Senator MCCONNELL, that we cannot safely incarcerate Guantanamo detainees in the prisons of the United States?

The one corrections officer said to me: Senator, I am insulted by that comment. At this facility we are now incarcerating members of Colombian drug terrorist gangs. We have had serial murderers here. We have incarcerated John Gotti. We have incarcerated some of the most dangerous people convicted, brought into this country from overseas where they are posing a threat to America. In the United States, we brought them here. We know how to handle these prisoners. We are up to this task. We have proven it over and over again.

The very Senators who are questioning whether we can safely incarcerate our prisoners in our maximum and supermax facilities should acknowledge one obvious fact: No one, literally no one, has ever escaped from a supermax facility in the United States. For those on the Republican side to argue that putting these prisoners from Guantanamo into a supermax facility endangers us in the community—it is not supported by history and experience.

Senator KYL said: ''No one has ever escaped from Guantanamo.'' That is true. But it is also true no prisoner has ever escaped from a Federal supermaximum security facility. I said before, and I will repeat because Senator KYL made reference to it, at the base of this argument made by Senator MCCONNELL and Senator KYL is fear—not just fear of extremists and terrorists and violence but fear that this great country of America cannot stand by the values which we have honored for generations and still be safe; fear that we can't stand for the constitutional principles we swear to uphold and still be safe; fear that we cannot trust Americans and our court system, the best in the world, to, in fact, try these prisoners and, if they are guilty, incarcerate them—fear that we cannot do that and be safe; fear that we cannot trust the men and women working at prisons around America, the supermax facilities, to safely incarcerate Guantanamo detainees.

That kind of fear, which is what we hear on a regular basis, the regular diet fed to us by the Republican Senators, is no basis for a sound American foreign policy. If we are going to have a policy which protects us abroad and at home, we should recognize threats for what they are, understand our strengths and our weaknesses, and be prepared. This idea of cowering in fear—which is what the Republican Senators offer us as a daily regimen from their speeches on the floor—is not what America has ever been about.

Just this last Saturday we celebrated the 65th anniversary of that miraculous invasion of D-day. I got on the phone and called one of my great friends in Springfield, IL, Joe Kelly. Joe Kelly came in on the seventh day after D-day with the Artillery, spent 18 months with the Army, and fought in the Battle of the Bulge. He is a great fellow. He talked about volunteering.

I want to tell you something. When Joe Kelly and his four brothers volunteered in Chicago to fight in World War II, it wasn't because they were afraid. They volunteered because they believed they could only keep this country safe by being prepared to stand up for it and fight. They did it and did it successfully.

That spirit, that patriotic spirit of D-day, of Joe Kelly and so many others, is what will keep America safe, and President Obama knows it. Senator MCCONNELL and Senator KYL can come to the Senate floor and express their fears over and over again, the latest fears that they have about the safety of this country, but they are not borne

out by the facts. I will stand by GEN Colin Powell and others, people I admire, who have given so many years of their lives in service to this country who agree with President Obama to close the Guantanamo facility, trust our supermax facilities to hold these detainees if that is necessary, and be aware of the fact that if we should ship these detainees to some other country to be tried or for some other purpose, there is a serious question as to whether they will treat them the way they should be treated for the safety of the United States.

For many years, incidentally, President George W. Bush said he wanted to close Guantanamo. There were not any complaints from the Republican side of the aisle then. President George W. Bush could not get the job done. President Obama has said he will try to finish that job.

I hope some of these who are critical of President Obama and his position will not make a political issue about Guantanamo. If President George W. Bush and President Obama agree it should be closed, it is pretty clear to me that at the highest level of our government there is a bipartisan consensus. Our colleagues on the other side of the aisle are criticizing President Obama when it comes to Guantanamo, but the fact is, they have no plan but to leave that facility open and continue to see it being used around the world against the United States and as a recruiting tool for terrorists.

I urge my Republican colleagues to join with GEN Colin Powell and join with those on their side of the aisle who understand that closing Guantanamo will make America safer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. I ask unanimous consent to proceed as in morning business and the time to count against cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 1210 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.)''

Mr. KAUFMAN. Madam 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.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENCEMENT ADDRESS OF PRESIDENT BARACK OBAMA

Mr. BAYH. Madam President, on May 17, 2009, the President of the United States, the Honorable Barack Obama, delivered the commencement address at the University of Notre Dame, in South Bend, IN, the State I have the honor of representing in the U.S. Senate where I for a time served with then-Senator Obama.

Although I was not able myself to be present at this ceremony, my friend and former colleague, Dr. John Brademas, who for 22 years served as the U.S. Representative from the district centered in South Bend, was at Notre Dame for this occasion and has told me what a brilliant address President Obama offered.

Here I note that since 1981, John Brademas has been president or president emeritus of New York University where, as he did while a Member of Congress, he continues to give outstanding leadership to the field of education in our country.

President Obama was awarded the honorary degree of doctor of laws on this occasion by the Reverend John I. Jenkins, C.S.C., president of the University of Notre Dame, and was greeted as well by the Reverend Theodore M. Hesburgh, C.S.C., president emeritus of Notre Dame.

Because I believe my colleagues in Congress—and others—will be interested in reading President Obama's remarks at Notre Dame, I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The PRESIDENT: Well, first of all, congratulations, Class of 2009. Congratulations to all the parents, the cousins, the aunts, the uncles—all the people who helped to bring you to the point that you are here today. Thank you so much to Father Jenkins for that extraordinary introduction, even though you said what I want to say much more elegantly. You are doing an extraordinary job as president of this extraordinary institution. Your continued and courageous—and contagious—commitment to honest, thoughtful dialogue is an inspiration to us all.

Good afternoon. To Father Hesburgh, to Notre Dame trustees, to faculty, to family: I am honored to be here today. And I am grateful to all of you for allowing me to be a part of your graduation.

And I also want to thank you for the honorary degree that I received. I know it has not been without controversy. I don't know if you're aware of this, but these honorary degrees are apparently pretty hard to come by. So far I'm only 1 for 2 as President. Father Hesburgh is 150 for 150. I guess that's better. So, Father Ted, after the ceremony, maybe you can give me some pointers to boost my average.

I also want to congratulate the Class of 2009 for all your accomplishments. And since this is Notre Dame—we're following Brennan's adage that we don't do things easily. We're not going to shy away from things that are uncomfortable sometimes.

Now, since this is Notre Dame I think we should talk not only about your accomplishments in the classroom, but also in the competitive arena. No, don't worry, I'm not going to talk about that. We all know about this university's proud and storied football team, but I also hear that Notre Dame holds the largest outdoor 5-on-5 basketball tournament in the world—Bookstore Basketball.

Now this excites me. I want to congratulate the winners of this year's tournament, a team by the name of ''Hallelujah Holla Back.'' Congratulations. Well done. Though I have to say, I am personally disappointed that the ''Barack O'Ballers'' did not pull it out this year. So next year, if you need a 6′2″ forward with a decent jumper, you know where I live.

Every one of you should be proud of what you have achieved at this institution. One hundred and sixty-three classes of Notre Dame graduates have sat where you sit today. Some were here during years that simply rolled into the next without much notice or fanfare—periods of relative peace and prosperity that required little by way of sacrifice or struggle.

You, however, are not getting off that easy. You have a different deal. Your class has come of age at a moment of great consequence for our nation and for the world—a rare inflection point in history where the size and scope of the challenges before us require that we remake our world to renew its promise; that we align our deepest values and commitments to the demands of a new age. It's a privilege and a responsibility afforded to few generations—and a task that you're now called to fulfill.

This generation, your generation is the one that must find a path back to prosperity and decide how we respond to a global economy that left millions behind even before the most recent crisis hit—an economy where greed and short-term thinking were too often rewarded at the expense of fairness, and diligence, and an honest day's work.

Your generation must decide how to save God's creation from a changing climate that threatens to destroy it. Your generation must seek peace at a time when there are those who will stop at nothing to do us harm, and when weapons in the hands of a few can destroy the many. And we must find a way to reconcile our ever-shrinking world with its ever-growing diversity—diversity of thought, diversity of culture, and diversity of belief.

In short, we must find a way to live together as one human family.

And it's this last challenge that I'd like to talk about today, despite the fact that Father John stole all my best lines. For the major threats we face in the 21st century—whether it's global recession or violent extremism; the spread of nuclear weapons or pandemic disease—these things do not discriminate. They do not recognize borders. They do not see color. They do not target specific ethnic groups.

Moreover, no one person, or religion, or nation can meet these challenges alone. Our very survival has never required greater cooperation and greater understanding among all people from all places than at this moment in history.

Unfortunately, finding that common ground—recognizing that our fates are tied up, as Dr. King said, in a ''single garment of destiny''—is not easy. And part of the problem, of course, lies in the imperfections of man—our selfishness, our pride, our stubbornness, our acquisitiveness, our insecurities, our egos; all the cruelties large and small that those of us in the Christian tradition understand to be rooted in original sin. We too often seek advantage over others. We cling to outworn prejudice and fear those who are unfamiliar. Too many of us view life only through the lens of immediate self-interest and crass materialism; in which the

world is necessarily a zero-sum game. The strong too often dominate the weak, and too many of those with wealth and with power find all manner of justification for their own privilege in the face of poverty and injustice. And so, for all our technology and scientific advances, we see here in this country and around the globe violence and want and strife that would seem sadly familiar to those in ancient times.

We know these things; and hopefully one of the benefits of the wonderful education that you've received here at Notre Dame is that you've had time to consider these wrongs in the world; perhaps recognized impulses in yourself that you want to leave behind. You've grown determined, each in your own way, to right them. And yet, one of the vexing things for those of us interested in promoting greater understanding and cooperation among people is the discovery that even bringing together persons of good will, bringing together men and women of principle and purpose—even accomplishing that can be difficult.

The soldier and the lawyer may both love this country with equal passion, and yet reach very different conclusions on the specific steps needed to protect us from harm. The gay activist and the evangelical pastor may both deplore the ravages of HIV/AIDS, but find themselves unable to bridge the cultural divide that might unite their efforts. Those who speak out against stem cell research may be rooted in an admirable conviction about the sacredness of life, but so are the parents of a child with juvenile diabetes who are convinced that their son's or daughter's hardships can be relieved.

The question, then—the question then is how do we work through these conflicts? Is it possible for us to join hands in common effort? As citizens of a vibrant and varied democracy, how do we engage in vigorous debate? How does each of us remain firm in our principles, and fight for what we consider right, without, as Father John said, demonetizing those with just as strongly held convictions on the other side?

And of course, nowhere do these questions come up more powerfully than on the issue of abortion.

As I considered the controversy surrounding my visit here, I was reminded of an encounter I had during my Senate campaign, one that I describe in a book I wrote called ''The Audacity of Hope.'' A few days after I won the Democratic nomination, I received an e-mail from a doctor who told me that while he voted for me in the Illinois primary, he had a serious concern that might prevent him from voting for me in the general election. He described himself as a Christian who was strongly pro-life—but that was not what was preventing him potentially from voting for me.

What bothered the doctor was an entry that my campaign staff had posted on my website—an entry that said I would fight ''right-wing ideologues who want to take away a woman's right to choose.'' The doctor said he had assumed I was a reasonable person, he supported my policy initiatives to help the poor and to lift up our educational system, but that if I truly believed that every pro-life individual was simply an ideologue who wanted to inflict suffering on women, then I was not very reasonable. He wrote, ''I do not ask at this point that you oppose abortion, only that you speak about this issue in fair-minded words.'' Fair-minded words.

After I read the doctor's letter, I wrote back to him and I thanked him. And I didn't change my underlying position, but I did tell my staff to change the words on my website. And I said a prayer that night that I might extend the same presumption of good faith to others that the doctor had extended to me. Because when we do that—when we open up our hearts and our minds to those who may not think precisely like we do or believe precisely what we believe—that's when we discover at least the possibility of common ground.

That's when we begin to say, ''Maybe we won't agree on abortion, but we can still agree that this heart-wrenching decision for any woman is not made casually, it has both moral and spiritual dimensions.''

So let us work together to reduce the number of women seeking abortions, let's reduce unintended pregnancies. Let's make adoption more available. Let's provide care and support for women who do carry their children to term. Let's honor the conscience of those who disagree with abortion, and draft a sensible conscience clause, and make sure that all of our health care policies are grounded not only in sound science, but also in clear ethics, as well as respect for the equality of women. Those are things we can do.

Now, understand—understand, Class of 2009, I do not suggest that the debate surrounding abortion can or should go away. Because no matter how much we may want to fudge it—indeed, while we know that the views of most Americans on the subject are complex and even contradictory—the fact is that at some level, the views of the two camps are irreconcilable. Each side will continue to make its case to the public with passion and conviction. But surely we can do so without reducing those with differing views to caricature.

Open hearts. Open minds. Fair-minded words. It's a way of life that has always been the Notre Dame tradition. Father Hesburgh has long spoken of this institution as both a lighthouse and a crossroads. A lighthouse that stands apart, shining with the wisdom of the Catholic tradition, while the crossroads is where ''differences of culture and religion and conviction can co-exist with friendship, civility, hospitality, and especially love.'' And I want to join him and Father John in saying how inspired I am by the maturity and responsibility with which this class has approached the debate surrounding today's ceremony. You are an example of what Notre Dame is about.

This tradition of cooperation and understanding is one that I learned in my own life many years ago—also with the help of the Catholic Church.

You see, I was not raised in a particularly religious household, but my mother instilled in me a sense of service and empathy that eventually led me to become a community organizer after I graduated college. And a group of Catholic churches in Chicago helped fund an organization known as the Developing Communities Project, and we worked to lift up South Side neighborhoods that had been devastated when the local steel plant closed.

And it was quite an eclectic crew—Catholic and Protestant churches, Jewish and African American organizers, working-class black, white, and Hispanic residents—all of us with different experiences, all of us with different beliefs. But all of us learned to work side by side because all of us saw in these neighborhoods other human beings who needed our help—to find jobs and improve schools. We were bound together in the service of others.

And something else happened during the time I spent in these neighborhoods—perhaps because the church folks I worked with were so welcoming and understanding; perhaps because they invited me to their services and sang with me from their hymnals; perhaps because I was really broke and they fed me. Perhaps because I witnessed all of the good works their faith inspired them to perform, I found myself drawn not just to the work with the church; I was drawn to be in the church. It was through this service that I was brought to Christ.

And at the time, Cardinal Joseph Bernardin was the Archbishop of Chicago. For those of you too young to have known him or known of him, he was a kind and good and wise man. A saintly man. I can still remember him speaking at one of the first organizing meetings I attended on the South Side. He stood as both a lighthouse and a crossroads—unafraid to speak his mind on moral issues ranging from poverty and AIDS and abortion to the death penalty and nuclear war. And yet, he was congenial and gentle in his persuasion, always trying to bring people together, always trying to find common ground. Just before he died, a reporter asked Cardinal Bernardin about this approach to his ministry. And he said, ''You can't really get on with preaching the Gospel until you've touched hearts and minds.''

My heart and mind were touched by him. They were touched by the words and deeds of the men and women I worked alongside in parishes across Chicago. And I'd like to think that we touched the hearts and minds of the neighborhood families whose lives we helped change. For this, I believe, is our highest calling.

Now, you, Class of 2009, are about to enter the next phase of your life at a time of great uncertainty. You'll be called to help restore a free market that's also fair to all who are willing to work. You'll be called to seek new sources of energy that can save our planet; to give future generations the same chance that you had to receive an extraordinary education. And whether as a person drawn to public service, or simply someone who insists on being an active citizen, you will be exposed to more opinions and ideas broadcast through more means of communication than ever existed before. You'll hear talking heads scream on cable, and you'll read blogs that claim definitive knowledge, and you will watch politicians pretend they know what they're talking about. Occasionally, you may have the great fortune of actually seeing important issues debated by people who do know what they're talking about—by well-intentioned people with brilliant minds and mastery of the facts. In fact, I suspect that some of you will be among those brightest stars.

And in this world of competing claims about what is right and what is true, have confidence in the values with which you've been raised and educated. Be unafraid to speak your mind when those values are at stake. Hold firm to your faith and allow it to guide you on your journey. In other words, stand as a lighthouse.

But remember, too, that you can be a crossroads. Remember, too, that the ultimate irony of faith is that it necessarily admits doubt. It's the belief in things not seen. It's beyond our capacity as human beings to know with certainty what God has planned for us or what He asks of us. And those of us who believe must trust that His wisdom is greater than our own.

And this doubt should not push us away our faith. But it should humble us. It should temper our passions, cause us to be wary of too much self-righteousness. It should compel us to remain open and curious and eager to continue the spiritual and moral debate that began for so many of you within the walls of Notre Dame. And within our vast democracy, this doubt should remind us even as we cling to our faith to persuade through reason, through an appeal whenever we can to universal rather than parochial principles, and most of all through an abiding example of good works and charity and kindness and service that moves hearts and minds.

For if there is one law that we can be most certain of, it is the law that binds people of all faiths and no faith together. It's no coincidence that it exists in Christianity and Judaism; in Islam and Hinduism; in Buddhism and humanism. It is, of course, the Golden Rule—the call to treat one another as we wish to be treated. The call to love. The call to serve. To do what we can to make a difference in the lives of those with whom we share the same brief moment on this Earth.

So many of you at Notre Dame—by the last count, upwards of 80 percent—have lived this law of love through the service you've performed at schools and hospitals; international relief agencies and local charities. Brennan is just one example of what your class has accomplished. That's incredibly impressive, a powerful testament to this institution.

Now you must carry the tradition forward. Make it a way of life. Because when you serve, it doesn't just improve your community, it makes you a part of your community. It breaks down walls. It fosters cooperation. And when that happens—when people set aside their differences, even for a moment, to work in common effort toward a common goal; when they struggle together, and sacrifice together, and learn from one another—then all things are possible.

After all, I stand here today, as President and as an African American, on the 55th anniversary of the day that the Supreme Court handed down the decision in Brown v. Board of Education. Now, Brown was of course the first major step in dismantling the ''separate but equal'' doctrine, but it would take a number of years and a nationwide movement to fully realize the dream of civil rights for all of God's children. There were freedom rides and lunch counters and Billy clubs, and there was also a Civil Rights Commission appointed by President Eisenhower. It was the 12 resolutions recommended by this commission that would ultimately become law in the Civil Rights Act of 1964.

There were six members of this commission. It included five whites and one African American; Democrats and Republicans; two Southern governors, the dean of a Southern law school, a Midwestern university president, and your own Father Ted Hesburgh, President of Notre Dame. So they worked for two years, and at times, President Eisenhower had to intervene personally since no hotel or restaurant in the South would serve the black and white members of the commission together. And finally, when they reached an impasse in Louisiana, Father Ted flew them all to Notre Dame's retreat in Land O'Lakes, Wisconsin—where they eventually overcame their differences and hammered out a final deal.

And years later, President Eisenhower asked Father Ted how on Earth he was able to broker an agreement between men of such different backgrounds and beliefs. And Father Ted simply said that during their first dinner in Wisconsin, they discovered they were all fishermen. And so he quickly readied a boat for a twilight trip out on the lake. They fished, and they talked, and they changed the course of history.

I will not pretend that the challenges we face will be easy, or that the answers will come quickly, or that all our differences and divisions will fade happily away—because life is not that simple. It never has been.

But as you leave here today, remember the lessons of Cardinal Bernardin, of Father Hesburgh, of movements for change both large and small. Remember that each of us, endowed with the dignity possessed by all children of God, has the grace to recognize ourselves in one another; to understand that we all seek the same love of family, the same fulfillment of a life well lived. Remember that in the end, in some way we are all fishermen.

If nothing else, that knowledge should give us faith that through our collective labor, and God's providence, and our willingness to shoulder each other's burdens, America will continue on its precious journey towards that more perfect union. Congratulations, Class of 2009. May God bless you, and may God bless the United States of America.

CHILDHOOD OBESITY

Mr. GRASSLEY. Madam President, please allow me to take a few minutes today to discuss childhood obesity, and one way in which we can prevent the most common diseases that face our country. Obesity is an issue that must be addressed—not just by the Federal Government, but by individuals, parents, schools, and health professionals across the country. Given the high cost of health care, we must all look at ways we can reduce the risks of obesity and the many diseases that come with it.

I bring this up today because a constituent of mine made me realize that there is an easy and cost-effective way to address the problem. We all know that childhood obesity can be prevented if we motivate young people to eat better and exercise more. There are many fad diets, surgeries, strategies and pills that claim to help reduce obesity. Americans are always looking for the next big breakthrough, and they are willing to pay any price to do it easily and simply. But, nothing is as simple or as cost effective as helping kids learn and maintain the ability to do pull ups.

Kids can immunize themselves against obesity, and they can do that by learning to do pull ups. It's been acknowledged that pull ups counteract a child's tendency to obesity. In the context of a of a four year study at Jefferson Elementary School in Davenport, Iowa, my constituent demonstrated that if you start children young, most young people can learn to do pull ups. And, as long as young people maintain the ability to do pull ups, most can naturally immunize themselves against obesity for a lifetime without ever having to resort to pills, shots, or special diets.

Due to the rising prevalence of obesity in children and its many adverse health effects. Obesity has been recognized as a serious public health concern. The adverse health effects of obesity do not just include physical conditions like high blood pressure, heart disease, sleep problems, and other life-threatening disorders. The threat of obesity includes emotional and psychological problems, depression and low self-esteem.

Aside from doing pull-ups, we must also encourage other lessons for our youth. We must stress goal setting, diligence, diet, rest, and education. The goal is not only to beat physical obesity for life but also to overcome the psychological and emotional problems as a result of low self-esteem. Building confidence is at the heart of pulling people out of obesity.

Childhood obesity is an issue we must all take seriously. I thank my constituent for bringing this simple solution to my attention and commend people like him who are concerned about the health of our future generations.

WORLD ENVIRONMENT DAY

Mrs. BOXER. Madam President, I would like to recognize World Environment Day, which takes place every year on June 5. This day was established by the United Nations General Assembly in 1972 and has been a reminder each year that protecting our planet is a global issue.

As countries around the world work toward the historic global warming negotiations in Copenhagen later this year, it is fitting that the theme for World Environment Day 2009 is ''Your Planet Needs You—Unite to Combat Climate Change.''

As chairman of the Senate Environment and Public Works Committee, I am working with my colleagues to address global warming here in the United States. The world is looking for American leadership, and they are watching closely what we are doing here in Congress.

We must demonstrate our commitment to take real action to cut our own greenhouse gas emissions. When we act, we will renew our leadership on this issue in the international community. Legislation to curb U.S. global warming pollution will also put us on a path toward a new clean energy economy that creates millions of American jobs and breaks our dangerous dependence on foreign oil. It's time to harness the greatest source of power we have in this country—American ingenuity. This country can and should be a leader of the clean energy revolution.

I am proud to say that for the second year in a row, a student from California has been selected as the winner of the United Nations' Environment Programme's International Children's Painting Competition on the Environment. This year, Alice Fuzi Wang, from Palo Alto, was honored for her creative and moving work of art, which will be recognized on World Environment Day at the North American celebration in Omaha. I met Alice when she was here in Washington to receive her award on April 22, Earth Day.

It is wonderful to see people of all ages, from all over the world, participating in the festivities honoring World Environment Day. I want to thank the organizers of World Environment Day for their important contribution in working to combat one of the greatest challenges of our generation—global warming.

ADDITIONAL STATEMENTS

COMMENDING THE CABOT CREAMERY COOPERATIVE

• Mr. SANDERS. Madam President, today I honor a renowned Vermont business, Cabot Creamery, which is celebrating its 90th anniversary on June 13, 2009.

From its humble beginnings in 1919, when 94 farmers founded Cabot Creamery for $5 per cow plus a cord of wood each, Cabot has grown into one of the strongest and proudest symbols of Vermont. With its cheeses distributed internationally, Cabot is the fastest growing cheddar supplier in the country. Naturally aged from two to 36 months, a process which gives these cheeses their superb taste, Cabot cheddar has won every award, including ''Best Cheddar in the World'' at the 22nd Biennial Cheese Championship. In fact, no other cheese company can make this claim.

For all its successes, the Cabot Cooperative remains firmly grounded in its history and tradition, using time-honored techniques to produce a superior product with no additives or preservatives that is enjoyed across the country; indeed around the world. Family farms remain the backbone of Cabot Creamery Cooperative, much as they have since its founding. As owners of Cabot, every cooperative member has a stake in its success and a say in its governance. Cabot has always valued democratic ideals, civic virtue, and a high-quality product.

Presently, Vermont's dairy farms are experiencing difficult times, with destabilized milk prices and a near monopoly control of milk distribution. For the members of the Cabot Cooperative, however, the milk market that Cabot makes available to its farmers continues to serve as a valuable return on their years of investment in the cooperative.

As Vermonters, we are deeply proud of our tradition of creating exceptional cheddar cheese. Therefore, I wish Cabot Creamery Cooperative continued success on its 90th birthday, and thank them for being an exemplary symbol of our State's commitment to quality and local democracy.•

COMMENDING RHONDA GOFF

• Mr. VITTER. Madam President, I wish to honor and recognize a fellow Louisianan, Deputy Rhonda Goff, for showing courage and authority when she apprehended three suspects involved in a shooting and burglary last October. She received the National Association of Police Organization's TOP COP Awards for her efforts, and I would like to take a few moments to recognize her actions.

On October 20, 2008, Deputy Goff noticed three men, one of whom was covered in blood, leaving a bar. She immediately stopped and had witnesses identify the men as having robbed the bar. Without hesitation, she ran after the men. Although outnumbered by three to one, she apprehended and handcuffed the suspects, and when she searched them found numerous stolen wallets. When back up arrived, they found four more wounded victims inside the bar and discovered that three more men had been involved in the robbery. Deputy Goff obtained a license plate from a witness and was able to air the information over the radio, enabling detectives to track down the remaining suspects.

Deputy Goff was honored for her coolness under pressure, as well as her quick and decisive action in getting a lead on the additional felons. Her actions exemplify what it means to go above the call of duty. Thus today, I congratulate Deputy Goff as being named one of 2009 TOP COPS and thank her for her bravery and courageous work in keeping the State of Louisiana safe.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:03 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. 626. An act to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building''.

H.R. 2200. An act to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes.

ENROLLED BILLS SIGNED

At 2:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 663. An act to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''.

H.R. 918. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''.

H.R. 1595. An act to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the ''Brian K. Schramm Post Office Building''.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. WARNER).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 626. An act to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2200. An act to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 31. An act to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

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–1847. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(74 FR 18152)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1848. 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 634) (74 FR 21267)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1849. 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'' (944 CFR Part 67)(74 FR 23117)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1850. 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)(74 FR 18149)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1851. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(74 FR 18154)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1852. 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)(74 FR 23115)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1853. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(74 FR 21271)) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1854. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustment'' (RIN 1550–AC27) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1855. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulations D and I; Reserve Requirements of Depository Institutions'' (Docket No. R-1307) received in the Office of the President of the Senate on June 3, 2009 to the Committee on Banking, Housing, and Urban Affairs.

EC–1856. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation D; Reserve Requirements for Depository Institutions'' (Docket Nos. R-1334 and R-1350) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1857. A communication from the Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to a six-month periodic report on the national emergency with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–1858. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary; to the Committee on Energy and Natural Resources.

EC–1859. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Under Secretary; to the Committee on Energy and Natural Resources.

EC–1860. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Under Secretary for Science; to the Committee on Energy and Natural Resources.

EC–1861. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of General Counsel; to the Committee on Energy and Natural Resources.

EC–1862. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Assistant Secretary for Policy and International Affairs; to the Committee on Energy and Natural Resources.

EC–1863. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination in the position of Assistant Secretary for Environmental Management; to the Committee on Energy and Natural Resources.

EC–1864. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Alabama Sturgeon (Scaphirhynchus suttkusi)'' (RIN 1018-AV51) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Environment and Public Works.

EC–1865. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Abnormal Occurrences: Fiscal Year 2008''; to the Committee on Environment and Public Works.

EC–1866. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Carbon Monoxide Limited Maintenance Plan for Providence, Rhode Island'' (FRL 8785–6) received in the Office of the President June 3, 2009; to the Committee on Environment and Public Works.

EC–1867. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice—Work Opportunity Tax Credit for Disconnected Youth and Unemployed Veterans'' (Notice 2009-28) received in the Office of the President June 2, 2009; to the Committee on Finance.

EC–1868. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Substantiating Business Use of Employer-Provided Cell Phones'' (Notice 2009–46) received in the Office of the President June 2, 2009; to the Committee on Finance.

EC–1869. A communication from the Chief of Publications, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting for Lump-Sum Timber Sales'' ((RIN1545–BE73)(TD9450)) received in the Office of the President May 28, 2009; to the Committee on Finance.

EC–1870. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to FY 2009 Medicare Severity—Long-term Care Diagnosis-Related Group (MS–LTC–DRG) Weights'' (CMS–1337–IFC) received in the Office of the President June 3, 2009; to the Committee on Finance.

EC–1871. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of major defense equipment in the amount of $25,000,000 or more with Australia; to the Committee on Foreign Relations.

EC–1872. A joint communication from the Acting Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the Center for Substance Abuse Treatment, Department of Health and Human Services, transmitting a report entitled ''Join the Voices for Recovery: Together We Learn, Together We Heal''; to the Committee on Health, Education, Labor, and Pensions.

EC–1873. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Time-in-Grade Eliminated, Delay of Effective Date'' (RIN3206–AL18) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1874. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Determining Rate of Basic Pay; Collection by Offset From Indebted Government Employees'' (RIN3206–AL61) received in the Office of the President June 3, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1875. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the Fresno and Stockton, CA, Appropriated Fund Federal Wage System Wage Areas'' (RIN3206–AL79) received in the Office of the President June 3, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1876. A communication from the Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1877. A communication from the Secretary, Department of Education, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of October 1, 2008, through March 31, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1878. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1879. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled ''College Scholarship Fraud Prevention Act of 2000 Annual Report to Congress''; to the Committee on the Judiciary.

EC–1880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and 40 F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0240)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Standard Instrument Approach Procedures (34); Amdt No. 3321'' ((RIN2120–AA65)(Docket No. 30666)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Docket No. 30665)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Rushville, NE'' ((RIN2120–AA66)(Docket No. FAA–2009–0120)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace Fulton, MO'' ((RIN2120–AA646)(Docket No. FAA–2008–1230)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Docket No. 30667)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–400 and 747–400D Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0135)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus A380–841, –842, and –861 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0433)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0428)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Docket No. 30668)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Models AT–400, AT–400A, AT–402, AT–402A, AT–402B, AT–502, AT–502A, AT–502B, AT–503A, AT–602, AT–802, and AT–802A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0473)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments'' ((RIN2120–AA63) (Docket No. 30662)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Communication and Area Navigation Equipment (RNAV) Operations in Remote Locations and Mountainous Terrain'' ((RIN2120–AJ46) (Docket No. FAA–2002–14002)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt & Whitney Models PW2037, PW2037(M), and PW2040 Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2008–1131)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2008–0975)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0361)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1896. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0360)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1897. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701 and 702), CL–600–2D15 (Regional Jet Series 705, and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0448)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1898. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–035)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1899. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International S.A. Model CFM56 Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2008–1245)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1900. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt & Whitney (PW) JT9D07R4 Series Turbofan Engines; Correction'' ((RIN2120–AA64) (Docket No. FAA–2006–23742)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1901. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, and 382G Series Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-0462)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hartzell Propeller Inc. Stell Hub Turbine Propellers'' ((RIN2120-AA64)(Docket No. FAA-2009-0114)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1903. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330-300, A340-200 Series Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-10-11)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1904. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-0450)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1905. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-400A, AT-402, AT-402A, AT-402B, AT-502, AT-502A, AT-502B,

AT-503A, AT-602, AT-802, and AT-802A Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-0473)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1906. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Related Considerations in the Design and Operation of Transport Category Airplanes'' ((RIN2120-AI66)(Docket No. FAA-2006-26722)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1907. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drug Enforcement Assistance; OMB Approval of Information Collection'' ((RIN2120-AI43)(Docket No. FAA-2006-26714)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1908. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Robinson R-22/R-44 Special Training and Experience Requirements'' ((RIN2120-AJ27)(Docket No. FAA-2002-13744)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1909. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drug and Alcohol Testing Program'' ((RIN2120-AJ37)(Docket No. FAA-2008-0937)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1910. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hours of Service of Railroad Employees; Amended Recordkeeping and Reporting Regulations'' ((RIN2130-AB85)(Docket No. FRA-2006-26176)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1911. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendments Updating the Address for the Federal Railroad Administration and Reflecting the Migration to the Federal Docket Management System'' ((RIN2130-AB99)(Docket No. FRA-2008-0128)) received in the Office of the President of the Senate on June 2, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES DURING ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of June 4, 2009, the following reports of committees were submitted on June 5, 2009:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1023. A bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States (Rept. No. 111–25).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Rand Beers, of the District of Columbia, to be Under Secretary, Department of Homeland Security.

*Martha N. Johnson, of Maryland, to be Administrator of General Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1196. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 1197. A bill to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. BENNETT, Mr. MCCONNELL, Mr. KYL, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. GREGG, and Mr. WICKER):

S. 1198. A bill to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. CANTWELL:

S. 1199. A bill to increase the safety of the crew and passengers in air ambulances; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. SCHUMER, and Mr. CARPER):

S. 1200. A bill to establish a temporary vehicle trade-in program through which the Secretary of Transportation shall provide financial incentives for consumers to replace fuel inefficient vehicles with vehicles that have above average fuel efficiency; to the Committee on the Budget.

By Mr. BINGAMAN (for himself, Mr. BEGICH, and Ms. STABENOW):

S. 1201. A bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1202. 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 Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. KERRY, Mrs. LINCOLN, Mr. WYDEN, Mr. SCHUMER, Ms. CANTWELL, Mr. MENENDEZ, Mr. ENSIGN, and Mr. CORNYN):

S. 1203. A bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY:

S. 1204. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 1205. A bill to exempt guides for hire and other operators of uninspected vessels on Lake Texoma from Coast Guard and other regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. DODD, and Mr. CASEY):

S. 1206. A bill to establish and carry out a pediatric specialty loan repayment program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER:

S. 1207. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1208. A bill to amend the Small Business Act to improve export growth opportunities for small businesses, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ENSIGN (for himself, Mrs. BOXER, Mr. SPECTER, Mr. COBURN, Mr. KYL, Mr. MCCAIN, and Mr. DEMINT):

S. 1209. A bill to allow for additional flights beyond the perimeter restriction application to Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

By Mr. KAUFMAN (for himself and Mr. BROWN):

S. 1210. A bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. DODD, Mr. BROWN, Mr. WHITEHOUSE, and Mr. SANDERS):

S. Res. 170. A resolution expressing the sense of the Senate that children should benefit, and in no case be worse off, as a result

of reform of the Nation's health care system; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. BROWN, Mr. GRAHAM, Mr. KYL, Mr. COBURN, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. VITTER, Mr. WEBB, Mr. BROWNBACK, Mr. MARTINEZ, Mr. BUNNING, Mr. UDALL of Colorado, and Mr. CARDIN):

S. Res. 171. A resolution commending the people who have sacrificed their personal freedoms to bring about democratic change in the People's Republic of China and expressing sympathy for the families of the people who were killed, wounded, or imprisoned, on the occasion of the 20th anniversary of the Tiananmen Square Massacre in Beijing, China from June 3 through 4, 1989; considered and agreed to.

By Mr. JOHNSON:

S. Res. 172. A resolution designating June 2009 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 213

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 354

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 434

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 434, a bill to amend title XIX of the Social Security Act to improve the State plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes.

S. 451

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 451, supra.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 484

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 515

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 661

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. 683

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 812

At the request of Mr. BAUCUS, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) 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. 866

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 881

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 881, a bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 935

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 943

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 943, a bill to amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

S. 956

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr.

BROWNBACK) was added as a cosponsor of S. 956, a bill to amend title XVIII of the Social Security Act to exempt unsanctioned State-licensed retail pharmacies from the surety bond requirement under the Medicare Program for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS).

S. 984

At the request of Mrs. BOXER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Hawaii (Mr. AKAKA), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Mr. CARDIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1034

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1050

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was withdrawn as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1110

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1110, 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. 1147

At the request of Mr. KOHL, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1163

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1163, a bill to add 1 member with aviation safety expertise to the Federal Aviation Administration Management Advisory Council.

S. 1184

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1184, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Maine (Ms. SNOWE) 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. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 23

At the request of Mr. CARDIN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 23, a concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

AMENDMENT NO. 1230

At the request of Mr. JOHANNS, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. BENNETT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 1230 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1270

At the request of Mr. CORKER, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1270 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1271

At the request of Mr. KOHL, the names of the Senator from Virginia (Mr. WARNER), the Senator from New York (Mr. SCHUMER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1271 intended to be proposed to H. R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1196. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as I come to the floor today, America's Main Street businesses are suffering. With cash registers not ringing like they used to, exporting has become a practical solution for entrepreneurs looking to survive and grow.

What helps our entrepreneurs helps our entire economy. Every $1 billion of exports creates more than 14,000 high-paying American jobs. By creating jobs, as well as lessening the trade deficit, an increase in small business exporting will lead us out of this recession and make our Nation better able to compete in the global marketplace.

Small businesses already play a vital role in America's trade and commerce,

representing 97 percent of all exporters. Yet, with only one percent of small firms exporting their goods—making up slightly more than a quarter of the country's export volume—trade remains dominated by larger businesses.

A December 2008 report released by the U.S. Census Bureau and the Bureau of Economic Analysis noted that U.S. exports of goods and services grew by 12 percent in 2008 to $1.84 trillion. However, this same data showed that during the same time period imports increased 7.4 percent to $2.52 trillion. More involvement of our small businesses in exporting would be an enormous catalyst in reducing the country's trade deficit.

As Chair of the Committee on Small Business and Entrepreneurship, I have heard from small exporters across the country. They have told me that the programs and services we have now at the Small Business Administration, SBA, are just adequate, but improvements are needed. With a few key changes to some of the export assistance and trade programs offered by the SBA, as well as a higher level of advocacy, I believe we can dramatically improve the tools available to small exporters while simultaneously increasing exporting opportunities for all entrepreneurs.

That is why today I am introducing the Small Business International Trade Enhancements Act of 2009. With this important legislation, small firms will have more opportunities to grow their businesses by expanding into international markets, creating jobs and strengthening our economy.

Like many small businesses, one of the biggest hurdles faced by small exporters is access to capital. The current economic conditions exacerbate this problem for small firms. The SBA offers several loan programs to help small exporters, but years of neglect under the previous administration have sometimes rendered these valuable tools both unattractive and impractical for borrowers and lenders alike.

One of the SBA's signature trade assistance products, the International Trade Loan, ITL, program, is a perfect example of this. This program allows exporters to borrow up to $2 million with $1,750,000 guaranteed by the SBA. Exporters can then use this money to help develop and expand overseas markets, upgrade equipment and facilities, or provide an infusion of capital if they are being hurt by import competition.

While the original goal of this program is still very much on target with the needs of larger exporters, it has not evolved to meet the financing needs of small exporters in an ever-changing global economy. The volume of loans made through this program has dropped by more than 63 percent since 2003. The SBA's other signature trade financing products—the Export Working Capital Program and the Export Express program—have also seen significant drop-offs in their loan volume, 26 percent and 23 percent respectively.

With a few small but significant changes to these programs, the SBA will be able to once again provide a user-friendly and attractive financing option that makes sense for both borrowers and lenders. One of the biggest problems with the ITL program, for example, is that a discrepancy between the loan cap and the guarantee often forces borrowers to take out a second loan to take full advantage of the guarantee. Additionally, ITL's can only be used to acquire fixed assets, rather than working capital, a common need for exporters. ITL's also do not have the same collateral or refinancing terms as SBA 7(a) loans.

The provisions in this legislation create a more commonsense product by addressing these concerns. The bill raises the loan guarantee to $2,750,000 and the loan cap to $3,670,000, to make it consistent with the 7(a) loan program. Further, it makes the ITL program more flexible by allowing working capital to become an eligible use for loan proceeds and extends the same terms for collateral and refinancing as with the 7(a) loan program. The end result is a relevant and more practical tool for small exporters.

Making these simple changes to this program will go a long way towards helping small businesses find adequate export financing. The SBA International Trade Loan and other export financing programs, however, leave borrowers without any assistance in identifying which loans are right for them. Local lenders that specialize in export financing can help get these products into the hands of the small exporters that need them the most, but they are not always the most effective means of doing so.

The SBA currently has 17 financial specialists posted throughout the country at one-stop assistance centers operated by the Department of Commerce. These specialists, at a minimal cost to the taxpayer, have facilitated well over $10 billion in exports in the last 10 years, helping to create 140,000 new and higher-paying jobs. Unfortunately, under the previous administration, this program suffered as well. My legislation would restore the staffing levels to what they were in 2002, establishing a floor of 22 financial specialists with priority staffing going to those centers—including one in my home, New Orleans—who have been without a finance specialist since 2003.

With more than 19 Federal agencies involved in export and trade promotion, small exporters often do not know where to turn for help. My legislation would help bring small business trade to the forefront in two ways.

First, it gives the SBA's Office of International Trade, OIT, more resources and a higher profile within the Agency, making it directly accountable to the Administrator instead of part of the Office of Capital Access, OCA, where it is currently held. OIT is doing an adequate job now, but with my proposed changes, the office would have the potential to become a much more valuable partner and visible advocate for small exporters.

In addition to raising the level of advocacy within the SBA, my legislation reasserts the call for a special small business advocate within the Office of the U.S. Trade Representative USTR. The USTR plays an important role in every aspect of trade in this country. While the Office claims to make small businesses a central focus, I believe more can be done to address the needs of our entrepreneurs during trade negotiations. I, along with my Ranking Member on the Small Business Committee, Senator SNOWE, and Senator SCHUMER, reached out to Ambassador Kirk earlier this year asking him to create an Assistant Trade Representative focused on small exporters. Such a move would not be unprecedented. In fact, this very chamber called on the Office of the U.S. Trade Representative to create such a position more than 20 years ago.

The Small Business International Trade Enhancements Act of 2009 is an important first step towards ensuring that small firms will have more opportunities to grow. By increasing exporting opportunities for small businesses, we will help them expand into international markets, create new and higher-paying jobs and strengthen the economy. I have heard from some of the members of my Committee, and I know how important this issue is to many of them, including Ranking Member SNOWE.

The 111th Congress will be the third consecutive Congress that I have introduced this particular legislation. I introduced it in the 109th Congress as S. 3663 and in the 110th Congress as S. 738. In these previous Congresses we have had some success in moving the bill through committee—a similar version of this bill passed the Senate Small Business Committee twice in the last two Congresses. However, as with other SBA reauthorization legislation, it stalled in the full Senate. As the new Chair of the Small Business Committee this Congress, I have made increasing small business export opportunities one of my top priorities. With this in mind, I will work closely with Ranking Member SNOWE and the other Committee members in the coming months to get this legislation to the President's desk.

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. 1196

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 ''Small Business International Trade Enhancements Act of 2009''.

SEC. 2. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''SEC. 22. (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—

''(1) OFFICE.—There''; and

(2) in subsection (a), by adding at the end the following:

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over—

''(A) the staff of the Office; and

''(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 3. OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) in subsection (b)—

(A) by striking ''(b) The Office'' and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator'';

(B) in the matter preceding paragraph (1), by inserting ''Export Assistance Centers,'' after ''export promotion efforts,''; and

(C) by amending paragraph (1) to read as follows:

''(1) assist in maintaining a distribution network, using regional and local offices of the Administration, the small business development center network, networks of women's business centers, and Export Assistance Centers for programs relating to—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment assistance;

''(D) trade remedy assistance; and

''(E) trade data collection;'';

(2) in subsection (c)—

(A) by striking ''(c) The Office'' and inserting the following:

''(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator'';

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

''(D) increasing the ability of small business concerns to access capital;

''(E) disseminating information concerning Federal, State, and private programs and initiatives; and

''(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;'';

(D) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D) assisting'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting'';

(E) in paragraph (5)(A), as so redesignated, by striking ''Gross State Produce'' and inserting ''Gross State Product'';

(F) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon; and

(G) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''office. Such specialists'' and inserting ''office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (D), by striking ''and'' at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

''(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, small business development centers, and other relevant Federal agencies.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking ''(d) The Office'' and inserting the following:

''(d) EXPORT FINANCING PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator'';

(C) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

''(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(4) in subsection (e), by striking ''(e) The Office'' and inserting the following:

''(e) TRADE REMEDIES.—The Associate Administrator'';

(5) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

''(3) a description of the participation by the Office in trade negotiations.'';

(6) in subsection (g), by striking (g) The Office and inserting the following:

''(g) STUDIES.—The Associate Administrator''; and

(7) by adding after subsection (h), as addded by section 2 of this Act, the following:

''(i) EXPORT ASSISTANCE CENTERS.—

''(1) IN GENERAL.—During the period beginning on October 1, 2009, and ending on September 30, 2012, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the Export Assistance Centers is not less than the number of such employees so assigned on January 1, 2003.

''(2) PRIORITY OF PLACEMENT.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(A) had an Administration employee assigned to the Export Assistance Center before January 2003; and

''(B) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(3) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(4) GOALS.—The Associate Administrator shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Assistance Centers.

''(5) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

''(j) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator for International Trade described in subsection (a)(2);

''(2) the term 'Export Assistance Center' means a one-stop shop for United States exporters established by the United States and

Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

''(3) the term 'Office' means the Office of International Trade established under subsection (a)(1).''.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 4. INTERNATIONAL TRADE LOANS.

(a) IN GENERAL.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$2,750,000 (or if the gross loan amount would exceed $3,670,000), of which not more than $2,000,000''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period at the end and inserting '', including any debt that qualifies for refinancing under any other provision of this subsection; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.''.

SEC. 5. SENSE OF CONGRESS RELATING TO ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.

(a) FINDINGS.—Congress finds the following:

(1) According to the Office of Advocacy of the Small Business Administration, small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) represent 97 percent of all exporters in the United States and account for 29 percent of the total exporting volume. Despite the overwhelming majority of exporters that are small business concerns, fewer than 1 percent of all small business concerns in the United States are engaged in trade-related business activities.

(2) According to the Office of Advocacy of the Small Business Administration, more than 72 percent of all exporters in the United States employ fewer than 20 employees. Small business concerns often do not have the sales volume or resources to overcome the costs of trade barriers and overhead expenses in international transactions, nor can small business concerns afford to maintain employees with international trade expertise to resolve trade problems.

(3) Small business advocacy groups often lack political influence in foreign countries, which hinders efforts to solve problems outside the legal process. Small business advocates are not as visible or vocal on issues relating to international trade as are the advocates for other issues, due to a lack of resources for advocacy.

(4) In 1988, Congress passed section 8012 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 631 note), which expressed the sense of Congress that the United States Trade Representative should appoint a special trade assistant for small business. As of June 2009, the position has not been established by the United States Trade Representative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should establish the position of Assistant United States Trade Representative for Small Business, to—

(1) promote the trade interests of small business concerns;

(2) identify and address foreign trade barriers that impede the exportation of goods by small business concerns;

(3) ensure that small business concerns are adequately represented during trade negotiations by the United States Trade Representative; and

(4) coordinate with other Federal agencies that are responsible for providing information or assistance to small business concerns.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. SCHUMER, and Mr. CARPER):

S. 1200. A bill to establish a temporary vehicle trade-in program through which the Secretary of Transportation shall provide financial incentives for consumers to replace fuel inefficient vehicles with vehicles that have above average fuel efficiency; to the Committee on the Budget.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to establish a Cash for Clunkers proposal with my colleagues, Senators SUSAN COLLINS, CHARLES SCHUMER, and THOMAS CARPER.

This proposal would establish a Federal incentive program designed to encourage consumers to turn in their gas guzzling vehicles and buy more fuel efficient vehicles.

It would be authorized for 1 year, and provide for one to two million car or truck purchases. It would be funded with up to $4 billion from the American Recovery and Reinvestment Act, to be identified by the President and approved by Congress under an expedited rescission procedure. There are approximately 47 million vehicles on the road today that could qualify for trade-in under this program.

This proposal will help stimulate auto sales at a time when sales are at historic lows.

U.S. auto sales tumbled by 37 percent from March of last year. Two of the three American auto companies have filed for bankruptcy, GM and Chrysler. Auto dealerships are closing. Tens of thousands of jobs have already been lost—and thousands more hang in the balance.

There is no question that our Nation's auto industry is in trouble, and all of us want to help.

But the whole point of a cash-for-clunkers program is to replace a clunker with a more fuel-efficient vehicle. Otherwise the program replaces a clunker with a guzzler, and destroys a good vehicle for one that is not fuel efficient.

So, the goal of the Feinstein-Collins ''cash for clunkers'' proposal is to require real fuel economy improvements—improvements that are lacking in the Auto Industry proposal.

Unfortunately, the Auto Industry proposal would allow for the scrapping of perfectly adequate vehicles in return for new gas guzzlers, like the 2009 Hummer H3T.

For example: a consumer could trade the 2005 Chevy Silverado 1500 4-wheel drive for a 2009 Hummer 3T 4-wheel drive, even though both vehicles are below size-adjusted CAFE standards for large pick-up trucks.

So this trade would be, in fact, replacing a clunker with a guzzler. The consumer would receive a voucher of $4,500 to make this trade. This is unacceptable.

In contrast, the Feinstein-Collins proposal that I am offering today would save 32 percent more than the Auto Industry proposal in oil use and reduced greenhouse gas emissions.

To be specific, it would save 11,451 barrels of oil per day, versus 8,706 barrels in the industry proposal; save 176 gallons of gas per vehicle per year; versus 133 gallons in the industry proposal; and save 1.91 million metric tons of emissions per year; versus 1.45 million metric tons in the industry proposal.

Our proposal is supported by a coalition of those who care about reducing America's consumption of fossil fuels, including: CarMax, one of the Nation's largest car dealers; evironmental groups, including the Sierra Club; efficiency advocates, including the American Council for an Energy Efficient Economy, ACEEE, the Alliance to Save Energy, and the Union of Concerned Scientists, UCS; and consumer groups, including the Consumer Federation of America.

I believe the Feinstein-Collins bill is a sensible, balanced proposal that achieves better fuel mileage—32 percent more than the Auto Industry proposal—and would result in the rapid exchange of between one to two million vehicles.

Let me take a moment to outline the key differences between our proposal and the other Auto Industry proposal.

First, our bill would require that the newly purchased vehicles under this program have above-average fuel economy for their class.

For newly purchased cars: our proposal requires the vehicle get 24 miles per gallon, the current fleetwide average for cars. Auto proposal requires only 22 mpg.

For midsize SUVs and minivans: our proposal requires 20 mpg, the current fleetwide average for that class of vehicles. Auto proposal requires only 18 mpg.

For large pickups: our proposal requires 17 mpg, the current size adjusted

CAFE standard for this largest class of vehicles. Auto proposal requires only 15 mpg.

So, our bill is 2 miles per gallon better in every category of vehicle.

Second, our proposal targets some of the worst gas guzzling offenders on the road.

Under our proposal, the trade-in vehicle would be required to have a fuel economy of 17 miles per gallon or less—instead of the 18 miles per gallon threshold of the Auto Industry proposal. This would achieve greater oil savings by targeting the least efficient 47 million vehicles on the road today.

Third, our proposal would allow leased vehicles and newer used cars to qualify, in order to encourage greater participation by low-income consumers.

Our program would allow consumers who have signed three to five year leases to qualify for a voucher worth 50 percent of the value of a voucher for a new car. Last year, 18 percent of new vehicles were leased, so this is a sizable part of the auto marketplace and shouldn't be overlooked.

In contrast, the Auto Industry proposal makes no allowance for leased vehicle participation with typical terms, of 3 to 5 years.

Our proposal would also allow newer used cars like the 2007 Ford Escape Hybrid to be purchased through the program. 40 million used cars were sold in the U.S. last year—so I believe it makes sense to include these used cars and increase the rate of participation.

Our proposal creates a three-tier voucher system to provide the most financial payment to the consumer willing to save the most oil: $2,500 for the minimum fuel economy improvement of 7 mpg for cars and 3 mpg for trucks. $3,500 for a moderate fuel economy improvement of 10 mpg for cars, 6 mpg for mid-size SUVs, and 5 mpg for large trucks. $4,500 for the maximum fuel economy improvement of 13 mpg for cars, 9 mpg for midsize SUVs, and 7 mpg for large trucks.

So, the more you improve fuel efficiency, the more money you get.

In contrast, the Auto Industry proposal would scrap perfectly adequate vehicles in return for a voucher to help put more gas guzzling vehicles on the road.

In the SUV category, the Auto Industry proposal would provide consumers with a voucher of $3,500 to increase fuel economy from the traded-in vehicle to the new vehicle by only 2 mpg. For large pick-up trucks, it requires only a 1 mpg improvement.

Over the last 5 years, fuel economy standards for trucks and SUVs have gone up 2.4 mpg—so in many cases the industry proposal would subsidize people for trading in their old truck or SUV for the exact same model.

Let me discuss some examples: $3,500 to trade in the 2002 Jeep Cherokee for the 2009 Jeep Cherokee. $4,500 to trade in a 2005 four-wheel drive Chevy Silverado for a 2009 four-wheel drive Chevy Silverado. $3,500 to trade in a 2003 four-wheel drive Dodge Ram Pick-up for a four-wheel drive Dodge Ram Pick-up. $3,500 to trade in a 2002 Toyota 4–Runner for a 2009 Toyota 4–Runner SUV.

The examples go on and on.

With respect to fuel economy?

I strongly believe that—merely 2 years after passing the Ten-in-Ten Fuel Economy Act—we should not subsidize the purchase of inefficient vehicles.

This could have the effect of bringing down the fleetwide average fuel economy. In other words, it would nullify all we fought for in the passage of the first CAFE bill to improve fuel efficiency in 20 years.

But that is exactly what the Auto proposal would do: 68 percent of all cars sold last year, in 2008, 18 percent of which have below average fuel economy, 24 mpg or less—would qualify for the industry proposal. 28 percent of below-average SUVs and small pick-ups would also qualify for subsidy.

But it is in the large pick up category that the fuel economy threshold—15 miles per gallon—is remarkably weak under the Auto Industry proposal.

Under the other program, 96 percent of all new large pick-ups—not work trucks, but regular large pick-ups—which are the least fuel efficient vehicles on the road today, would qualify for subsidized purchase. More than 90 percent of below average new heavy duty pick-ups would qualify.

Gas guzzlers like these big pick-up trucks simply do not belong in this program.

I recognize that some believe this should be the goal of the program.

But these large pickups make up the least efficient class of all vehicles on the road. So, if there are 1 million more of these vehicles sold through this program—that would not have been sold otherwise—it could dramatically lower the fleetwide average fuel economy for new vehicles sold this year.

That is why I believe these inefficient, big pickup trucks don't belong in the ''cash for clunkers'' proposal.

In contrast, our proposal encourages the purchase of those vehicles that have above average fuel economy for their class.

Finally, I would like to take a few moments to counter one of the arguments from the other side.

There are those who have mistakenly claimed that this bill, which prioritizes fuel efficiency, would give an unfair advantage to foreign automakers.

Nothing could be further from the truth.

In fact, the American auto industry has produced some very popular models of more fuel efficient vehicles, and our bill would incentivize their purchase.

Together, these three firms build 44 to 50 percent of all vehicle models that would qualify for our program's proposal in model year 2009.

According to EPA, in 2008, General Motors sold 1.2 million vehicles that would have met the higher fuel economy thresholds in our bill. And Ford and Chrysler sold more than 465,000 and 593,000 vehicles last year, respectively, that could have met the thresholds in our proposal.

That means that there were 2.2 million fuel efficient vehicles sold last year—manufactured by the Big Three Auto companies—and all of them bought without the incentives in place.

So, just imagine how many could be sold this year with the incentives.

That is the point of this ''cash for clunkers'' bill—to encourage the sale of fuel efficient vehicles.

For many models, GM, Ford and Chrysler can scale up production of their most fuel efficient configurations of their current models in their current factories.

They can make more V–6 trucks, instead of V–8 trucks.

They can use 6-speed automatic transmissions instead of 4-speed.

They can make more 2 wheel-drive trucks.

For example, Ford makes a 15 mpg version and a 17 mpg version of its best selling 2009 F–150. It is the same truck, from the same factory.

This is true for all firms.

Chrysler builds a 17 mpg configuration and a 15 mpg configuration of its 2009 Dodge Dakota pick-up in Warren, MI.

GM builds 17 mpg configurations of the 2009 Chevy Silverado and the GMC Sierra pick-ups in Fort Wayne, IN, as well as less efficient configurations.

Ford builds 17 mpg configurations of its 2009 Ford Explorer Sport Trac pick-up in Louisville, KY, and less efficient versions as well.

But the difference is that our proposal would create an incentive for Ford, GM, and Chrysler to manufacture more of the fuel efficient, 17 mpg models.

Also last year, 100 percent of all large pickups and large vans sold that would have met the higher fuel economy thresholds in our bill were either built by the Detroit Three or in an American factory.

So, I think our bill strikes a better balance.

Contrary to what some may think, I do not believe that greater fuel economy and increased auto sales have to be considered as competing goals, but rather can be understood as complementary.

I think it is evident that our bill would achieve better fuel efficiency for the consumer, and would provide a more sound investment for the taxpayer.

Our program would also allow the vouchers to be used to buy used cars or even lease a more fuel efficient vehicle.

These options are important, especially to lower income Americans who need a new car but cannot afford to buy a new vehicle. The other version of this legislation would deprive many Americans of the opportunity to participate in the program.

Bottom line—we have chosen reasonable fuel economy levels that save more oil and help all firms, including the Detroit three, sell cars at a time when sales are desperately needed.

So, I encourage my colleagues to support the Feinstein-Collins-Schumer-Carper proposal, rather than the Auto Industry proposal.

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. 1200

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 ''Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009''.

SEC. 2. TEMPORARY VEHICLE TRADE-IN PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a program, to be known as the ''Cash for Clunkers Temporary Vehicle Trade-In Program'', through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of a voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price of a fuel efficient automobile upon the transfer of the certificate of title of an eligible trade-in vehicle to a dealer participating in the Program;

(2) register dealers for participation in the Program and require each registered dealer to—

(A) accept vouchers provided under this section as partial payment or down payment for the purchase or lease of any fuel efficient automobile offered for sale or lease by such dealer; and

(B) dispose of each eligible trade-in vehicle in accordance with subsection (c)(2) after the title of such vehicle is transferred to the dealer under the Program;

(3) in consultation with the Secretary of the Treasury, make payments to dealers for eligible transactions by such dealers before the date that is 1 year after regulations are promulgated under subsection (d), in accordance with such regulations; and

(4) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price of a fuel efficient automobile as follows:

(1) $1,000 VALUE.—The voucher may be used to offset the purchase price of a previously owned fuel efficient automobile manufactured for model year 2004 or later, by $1,000 if—

(A) the newly purchased fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the newly purchased fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the newly purchased fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(2) $2,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $2,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck manufactured for model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck manufactured for model year 1999 or earlier and is of similar size or larger than the new fuel efficient automobile, as determined in a manner prescribed by the Secretary.

(3) $3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 6 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(4) $4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 13 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 9 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program may only be used for the purchase or lease of a fuel efficient automobile that occurs between the date on which the regulations promulgated under subsection (d) are implemented and the date that is 1 year after such date.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or lease of a single new fuel efficient automobile.

(D) CAP ON VOUCHERS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the amounts made available for the Program may be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal or State tax incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program.

(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(H) VALUES FOR QUALIFYING SHORTER TERM LEASES.—If a fuel efficient vehicle is leased under a qualifying shorter term lease, the value of the voucher issued under the Program shall be 50 percent of the value otherwise applicable under subsection (b).

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—If the title of an eligible trade-in vehicle is transferred to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that such vehicle, including the engine and drive train—

(i) has been or will be crushed or shredded within such period and in such manner as the Secretary prescribes, or will be transferred to an entity that will ensure that the vehicle will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(ii) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country, or has been or will be transferred, in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who dismantles or disposes of the vehicle from—

(i) purchasing the disposed vehicle from a dealer for the purpose of selling parts other than the engine block and drive train;

(ii) selling any parts of the disposed vehicle other than the engine block and drive train, unless the engine or drive train has been crushed or shredded; or

(iii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible and commercially available systems are appropriately updated to reflect the crushing or shredding of vehicles under this section and appropriate reclassification of the vehicles' titles.

(d) RULEMAKING.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of registering dealers for participation in the Program;

(2) establish procedures for the electronic reimbursement of dealers participating in the Program, within 10 days after the submission to the Secretary of information supporting the eligible transaction, as determined appropriate by the Secretary, for the appropriate amount under subsection (c) and any reasonable administrative costs incurred by the dealer;

(3) prohibit any dealer from using vouchers to offset any other rebate or discount offered by that dealer or by the manufacturer of the new fuel efficient automobile;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal and State requirements;

(B) a mechanism for dealers to certify to the Secretary that eligible trade-in vehicles are disposed of, or transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures and to submit the vehicle identification numbers, mileage, condition, and other appropriate information, as determined by the Secretary, of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher; and

(C) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal;

(6) establish a mechanism for dealers to determine the scrappage value of the trade-in vehicle; and

(7) provide for the enforcement of the penalties described in subsection (e)(2).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this section or any regulations issued pursuant to subsection (d).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty in an amount equal to not more than $25,000 for each such violation.

(f) INFORMATION TO CONSUMERS AND DEALERS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary shall make information about the Program available through an Internet Web site and through other means determined by the Secretary. Such information shall include—

(A) how to determine if a vehicle is an eligible trade-in vehicle;

(B) how to determine the scrappage value of an eligible trade-in vehicle;

(C) how to participate in the Program, including how to determine participating dealers; and

(D) a comprehensive list, by make and model, of fuel efficient automobiles meeting the requirements of the Program.

(2) PUBLIC AWARENESS CAMPAIGN.—Upon completing the requirements under paragraph (1), the Secretary shall conduct a public awareness campaign to inform consumers about the Program and the sources for additional information.

(g) RECORDKEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database that includes—

(A) the vehicle identification numbers of all fuel efficient vehicles purchased or leased under the Program; and

(B) the vehicle identification numbers, mileage, condition, scrappage value, and other appropriate information, as determined by the Secretary, of all the eligible trade-in vehicles which have been disposed of under the Program.

(2) REPORT.—Not later than June 30, 2010, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the efficacy of the Program and includes—

(A) a description of the results of the Program, including—

(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, mileage, condition, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(h) RULE OF CONSTRUCTION.—For purposes of determining Federal or State income tax liability or eligibility for any Federal or State program that bases eligibility, in whole or in part, on income, the value of any voucher issued under the Program to offset the purchase price or lease price of a new fuel efficient automobile shall not be considered income of the person purchasing such automobile.

(i) DEFINITIONS.—In this section:

(1) CATEGORY 1 TRUCK.—The term ''category 1 truck'' means a nonpassenger automobile (as defined in section 32901(a)(17) of title 49, United States Code) that—

(A) has a combined fuel economy value of at least 20 miles per gallon; and

(B) is not a category 2 truck.

(2) CATEGORY 2 TRUCK.—The term ''category 2 truck'' means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled ''Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008''.

(3) CATEGORY 3 TRUCK.—The term ''category 3 truck'' has the meaning given the term ''work truck'' in section 32901(a)(19) of title 49, United States Code.

(4) COMBINED FUEL ECONOMY VALUE.—The term ''combined fuel economy value'' means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words ''Combined Fuel Economy'' on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40 Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle manufactured after model year 1984, the equivalent number determined on the fueleconomy.gov Web site of the Environmental Protection Agency for the make, model, and year of such vehicle; and

(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1984, the equivalent number determined by the Secretary and posted on the website of the National Highway Traffic Safety Administration, using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

(5) DEALER.—The term ''dealer'' means a person that is licensed by a State and engages in the sale of automobiles to ultimate purchasers.

(6) ELIGIBLE TRADE-IN VEHICLE.—The term ''eligible trade-in vehicle'' means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this section—

(A) is in drivable condition;

(B) has been continuously insured, consistent with State law, and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in; and

(C) has a combined fuel economy value of 17 miles per gallon or less.

(7) FUEL EFFICIENT AUTOMOBILE.—The term ''fuel efficient automobile'' means a vehicle described in paragraph (1), (2), (3), or (9), that was manufactured for any model year after 2003, and, at the time of the original sale to a consumer—

(A) carries a manufacturer's suggested retail price of $45,000 or less;

(B) complies with the applicable air emission and related requirements under the National Emission Standards Act (42 U.S.C. 7521 et seq.);

(C) qualifies for listing in emission bin 1, 2, 3, 4, or 5 (as defined in section 86.1803–01 of title 40, Code of Federal Regulations), or for work trucks the applicable vehicle and engine standards found under section 86.005–10 and 86.007–11 of title 40, Code of Federal Regulations; and

(D) has a combined fuel economy value of—

(i) 24 miles per gallon, if the vehicle is a passenger automobile;

(ii) 20 miles per gallon, if the vehicle is a category 1 truck; or

(iii) 17 miles per gallon, if the vehicle is a category 2 truck.

(8) NEW FUEL EFFICIENT AUTOMOBILE.—The term ''new fuel efficient automobile'' means a fuel efficient automobile, the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser.

(9) PASSENGER AUTOMOBILE.—The term ''passenger automobile'' means a passenger automobile (as defined in section 32901(a)(18) of title 49, United States Code) that has a combined fuel economy value of at least 24 miles per gallon.

(10) PROGRAM.—The term ''Program'' means the Cash for Clunkers Temporary Vehicle Trade-In Program established under this section.

(11) QUALIFYING LEASE.—The term ''qualifying lease'' means a lease of an automobile for a period of not less than 5 years.

(12) QUALIFYING SHORTER TERM LEASE.—The term ''qualifying shorter term lease'' means a lease of an automobile for a period of not less than 3 years and not more than 5 years.

(13) SCRAPPAGE VALUE.—The term ''scrappage value'' means the amount received by the dealer for an eligible trade-in vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destruction of the vehicle.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation, acting through the National Highway Traffic Safety Administration.

(15) ULTIMATE PURCHASER.—The term ''ultimate purchaser'' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.

(16) VEHICLE IDENTIFICATION NUMBER.—The term ''vehicle identification number'' means the 17 character number used by the automobile industry to identify individual automobiles.

SEC. 3. EXPEDITED CONSIDERATION OF AMERICAN RECOVERY AND REINVESTMENT ACT RESCISSIONS.

(a) PROPOSED RESCISSION OF DISCRETIONARY BUDGET AUTHORITY.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any discretionary budget authority provided under the American Recovery and Reinvestment Act (Public Law 111–5).

(b) TRANSMITTAL OF SPECIAL MESSAGE.—(1) Not later than 15 days after the date of the enactment of this Act, the President may—

(A) transmit to Congress a special message proposing to rescind amounts of discretionary budget authority provided in the American Recovery and Reinvestment Act; and

(B) include with the special message described in subparagraph (A) a draft bill or joint resolution that, if enacted, would only rescind that discretionary budget authority.

(2) If an Act includes accounts within the jurisdiction of more than 1 subcommittee of the Committee on Appropriations, the President, in proposing to rescind discretionary budget authority under this section, shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

(3) Each special message transmitted to Congress under this subsection shall specify, with respect to the discretionary budget authority proposed to be rescinded—

(A) the amount of budget authority proposed to be rescinded or which is to be so reserved;

(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(C) the reasons why the budget authority should be rescinded or is to be so reserved;

(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(c) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—The amount of discretionary budget authority the President may propose to rescind in a special message under this section for a particular program, project, or activity may not exceed $4,000,000,000.

(d) PROCEDURES FOR EXPEDITED CONSIDERATION.—(1)(A) Before the close of the second day of continuous session of the applicable House of Congress after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced by the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

(B) A bill or joint resolution introduced pursuant to subparagraph (A) shall be referred to the Committee on Appropriations of the House in which it is introduced. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to vote on the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(C) A vote on final passage of a bill or joint resolution introduced pursuant to subparagraph (A) shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

(2)(A) A bill or joint resolution transmitted to the Senate or the House of Representatives pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to vote on the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection to such bill or joint resolution, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition to such motion or appeal shall be controlled by the minority leader or his designee. Either such leader may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

(e) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in the Senate or the House of Representatives. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(f) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of discretionary budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

(g) DEFINITIONS.—For purposes of this section—

(1) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period; and

(2) the term ''discretionary budget authority'' means the dollar amount of discretionary budget authority and obligation limitations—

(A) specified in the American Recovery and Reinvestment Act (Public Law 111–5), or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

(h) CONFORMING AMENDMENT.—Section 1014(e)(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)(1)) is amended—

(1) in subparagraphs (A) and (B), by striking ''he'' each place such term appears and inserting ''the President'';

(2) in subparagraph (A), by striking ''and'' at the end;

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following:

''(B) the President has transmitted a special message under section 3 of the Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009 with respect to a proposed rescission; and''.

SEC. 4. SUNSET PROVISION.

Section 3 shall be repealed on the date on which regulations are promulgated under section 2(d).

By Mr. BINGAMAN (for himself, Mr. BEGICH, and Ms. STABENOW):

S. 1201. A bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise along with Senators BEGICH and STABENOW today to introduce important legislation that will ensure that low-income seniors have full access to the benefits available to them under the Medicare Drug Benefit. Helping Fill the Medicare Rx Gap Act of 2009 will ensure that low-income seniors and other low-income beneficiaries do not get caught in the Medicare Part D coverage gap, or ''doughnut hole,'' simply because of where they choose to purchase their Part D pharmaceuticals.

Under current regulation and guidance, individuals who are in the doughnut hole and receive Part D drugs from commercial pharmacies are permitted to count waivers or reductions in Part D cost-sharing to count towards their true out of pocket expenses, TrOOP. However, low-income individuals who may receive Part D drugs from safety-net pharmacies and other safety-net providers are not permitted to count similar waivers or reductions in Part D cost-sharing by safety-net providers towards their TrOOP. Thus, current law penalizes low-income individuals and makes it easier for them to get stuck in the doughnut hole—never accessing the catastrophic coverage to which they are entitled.

My legislation would undo this inequity and permit waivers and reductions for beneficiaries receiving care from safety-net providers to count towards beneficiaries' TrOOP. Specifically, the legislation will count waivers and reductions by certain safety-net hospitals and pharmacies, Federally Qualified Health Centers, AIDS Drug Assistance Programs, Pharmacy Assistance Programs and the Indian Health Service toward TrOOP.

I would like to express my gratitude for the assistance of several key senior citizen advocates in crafting this legislation, including: Howard Bedlin from the National Council on Aging, Lena O'Rourke and Marc Steinberg from Families USA, Patricia Nemore and Vicki Gottlich from the Center for Medicare Advocacy and Paul Precht and Rachel Shiffrin, from the Medicare Rights Center.

I urge my colleagues to join me in supporting this important piece of legislation, which will ensure that life saving pharmaceuticals are available to low-income Americans.

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. 1201

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 ''Helping Fill the Medicare Rx Gap Act of 2009''.

SEC. 2. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii)—

(A) by striking ''such costs shall be treated as incurred only if'' and inserting ''subject to clause (iii), such costs shall be treated as incurred if'';

(B) by striking '', under section 1860D–14, or under a State Pharmaceutical Assistance Program'';

(C) by striking ''(other than under such section or such a Program)''; and

(D) by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following new clause:

''(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

''(I) under section 1860D–14;

''(II) under a State Pharmaceutical Assistance Program;

''(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

''(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

''(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

''(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

''(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part D drug under the enrollee's prescription drug plan or MA–PD plan as of the date that the drug was distributed or donated.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2010.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. KERRY, Mrs. LINCOLN, Mr. WYDEN, Mr. SCHUMER, Ms. CANTWELL, Mr. MENENDEZ, Mr. ENSIGN, and Mr. CORNYN):

S. 1203. A bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes; to the Committee on Finance.

Mr. BAUCUS, Mr. President, I am introducing this bill with Senator HATCH and others to move America forward in the 21st Century.

In 2005, the last year for which we have IRS data, over eleven thousand C-corporations claimed the research tax credit. Approximately 70 percent of qualifying expenses are wages. This credit encourages American businesses to keep jobs here.

These jobs are good paying jobs. And when the research is performed in the U.S., then the intangible property stays in this country. And we get to enjoy the fruits of the labor. We need to keep the research jobs here. We cannot lose these jobs. We must make the research and development credit permanent and do everything we can to keep these research jobs here.

The Grow Research Opportunities with Taxcredit's Help Act of 2009 improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2009, the bill would ramp up the simpler credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years. This alternative simplified credit increases from 14 percent to 20 percent in 2009.

Second, the bill allows taxpayers to claim the traditional credit in 2009 and 2010. This gives the traditional credit companies time to adjust their accounting and effectively shift to the alternative simplified credit. For tax years beginning after 2010, the alternative simplified credit will be the only tax credit for qualifying research expenses.

The main complaint about the traditional credit is that it is very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. It creates problems for the IRS in trying to administer and audit those claims.

The alternative simplified credit focuses only on expenses, not gross receipts. It is still an incremental credit, so that companies must continue to increase research spending over time.

A tax credit is a cost-effective way to promote research and development. A report by the Congressional Research Service finds that without government support, investment in research and development would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector research and development.

We are competing in a global economy, and we need to promote research in this country. This bill will pave the way to a robust research and development incentive so that we can continue to lead the way in new technologies and domestic job growth.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 1205. A bill to exempt guides for hire and other operators of uninspected vessels on Lake Texoma from Coast Guard and other regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, today I introduced legislation that will exempt fishing guides and other operators of uninspected vessels on Lake Texoma from Coast Guard regulation. After weeks of discussion with the Coast Guard and thoughtful consideration, many in the Oklahoma delegation have decided that this is the course of action that will best protect an industry that is extremely important to the people of southern Oklahoma.

While the waters on Lake Texoma are considered ''navigable'' and currently subject to Federal regulation, this is inherently a state function and should be regulated at that level. This legislation will cede authority to conduct the licensing of fishing guides to the proper governing entity, which is the State of Oklahoma and not the Federal Government. I applaud Congressman BOREN for introducing companion legislation in the House of Representatives, and thank Senator COBURN for his cosponsorship of this measure.

At the end of the day this is about two things: preserving the fishing guide industry and, most importantly, ensuring safety on Lake Texoma. The State of Oklahoma is better positioned to accomplish both. The Coast Guard has not had an active presence at the lake until recently, whereas the State of Oklahoma's Department of Public Safety has a long history of ensuring safe boating activity there. Day in and day out, the State of Oklahoma will be better able to provide for the safety of individuals at the lake. Federal interference in the daily lives of Oklahomans is ever-increasing, and I believe it is important that we preserve state jurisdiction over activities such as this. This legislation accomplishes that.

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. 1205

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

SECTION 1. EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COAST GUARD AND OTHER REGULATIONS.

(a) EXEMPTION.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this section does not affect any requirement under State law or under any license issued under State law.

SEC. 2. WAIVER OF BIOMETRIC TRANSPORTATION SECURITY CARD REQUIREMENT FOR CERTAIN SMALL BUSINESS MERCHANT MARINERS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting ''and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title'' before the semicolon;

(2) by striking subparagraph (D); and

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

By Mr. BROWN (for himself, Mr. DODD, and Mr. CASEY):

S. 1206. A bill to establish and carry out a pediatric specialty loan repayment program; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, as Congress moves toward enacting groundbreaking health reform legislation, it is imperative that we pay close attention to the unique developmental needs of children and ensure that we are doing everything possible to meet their growing needs.

Meeting the health care needs of our nation's 80 million infants, children, and adolescents requires a stable and strong pediatrician workforce, comprised of well-trained pediatricians, pediatric medical subspecialists, pediatric surgical specialists, and psychiatric subspecialists.

However, a November 2007 report released by the Maternal and Child Health Bureau's, MCHB, Federal Expert Work Group on Pediatric Subspecialty Capacity concluded that the lack of access to pediatric subspecialty care has reached crisis proportions and that the ratio of pediatric subspecialists and pediatric surgical specialists to children who need care is hazardously low.

The MCHB panel concluded that the lack of access to pediatric subspecialty care is due to several factors, including an insufficient number of pediatric subspecialists, dramatically increased demand for pediatric subspecialty care, a fragmented system of pediatric primary and specialty care, and inadequate financing of medical education.

In the U.S. there are approximately 28,000 pediatric medical subspecialists and surgical specialists responsible for caring for over 80 million children. This is simply not enough.

At a time when we are seeing aging workforce populations and decreasing numbers of physicians being trained in pediatric subspecialties, the demand for pediatric subspecialty care has reached unprecedented levels. In the last 10 years, our Nation's children have experienced dramatic increases in the incidence and prevalence of conditions such as asthma, diabetes, depression, obesity, and increased demand for surgical correction of congenital heart disease and orthopedic anomalies.

The repercussions of this workforce shortage were enumerated during a hearing that I chaired on May 14th in the Committee on Health, Education, Labor, and Pensions.

During that hearing, we were honored to hear the testimony of Dr. Marsha Raulerson, a practicing pediatrician in Brewton, AL. During her testimony, Dr. Raulerson explained how pediatric subspecialist shortages have a life-or-death impact in both rural and urban communities. She emphasized the need to develop initiatives to recruit medical students and residents into specific pediatric disciplines and to underserved geographic regions.

That is why I am introducing the Pediatric Workforce Investment Act. This legislation would help address pediatric workforce shortages, particularly in medically underserved communities, by creating a pediatric specialty loan repayment program to encourage physicians to train and provide pediatric subspecialty care in areas desperately in need.

To improve access to needed medical care for our children, the shortage of pediatric subspecialists must be addressed. Creating a loan repayment program to help defray costs and incentivize care in underserved communities is a good first step.

I would like to thank Senators DODD and CASEY for being original cosponsors of this legislation and for being such strong advocates for children's health issues.

By Mr. WARNER:

S. 1207. A bill to authorize the Secretary of the Interior to study the suitability and feasibility designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, last month, we honored an American hero, Elisha ''Ray'' Nance of Bedford, VA, who passed away at the age of 94. Mr. Nance was the last surviving member of what has come to be known as ''The Bedford Boys''—members of Company A, 116th Infantry, 29th Division.

For those who do not know the story, Mr. Nance was among 38 National Guardsmen from the close-knit community of Bedford who were called to active service in World War II. On June 6, 1944, 35 young men of Bedford's Company A were in the first wave to hit ''Omaha Beach'' at Normandy. Nineteen young men from Bedford died in the opening battle during the early morning of June 6, and two more Bedford boys died a few days later in the ensuing Normandy campaign.

''We Bedford boys,'' Nance recalled, ''competed to be in the first wave. We wanted to be there. We wanted to be the first on the beach,'' he would write as he recovered from his own severe wounds. The loss of 21 of the 35 soldiers from that small community of 3,200 people designated Bedford as the town that suffered the highest proportional losses on D-Day.

On Saturday, we marked the 65th anniversary of the Allied invasion at Normandy. And as we reflect upon all that was lost on Omaha Beach—and, ultimately, all that was gained as Allied forces successfully liberated Europe during World War II—it is appropriate to reflect for a moment on the heart-wrenching sacrifice made by this small town in the Blue Ridge Mountains of central Virginia.

In 1996, Congress designated Bedford as the most appropriate spot for the National D-Day Memorial. The Memorial, built upon a mixture of sand from Omaha Beach and farm dirt from central Virginia, and dedicated by then-President George W. Bush on June 6, 2001, and it now stands as a striking tribute to the valor, fidelity, and sacrifice of the Allied forces on D-Day. The historical events surrounding the Normandy landing provide the broad context for the story the Memorial attempts to tell, but the National D-Day Memorial is not about war: it is about service to our nation—the duties of citizenship—and subjugating oneself for a greater good. In short, it is about the character and patriotism we find in all of our small communities across America.

The Memorial has attracted over one million visitors since it opened in 2001, with over 50 percent visiting from out of state, and more than 10,000 students participate in the D-Day Memorial's educational programs each year.

However, expenses run just over $2 million each year, and the Memorial takes in less than $600,000 a year in admission fees and gifts. Recently, the non-profit foundation that operates the Memorial announced it does not have adequate resources to remain open through the end of the year. We must take action now, or we risk losing an important landmark that pays tribute to the unbelievable sacrifices our young men and their families during that fateful landing.

Therefore, I am introducing this legislation that would authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System. This proposal is cosponsored by my esteemed Virginia colleague, Senator WEBB.

I urge you to support this measure, which would protect and preserve this important monument to our D-Day veterans and their families and future generations of Americans.

By Ms. SNOWE:

S. 1208. A bill to amend the Small Business Act to improve export growth opportunities for small businesses, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the Small Business Export Opportunity Act of 2009, a measure that would provide improved and expanded support for small businesses, through critical programs and reforms, to help them compete globally and export their goods and services to foreign markets.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, and as a senior member of both the Senate Finance and Commerce Committees, one of my top priorities is to ensure that small businesses get the promised benefits of our international trade relationships and are able to compete in the world economy.

While globalization has created opportunities for small businesses to sell their goods and services in new markets, not enough small businesses are taking advantage of these international opportunities. In fact, according to the U.S. Department of Commerce, only 266,457 of the approximately 27 million small businesses, or less than 1 percent, currently sell their products to foreign buyers. Small businesses are a vital source of economic growth and job creation, generating approximately 75 percent of net new jobs each year. Small businesses are essential to our economic recovery, and we must help them take advantage of all potential opportunities, including those in foreign markets.

Small businesses face particular challenges in exporting. It can be difficult for small exporting firms to secure the working capital needed to fulfill foreign purchase orders, for instance, because many lenders will not lend against export orders or export receivables. Small business owners may not know how to connect with foreign buyers, or may not have the time or resources necessary to understand other countries' rules and regulations.

Currently, Federal programs are grossly inadequate at helping small businesses overcome the challenges of exporting. This legislation gives small businesses the resources and assistance needed to explore potential export opportunities, or to expand their current export business.

The bill includes provisions I have supported for many years, during my tenure as both Chair and Ranking Member of the Senate Small Business Committee. For instance, I first introduced legislation in 2001, in the 107th Congress, to establish a U.S. Trade Representative for Small Business, in order to ensure that small business interests are reflected in U.S. trade policy and trade agreement negotiations. The legislation I am introducing today includes this vital provision.

The legislation also includes provisions from bills I have introduced in past Congresses, since the 109th, to elevate the head of the Small Business Administration, SBA, office responsible for trade and export programs to the Associate administrator-level, reporting directly to the administrator. It also includes provisions requiring that the SBA immediately fill its trade specialist positions that have been vacant for years.

The Small Business Export Opportunity Act of 2009 would also bolster the SBA's technical assistance programs, and will improve export financing programs so that small businesses have access to capital needed to support export sales. Furthermore, the legislation increases the coordination among other federal agencies—the Department of Commerce, the Office of the U.S. Trade Representative, and the Export-Import Bank—to ensure that small businesses benefit from all the export assistance the Federal Government offers.

The legislation also provides small businesses with matching grants, of up to $5,000, for expenses relating to activities that help them start or expand export activity. It creates a new Office of Small Business Development and Promotion at the SBA, and it improves the SBA's network of international trade counselors. This legislation increases the maximum size of SBA-guaranteed export working capital and international trade loans, and it establishes a permanent Export Express program. It also establishes a program to provide support for small businesses related to trade disputes and unfair international trade practices.

Small businesses can survive, diversify, and compete effectively in the international marketplace by developing an export business. But, as I mentioned, too few small businesses are expanding into international markets. This legislation will help small business owners take the crucial steps of finding international buyers for their goods and services and will enable small business owners to secure the financing needed to fill orders from foreign buyers.

This investment could yield tremendous returns for our economy. The U.S. spends just ⅙ of the international average among developed countries in promoting small businesses exports. Every additional dollar spent on export promotion results in a 40-fold increase in exports, according to a World Bank study.

We cannot overlook the impact of trade on small businesses. An investment in small business exporting assistance is an investment in our economy. This legislation will help small businesses stay competitive, help them grow, and speed the recovery of our economy as a whole. I ask all of my Senate colleagues to support this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1208

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 ''Small Business Export Opportunity Development Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Export Assistance Center'' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(3) the term ''export loan programs'' means the programs of the Administration under paragraphs (14) and (16) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and section 22 of that Act (15 U.S.C. 649), as amended by this Act; and

(4) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

(a) OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended to read as follows:

''SEC. 22. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

''(a) DEFINITIONS.—In this section—

''(1) the term 'accredited export assistance program' means a program—

''(A) that provides counseling and assistance relating to exporting to small business concerns; and

''(B) in which not less than 20 percent of the technical assistance staff members are certified in providing export assistance under subsection (g)(2);

''(2) the term 'Associate Administrator' means the Associate Administrator for Export Development and Promotion;

''(3) the term 'Export Assistance Center' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

''(4) the term 'export development officer' means an individual described in subsection (d)(8);

''(5) the term 'Office' means the Office of Export Promotion and Development established under subsection (b)(1); and

''(6) the term 'Service Corps of Retired Executives' means the Service Corps of Retired Executives authorized by section 8(b)(1).

''(b) OFFICE ESTABLISHED.—

''(1) ESTABLISHMENT.—There is established within the Administration an Office of Export Promotion and Development, which shall carry out the programs under this section.

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for Export Development and Promotion, who shall report directly to the Administrator.

''(c) DUTIES OF OFFICE.—The Associate Administrator, working in close cooperation with the Department of Commerce, the United States Trade Representative, the Export-Import Bank, other relevant Federal agencies, small business development centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

''(1) maintain a distribution network for export promotion, export finance, trade adjustment, trade remedy assistance, and export data collection programs through use of the regional and district offices of the Administration, the small business development center network, the network of women's business centers, chapters of the Service Corps of Retired Executives, and Export Assistance Centers;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to the small business community on exporting trends, market-specific growth, industry trends, and international prospects for exports;

''(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partnerships with people in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to an export development officer position to otherwise qualified applicants who are fluent in a language in addition to English, who shall—

''(A) accompany foreign trade missions, if designated by the Associate Administrator; and

''(B) be available as needed to translate documents, interpret conversations, and facilitate multilingual transactions, including providing referral lists for translation services, if required.

''(d) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator shall promote sales opportunities for small business goods and services abroad by—

''(1) in cooperation with the Department of Commerce, other relevant agencies, regional and district offices of the Administration, the small business development center network, and State programs, developing a mechanism for—

''(A) identifying sub-sectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting in increasing international marketing by disseminating relevant information regarding market leads, linking potential sellers and buyers, and catalyzing the formation of joint ventures, where appropriate;

''(2) in cooperation with the Department of Commerce, actively assisting small business concerns in forming and using export trading companies, export management companies and research and development pools authorized under section 9 of this Act;

''(3) working in conjunction with other Federal agencies, regional and district offices of the Administration, the small business development center network, and the private sector to identify and publicize translation services, including those available through colleges and universities participating in the small business development center program;

''(4) working closely with the Department of Commerce and other relevant Federal agencies to—

''(A) collect, analyze, and periodically update relevant data regarding the small business share of United States exports and the nature of State exports (including the production of Gross State Product figures) and disseminate that data to the public and to Congress;

''(B) make recommendations to the Secretary of Commerce and to Congress regarding revision of the North American Industry Classification System codes to encompass industries currently overlooked and to create North American Industry Classification System codes for export trading companies and export management companies;

''(C) improve the utility and accessibility of export promotion programs for small business concerns; and

''(D) increase the accessibility of the Export Trading Company contact facilitation service;

''(5) making available to the small business community information regarding conferences on exporting and international trade sponsored by the public and private sector;

''(6) providing small business concerns with access to up to date and complete export information by—

''(A) making available at the district offices of the Administration, through cooperation with the Department of Commerce, export information, including the worldwide information and trade system and world trade data reports;

''(B) maintaining a list of financial institutions that finance export operations;

''(C) maintaining a directory of all Federal, regional, State and private sector programs that provide export information and assistance to small business concerns; and

''(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business export firms so as to insure that the maximum information is made available to small business concerns in a readily usable form;

''(7) encouraging, in cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce; and

''(8) facilitating decentralized delivery of export information and assistance to small businesses by assigning primary responsibility for export development to one individual in each district office, who shall—

''(A) assist small business concerns in obtaining export information and assistance from other Federal departments and agencies;

''(B) maintain a directory of all programs which provide export information and assistance to small business concerns in the region;

''(C) encourage financial institutions to develop and expand programs for export financing;

''(D) provide advice to personnel of the Administration involved in making loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small business concerns engaged in exports; and

''(E) not later than 120 days after the date on which the person is appointed as an export development officer, and not less frequently than once each year thereafter, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine the needs of small business concerns for export information and assistance;

''(9) carrying out a nationwide marketing effort to promote exporting as a business development opportunity for small business concerns that uses technology, online resources, training, and other strategies;

''(10) disseminating information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting;

''(11) establishing and carrying out training programs for the staff of the district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.

''(e) EXPORT FINANCE SPECIALIST PROGRAM.—

''(1) EXPORT FINANCE SPECIALIST PROGRAM.—The Associate Administrator shall work in cooperation with the Export-Import Bank of the United States, the Department of Commerce, other relevant Federal agencies, and the States to develop a program through which export finance specialists in the district offices of the Administration, regional and local loan officers, and small business development center personnel can facilitate the access of small business concerns to relevant export financing programs of the Export-Import Bank of the United States and to export and pre-export financing programs available from the Administration and the private sector.

''(2) PROGRAM ACTIVITIES.—To carry out paragraph (1), the Associate Administrator shall work in cooperation with the Export-Import Bank of the United States and the small business community, including small business trade associations, to—

''(A) aggressively market Administration export financing and pre-export financing programs;

''(B) identify financing available under various programs of the Export-Import Bank of the United States, and aggressively market those programs to small business concerns;

''(C) assist in the development of financial intermediaries and facilitate the access of those intermediaries to financing programs;

''(D) promote greater participation by private financial institutions, particularly those institutions already participating in loan programs under this Act, in export finance; and

''(E) provide for the participation of appropriate Administration personnel in training programs conducted by the Export-Import Bank of the United States.

''(f) COUNSELING FOR SMALL BUSINESS CONCERNS.—The Associate Administrator shall—

''(1) work in cooperation with other Federal agencies and the private sector to counsel small business concerns with respect to initiating and participating in any proceedings relating to the administration of the United States trade laws; and

''(2) work with the Department of Commerce, the Office of the United States Trade Representative, and the International Trade Commission to increase access to trade remedy proceedings for small business concerns.

''(g) EXPORT ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator shall require, as part of the agreement under section 21, that each small business development center has an accredited export assistance program.

''(2) CERTIFICATION.—The Associate Administrator shall certify technical assistance staff members of small business development centers in providing export assistance, in accordance with such criteria as the Associate Administrator may establish.

''(3) TRAINING.—The Associate Administrator shall provide training relating to export assistance programs at the annual conference of small business development centers.

''(4) REPORT.—The Associate Administrator shall submit an annual report to Congress that includes—

''(A) the number of small business concerns assisted by accredited export assistance programs;

''(B) the export revenue generated by small business concerns assisted by accredited export assistance programs; and

''(C) an estimate of the number of jobs created or retained because of assistance provided by accredited export assistance programs.

''(h) EXPORT ASSISTANCE OFFICER.—The Associate Administrator shall—

''(1) assign an export assistance officer with training in export assistance and marketing to each district office of the Administration, who shall—

''(A) conduct training and information sessions for small business concerns interested in exporting; and

''(B) conduct outreach to small business concerns with the potential to export; and

''(2) provide annual training for export assistance officers.

''(i) EXPORT DEVELOPMENT GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible small-business concern' means a small-business concern—

''(i) that—

''(I) has been in business for not less than 1 year;

''(II) has profitable domestic sales;

''(III) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Administrator; and

''(IV) has in place a strategic plan for exporting;

''(ii) an employee of which has completed an accredited export assistance program; and

''(iii) that agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small-business concern is in compliance with the internal revenue laws of the United States;

''(B) the term 'export initiative' includes—

''(i) participation in a trade mission;

''(ii) a foreign market sales trip;

''(iii) a subscription to services provided by the Department of Commerce;

''(iv) the payment of website translation fees;

''(v) the design of international marketing media;

''(vi) a trade show exhibition; and

''(vii) participation in training workshops; and

''(C) the term 'small-business concern' has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

''(2) GRANT PROGRAM.—The Associate Administrator shall establish an export development grant program, under which the Associate Administrator may make grants to eligible small-business concerns to enhance the capability of the eligible small-business concerns to be globally competitive, increase business internationally, and increase export sales.

''(3) APPLICATION.—An eligible small-business concern that desires a grant under this subsection shall submit to the Associate Administrator at such time and in such manner as the Associate Administrator shall prescribe an application that identifies not less than 1 specific, achievable export initiative that the eligible small-business concern will carry out using a grant under this subsection.

''(4) AMOUNT.—A grant under this subsection may not exceed $5,000.

''(5) MATCHING FUNDS.—The Federal share of the cost of an export initiative carried out with a grant under this subsection shall be not more than 50 percent. The non-Federal share of the cost of an activity carried out

with a grant under this subsection may be in kind or in cash.

''(6) INFORMATION AND DOCUMENTATION.—An eligible small-business concern that receives a grant under this subsection shall provide to the Associate Administrator—

''(A) receipts for all expenditures made with the grant; and

''(B) information relating to any export sales resulting from the grant.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2010 and each fiscal year thereafter.

''(j) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

''(A) the number of small business concerns that—

''(i) receive assistance from the Administration;

''(ii) had not exported goods or services before receiving the assistance described in clause (i); and

''(iii) export goods or services;

''(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

''(C) export revenues by small business concerns assisted by programs of the Administration;

''(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office; and

''(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center.

''(2) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures described in paragraph (1), that is consistent with systems used by the departments and agencies and the network.

''(3) REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that includes—

''(A) a detailed account of the information relating to the performance measures described in paragraph (1); and

''(B) a description of the export assistance and services provided to small business concerns by the Administration.

''(k) REPORT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administration in implementing the requirements under this section.

''(l) DISCHARGE OF ADMINISTRATION EXPORT PROMOTION RESPONSIBILITIES.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade and exporting are carried out through the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over the staff of the Office, and over any employee of the Administration whose principal duty station is an Export Assistance Center or any successor entity.''.

(b) EXPORT DEVELOPMENT OFFICERS.—

(1) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that export development officers are assigned to each district office of the Administration, in accordance with section 22(d)(8) of the Small Business Act, as amended by this section.

(2) DEFINITION.—In this subsection, the term ''export development officer'' has the meaning given that term in section 22 of the Small Business Act (15 U.S.C. 649), as amended by this Act.

(c) EXPORT ASSISTANCE CENTERS.—

(1) VACANT POSITIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that the number of full-time equivalent employees of the Office of Export Development and Promotion assigned to the Export Assistance Centers is not less than the number of such employees so assigned on January 1, 2003.

(2) EXPORT DEVELOPMENT OFFICERS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Commerce, shall ensure that export finance specialists are assigned to not fewer than 40 Export Assistance Centers.

(3) STUDY.—Not later than 6 months after the date of enactment of this Act, the Associate Administrator for Export Development and Promotion shall carry out a nationwide study to evaluate where additional export finance specialists are needed.

(4) DEFINITION.—In this subsection, the term ''export finance specialist'' means an export finance specialist described in section 22(e)(1) of the Small Business Act (15 U.S.C. 649(e)(1)), as amended by this section.

(d) APPOINTMENT OF ASSOCIATE ADMINISTRATOR.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint an Associate Administrator for Export Development and Promotion under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NUMBER OF ASSOCIATE ADMINISTRATORS.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(A) in the fifth sentence, by striking ''five''; and

(B) by adding at the end the following: ''One of the Associate Administrators shall be the Associate Administrator for Export Development and Promotion, who shall be the head of the Office of Export Development and Promotion established under section 22.''.

(2) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE AND EXPORT POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A) by inserting ''through the Associate Administrator for Export Development and Promotion of'' before ''the Small Business Administration''.

SEC. 4. EXPORT FINANCE PROGRAMS.

(a) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking ''not exceed'' and inserting ''be''; and

(2) in paragraph (14)—

(A) by striking ''(A) The Administration'' and inserting the following: ''EXPORT WORKING CAPITAL PROGRAM.—

''(A) IN GENERAL.—The Administrator'';

(B) by striking ''(B) When considering'' and inserting the following:

''(C) CONSIDERATIONS.—When considering'';

(C) by striking ''(C) The Administration'' and inserting the following:

''(D) MARKETING.—The Administrator''; and

(D) by inserting after subparagraph (A) the following:

''(B) TERMS.—

''(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than $5,000,000.

''(ii) FEES.—

''(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

''(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.''.

(b) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.''.

(c) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking ''(32) INCREASED VETERAN'' and inserting ''(33) INCREASED VETERAN''; and

(2) by adding at the end the following:

''(34) EXPORT EXPRESS PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'export development activity' includes—

''(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

''(II) participation in a trade show that takes place outside the United States;

''(III) translation of product brochures or catalogues for use in markets outside the United States;

''(IV) obtaining a general line of credit for export purposes;

''(V) performing a service contract from buyers located outside the United States;

''(VI) obtaining transaction-specific financing associated with completing export orders;

''(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

''(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

''(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

''(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

''(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express

loan to a small business concern made for an export development activity.

''(C) LEVEL OF PARTICIPATION.—

''(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be $500,000.

''(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

''(I) 90 percent of a loan that is not more than $350,000; and

''(II) 75 percent of a loan that is more than $350,000 and not more than $500,000.''.

(d) INTERNATIONAL TRADE LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (3)(B), by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$5,000,000, of which not more than $4,000,000''; and

(2) in paragraph (16)—

(A) in subparagraph (B), by striking ''a first lien position'' and all that follows and inserting ''such collateral as is determined adequate by the Administrator.'';

(B) in subparagraph (D), by striking clauses (i) and (ii) and inserting the following:

''(i) is confronting—

''(I) increased competition with foreign firms in the relevant market; or

''(II) an unfair trade practice by a foreign firm, particularly intellectual property violations; and

''(ii) is injured by the competition or unfair trade practice.''; and

(C) by adding at the end the following:

''(F) GUARANTEE.—For a loan guaranteed under this paragraph, the Administrator shall guarantee 90 percent of the loan.

''(G) DEFINITION.—In this paragraph, the term 'small business concern' has the meaning given the term 'small-business concern' in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), in the matter preceding clause (i), by inserting ''or (D) of this paragraph or in paragraph (16) or (34)'' after ''in subparagraph (B)''; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking ''No'' and inserting ''Except as provided in paragraph (14)(B), no''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking ''Lender'' and inserting ''Lenders'';

(ii) in subparagraph (E)—

(I) by striking ''Lender'' and inserting ''Lenders''; and

(II) by striking ''subsection (a)(2)(C)(ii)'' and inserting ''subsection (a)(2)(C)(iii)''; and

(B) in paragraph (7)(B)(ii), by striking ''Lender'' and inserting ''Lenders''.

SEC. 5. MARKETING OF EXPORT LOANS.

The Administrator shall make efforts to expand the network of lenders participating in the export loan programs, including by—

(1) conducting outreach to regional and community lenders through the staff of the Administration assigned to Export Assistance Centers or to district offices of the Administration;

(2) developing a lender training program regarding the export loan programs for employees of lenders;

(3) simplifying and streamlining the application, processing, and reporting processes for the export loan programs; and

(4) establishing online, paperless processing and application submission for the export loan programs.

SEC. 6. SMALL BUSINESS TRADE POLICY.

(a) ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) by adding at the end the following:

''(6)(A) There is established within the Office the position of Assistant United States Trade Representative for Small Business, who shall be appointed by the United States Trade Representative.

''(B) The Assistant United States Trade Representative for Small Business shall—

''(i) promote the trade interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662));

''(ii) advocate for the reduction of foreign trade barriers with regard to the trade issues of small-business concerns that are exporters;

''(iii) collaborate with the Administrator of the Small Business Administration with regard to the trade issues of small-business concern trade issues;

''(iv) assist the United States Trade Representative in developing trade policies that increase opportunities for small-business concerns in foreign and domestic markets, including polices that reduce trade barriers for small-business concerns; and

''(v) perform such other duties as the United States Trade Representative may direct.''; and

(2) by moving paragraph (5) 2 ems to the left.

(b) TRADE PROMOTION COORDINATING COMMITTEE.—

(1) DETAILEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended by adding at the end the following:

''(g) SMALL BUSINESS ADMINISTRATION.—The Administrator of the Small Business Administration shall detail an employee of the Small Business Administration having expertise in export promotion to the TPCC to encourage the TPCC to—

''(1) collaborate with the Small Business Administration with regard to trade promotion efforts; and

''(2) consider the interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)) in the development of trade promotion policies and programs.''.

(2) NATIONAL EXPORT STRATEGY.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(A) in subsection (c)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(7) include an export strategy for small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)), which shall—

''(A) be developed by the Administrator of the Small Business Administration; and

''(B) include strategies to—

''(i) increase export opportunities for small-business concerns;

''(ii) protect small-business concerns from unfair trade practices, including intellectual property violations;

''(iii) assist small-business concerns with international regulatory compliance requirements;

''(iv) coordinate policy and program efforts throughout the United States with the TPCC, the Department of Commerce, and the Export Import Bank of the United States.''; and

(B) in subsection (f), in paragraph (1), by inserting ''(including implementation of the export strategy for small business concerns described in paragraph (7) of that subsection)'' after ''the implementation of such plan''.

(c) RECOMMENDATIONS ON TRADE AGREEMENTS.—

(1) NOTIFICATION BY USTR.—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(2) RECOMMENDATIONS.—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

(d) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

By Mr. KAUFMAN (for himself and Mr. BROWN):

S. 1210. A bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KAUFMAN. Mr. President, today I am introducing with Senator BROWN, the STEM Education Coordination Act of 2009. This bill addresses what we call STEM education—science, technology, engineering, and mathematics—which is critical for our competitiveness in the years and generations to come.

This bill is nearly identical to the version of H.R. 1709 reported by the House Committees on Science and Technology and on Education and Labor and which may be approved by the House of Representatives as early as today. It is quite a simple proposal. It would require coordination of Federal STEM education activities.

We can all agree that STEM education is crucial to our future. Technological innovation accounts for more than half of the growth of our economy since the Second World War. The discoveries and innovations of our STEM professionals create whole new opportunities, new industries, new companies, new products and services, and

new ways of delivering old products and services efficiently. To build a clean energy economy, to stay competitive in a globalizing world, to drive the health and science research that will improve our quality of life, we need more people trained in these skills. All too often, though, we are lagging behind other nations in producing these scientists and engineers.

Our ability to keep our lead in technology, which has defined American economic strength for generations, is deteriorating. The need for more STEM education and also particularly to reach women and underrepresented minorities is well recognized. The Congress has acted in recent years to support legislation such as the America COMPETES Act that broadens our competitiveness efforts beyond simply STEM education.

But there is also a concern that we are not using our current STEM education resources as efficiently and effectively as we could. As noted in the House Science Committee report:

> For the most part, agencies have developed their programs independently rather than sharing ''best practices'' and collaborating across agencies. Each program has also developed its own methods and criteria for evaluation, making a comparison of effectiveness across the programs impossible.

To get the most out of our efforts, this bill would require coordination of Federal STEM education activities. It would direct the Office of Science and Technology Policy to establish a committee under the National Science and Technology Council that is responsible for coordinating Federal science, technology, engineering, and math education programs and activities. These include Federal programs of the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and others. This newly formed committee will have three main responsibilities.

First, the committee will coordinate the Federal STEM education activities and programs.

Second, the committee will develop, implement, and update a 5-year STEM education achievement plan, including objectives and metrics so we can assess how well we are doing.

Third, the committee will maintain an inventory of federally sponsored STEM education programs and activities, including rates of participation by underrepresented minorities.

So that the Congress can make use of this information to advance our STEM education efforts, this bill will require an annual report that includes: One, a description of STEM education programs and activities; two, the level of funding for the programs and activities for each participating Federal agency; three, a description of the progress made in carrying out the implementation of the plan; and, four, a description of how participating Federal agencies disseminate information about available STEM education resources to States and practitioners.

This coordination is among the ideas suggested by then-Senator Obama in a bill he offered in the 110th Congress, S. 3047.

In sum, this bill will do just what its title suggests: coordinate our STEM educational activities. We not only have a duty to this Nation to make sure Federal dollars are spent as efficiently and effectively as possible, but it is also critical to our economy that we succeed in fostering a workforce that can out-discover, out-think, out-innovate, and out-produce our worldwide competition.

This legislation will help us reach these goals. In a world increasingly dominated by technology, I believe our economy, our environment, and our future depend on improving STEM education.

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. 1210

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 ''STEM Education Coordination Act of 2009''.

SEC. 2. DEFINITION.

In this Act, the term ''STEM'' means science, technology, engineering, and mathematics.

SEC. 3. COORDINATION OF FEDERAL STEM EDUCATION.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(b) RESPONSIBILITIES.—The committee established under subsection (a) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by women, underrepresented minorities, and persons in rural areas in such programs and activities.

(c) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (b)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(d) REPORT.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (b)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in schools that meet the criteria described in subsection (c)(1) (A) and (B) of section 3175 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381j(c)(1) (A) and (B)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 170—EXPRESSING THE SENSE OF THE SENATE THAT CHILDREN SHOULD BENEFIT, AND IN NO CASE BE WORSE OFF, AS A RESULT, OF REFORM OF THE NATIONS HEALTH CARE SYSTEM

Mr. CASEY (for himself, Mr. DODD, Mr. BROWN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 170

Whereas Medicaid is a cornerstone of the Nation's health care infrastructure, providing critical health coverage to Americans who have the greatest needs: children and adults whose financial means are very modest and people who are in poorer health compared to the population at-large, including individuals with significant disabilities and those with multiple chronic illnesses;

Whereas Medicaid provides health coverage to ¼ of the Nation's children and more than ½ of all low-income children;

Whereas because minority children are more likely to be from low-income families, Medicaid has been shown to reduce racial and ethnic disparities in health care, as it provides coverage for 2 out of every 5 African-American and Hispanic children;

Whereas by limiting cost-sharing and premiums, Medicaid provides a comprehensive

benefit package and ensures that children have access to affordable coverage and the health care services they need to stay healthy and meet developmental milestones;

Whereas Medicaid is designed to meet the complex health care needs of low-income and special needs children by including a wide range of essential and comprehensive services that many private insurers do not cover;

Whereas Medicaid provides developmental assessments for infants and young children (including well-child visits, vision and hearing services, and access to a wide range of therapies to manage developmental disorders and chronic illnesses) and coverage for in-home support, long-term care for special needs children, and transportation services;

Whereas Medicaid provides a care coordination benefit that supports at-risk children by coordinating State health services, thereby furthering the ability of States to effectively coordinate medical and social services that are provided by multiple organizations and agencies;

Whereas administrative spending is lower in Medicaid than through private insurance;

Whereas Medicaid is critical for ensuring that children have access to safety-net providers in their local communities and for training health care professionals, including pediatricians; and

Whereas Medicaid provides low-income children with the full complement of services they need to meet their unique health and developmental needs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should ensure that reform of our Nation's health care system shall benefit all children and that no child shall be worse off, particularly the most vulnerable low-income children and children with disabilities; and

(2) strengthening our Nation's Medicaid program should be a priority and that low-income children should not be moved into a health care exchange system that could disrupt and diminish their benefits, cost-sharing protections, availability of care standards and protections, and access to supports, services, and safety-net providers.

SENATE RESOLUTION 171—COMMENDING THE PEOPLE WHO HAVE SACRIFICED THEIR PERSONAL FREEDOMS TO BRING ABOUT DEMOCRATIC CHANGE IN THE PEOPLE'S REPUBLIC OF CHINA AND EXPRESSING SYMPATHY FOR THE FAMILIES OF THE PEOPLE WHO WERE KILLED, WOUNDED, OR IMPRISONED, ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE IN BEIJING, CHINA, FROM JUNE 3 THROUGH 4, 1989

Mr. INHOFE (for himself, Mr. BROWN, Mr. GRAHAM, Mr. KYL, Mr. COBURN, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. VITTER, Mr. WEBB, Mr. BROWNBACK, Mr. MARTINEZ, Mr. BUNNING, Mr. UDALL of Colorado, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 171

Whereas freedom of expression, assembly, association, and religion are fundamental rights that all people should be able to possess and enjoy;

Whereas, in April 1989, in a demonstration of democratic progress, thousands of students took part in peaceful protests against the communist government of the People's Republic of China in the capital city of Beijing;

Whereas, throughout the month of May 1989, the students, in peaceful demonstrations, drew more people, young and old and from all walks of life, into central Beijing to demand better democracy, basic freedoms of speech and assembly, and an end to corruption;

Whereas, from June 3 through 4, 1989, the Government of China ordered members of the People's Liberation Army to enter Beijing and clear Tiananmen Square (located in central Beijing) by lethal force;

Whereas, by June 7, 1989, the Red Cross of China reported that the People's Liberation Army had killed more than 300 people in Beijing, although foreign journalists who witnessed the events estimate that thousands of people were killed and thousands more wounded;

Whereas more than 20,000 people in China were arrested and detained without trial, due to their suspected involvement in the protests at Tiananmen Square;

Whereas, according to the Department of State, the Government of China has worked to censor information about the massacre at Tiananmen Square by blocking Internet sites and other media outlets, along with other sensitive information that would be damaging to the Government of China;

Whereas the Government of China has continued to deny basic human rights, such as freedom of speech and religion;

Whereas, during the 2008 Olympic Games, the Government of China promised to provide the international media covering the Olympic Games with the same access given the media at all the other Olympic Games, but denied access to certain internet sites and media outlets in attempts to censor free speech;

Whereas the Department of State Human Rights Report for 2008 found that the Government of China had increased already severe cultural and religious suppression of ethnic minorities in Tibetan areas and the Xinjiang Uighur Autonomous Region, detained and harassed dissidents and journalists, and maintained tight controls on freedom of speech and the Internet;

Whereas the United States Commission on International Religious Freedom in 2009 stated, ''The Chinese government continues to engage in systematic and egregious violations of the freedom of religion or belief, with religious activities tightly controlled and some religious adherents detained, imprisoned, fined, beaten, and harassed.''; and

Whereas the China Aid Association reported that in 2007, Christians were detained or arrested and Christian house church groups were persecuted by the Government of China: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people who demonstrated at Tiananmen Square and elsewhere in the People's Republic of China in 1989, many of whom sacrificed their lives and freedom to—

(A) bring about democratic change in China; and

(B) gain freedom of expression, assembly, association, and religion for the people of China;

(2) expresses its sympathy for the families of the people who were killed, wounded, or imprisoned due to their involvement in the peaceful protests in Tiananmen Square in Beijing, China from June 3 through 4, 1989;

(3) condemns the ongoing human rights abuses by the Government of China;

(4) calls on the Government of China to—

(A) release all prisoners that are—

(i) still in captivity as a result of their involvement in the events from June 3 through 4, 1989, at Tiananmen Square; and

(ii) imprisoned without cause;

(B) allow freedom of speech and access to information, especially information regarding the events at Tiananmen Square in 1989; and

(C) cease all harassment, intimidation, and unjustified imprisonment of—

(i) members of religious and minority groups; and

(ii) people who disagree with policies of the Government of China;

(5) supports efforts by free speech activists in China and elsewhere who are working to overcome censorship (including censorship of the Internet) and the chilling effect of censorship; and

(6) urges the President to continue to support peaceful advocates of free speech around the world.

SENATE RESOLUTION 172—DESIGNATING JUNE 2009 AS ''NATIONAL APHASIA AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON submitted the following resolution; which was considered and agreed to:

S. RES. 172

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of or reduction in the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this resolution as the ''NINDS''), stroke is the 3rd-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are about 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer about 750,000 strokes per year, with approximately ⅓ of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire the disorder each year;

Whereas the National Aphasia Association is a unique organization that provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas, as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes the ''silent'' disability

of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2009 as ''National Aphasia Awareness Month'';

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the 3rd-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1274. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table.

SA 1275. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1276. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1277. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1278. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1279. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1280. Mr. VOINOVICH (for himself, Mr. KOHL, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1281. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1282. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1283. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1284. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1225 submitted by Mr. COBURN and intended to be proposed to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1285. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1286. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1287. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1288. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1289. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1290. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1291. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. INOUYE, Mr. BEGICH, Ms. MIKULSKI, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1292. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1293. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1294. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1295. Mr. BROWNBACK (for himself, Mr. COCHRAN, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 1229 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. MCCAIN, Ms. STABENOW, Mr. SANDERS, and Ms. KLOBUCHAR) and intended to be proposed to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1296. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 1255 submitted by Ms. STABENOW (for herself, Mr. BROWNBACK, Ms. MIKULSKI, Mr. VOINOVICH, Mrs. SHAHEEN, Mr. BOND, Mr. BURRIS, Mr. DURBIN, Mr. LEVIN, and Mr. BROWN) and intended to be proposed to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1297. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1298. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1299. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1300. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. INOUYE, Mr. BEGICH, Ms. MIKULSKI, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1301. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1302. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 1251 submitted by Mrs. HAGAN and intended to be proposed to the bill H.R. 1256, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1274. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE _____—DETAINEE PHOTOGRAPHIC RECORDS PROTECTION

SEC. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(b) DEFINITIONS.—In this section:

(1) COVERED RECORD.—The term ''covered record'' means any record—

(A) 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

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall submit a certification to the President, 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—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification submitted under paragraph (1) and a renewal of a certification submitted under

paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) NOTICE TO CONGRESS.—A timely notice of the Secretary's certification shall be submitted to Congress.

(d) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) RULE OF CONSTRUCTION.—Nothing in ths section shall be construed to preclude the voluntary disclosure of a covered record.

(f) EFFECTIVE DATE.—This section 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.

SA 1275. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Saving Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 907 of the Federal Food, Drug, and Cosmetic Act (as added by section 101), add the following:

''(f) COMPLIANCE WITH WTO PROVISIONS.—If the Secretary of Health and Human Services, in consultation with the United States Trade Representative, determines that the prohibition contained in subsection (a)(1)(A) with respect to any artificial or natural flavor or any herb or spice would result in a violation of any trade agreement, the Secretary shall by regulation provide an exception with respect to such artificial or natural flavor or such herb or spice from such prohibition.''.

SA 1276. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Saving Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In section 908 of the Federal Food Drug, and Cosmetic Act (as added by section 101), add at the end the following:

''(d) IMMINENT HAZARDS.—

''(1) IN GENERAL.—If the Secretary finds that the marketing, distribution, or advertising of a tobacco product poses an imminent hazard to the public health, the Secretary may—

''(A) provide for the recall of the product under subsection (c);

''(B) suspend to approval of a label statement for the product under section 903(b);

''(C) suspend the approval of the application of the product under section 910; or

''(D) take any other action with respect to the product under this title to protect the public health.

''(2) NOTICE.—The Secretary shall provide the manufacturer or distributor of a tobacco product (as the case may be) prompt notice of any action taken under paragraph (1) with respect to such product, and afford the manufacturer or distributor the opportunity for an expedited hearing under this subsection.

''(3) STANDARD FOR DETERMINATION.—

''(A) IN GENERAL.—For purposes of this subsection, the marketing, distribution, or advertising or a tobacco product poses an imminent hazard to the public health if the Secretary determines that the evidence is sufficient to demonstrate that the product (or practice involved) creates a public health situation—

''(i) that should be corrected immediately to prevent injury; and

''(ii) that should not be permitted to continue while a hearing or other formal proceeding is being held.

''(B) TIME OF DECLARATION.—An imminent hazard may be declared under this subsection at any point in the chain of events that may ultimately result in harm to the public health. The occurrence of the final anticipated injury is not essential to establish that an imminent hazard of such occurrence exists.

''(C) CONSIDERATIONS.—In exercising the judgment of the Secretary on whether an imminent hazard exists for purposes of this subsection, the Secretary shall consider the number of injuries anticipated and the nature, severity, and duration of the anticipated injury.''.

SA 1277. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Saving Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 919 of the Federal Food, Drug, and Cosmetic Act (as added by section 101) add the following:

''(f) LIMITATION.—Effective for any fiscal year in which the Secretary determines that youth smoking has increased during each of the previous 4 calendar years (according to the Youth Risk Behavior Surveillance System) the Secretary shall not assess or expend fees under this section with respect to such fiscal year. The Secretary may collect and expend such fees upon a subsequent determination that youth smoking has remained unchanged or decreased.''.

SA 1278. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TEMPORARY VEHICLE TRADE-IN PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009''.

(b) TEMPORARY VEHICLE TRADE-IN PROGRAM.—

(1) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a program, to be known as the ''Cash for Clunkers Temporary Vehicle Trade-In Program'', through which the Secretary, in accordance with this subsection and the regulations promulgated under paragraph (4), shall—

(A) authorize the issuance of a voucher, subject to the specifications set forth in paragraph (3), to offset the purchase price or lease price of a fuel efficient automobile upon the transfer of the certificate of title of an eligible trade-in vehicle to a dealer participating in the Program;

(B) register dealers for participation in the Program and require each registered dealer to—

(i) accept vouchers provided under this subsection as partial payment or down payment for the purchase or lease of any fuel efficient automobile offered for sale or lease by such dealer; and

(ii) dispose of each eligible trade-in vehicle in accordance with paragraph (3)(B) after the title of such vehicle is transferred to the dealer under the Program;

(C) in consultation with the Secretary of the Treasury, make payments to dealers for eligible transactions by such dealers before the date that is 1 year after regulations are promulgated under paragraph (4), in accordance with such regulations; and

(D) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(2) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price of a fuel efficient automobile as follows:

(A) $1,000 VALUE.—The voucher may be used to offset the purchase price of a previously owned fuel efficient automobile manufactured for model year 2004 or later, by $1,000 if—

(i) the newly purchased fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) the newly purchased fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(iii) the newly purchased fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(B) $2,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $2,500 if—

(i) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(iii) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and—

(I) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(II) the eligible trade-in vehicle is a category 3 truck manufactured for model year 2001 or earlier; or

(iv) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck manufactured for model year 1999 or earlier and is of similar size or larger than the new fuel efficient automobile, as determined in a manner prescribed by the Secretary.

(C) $3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $3,500 if—

(i) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 6 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(iii) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(D) $4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $4,500 if—

(i) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 13 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 9 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(iii) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(3) PROGRAM SPECIFICATIONS.—

(A) LIMITATIONS.—

(i) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program may only be used for the purchase or lease of a fuel efficient automobile that occurs between the date on which the regulations promulgated under paragraph (4) are implemented and the date that is 1 year after such date.

(ii) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(iii) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or lease of a single new fuel efficient automobile.

(iv) CAP ON VOUCHERS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the amounts made available for the Program may be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(v) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal or State tax incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program.

(vi) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(vii) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(viii) VALUES FOR QUALIFYING SHORTER TERM LEASES.—If a fuel efficient vehicle is leased under a qualifying shorter term lease, the value of the voucher issued under the Program shall be 50 percent of the value otherwise applicable under paragraph (2).

(B) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(i) IN GENERAL.—If the title of an eligible trade-in vehicle is transferred to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that such vehicle, including the engine and drive train—

(I) has been or will be crushed or shredded within such period and in such manner as the Secretary prescribes, or will be transferred to an entity that will ensure that the vehicle will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country, or has been or will be transferred, in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(ii) SAVINGS PROVISION.—Nothing in clause (i) may be construed to preclude a person who dismantles or disposes of the vehicle from—

(I) purchasing the disposed vehicle from a dealer for the purpose of selling parts other than the engine block and drive train;

(II) selling any parts of the disposed vehicle other than the engine block and drive train, unless the engine or drive train has been crushed or shredded; or

(III) retaining the proceeds from such sale.

(iii) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible and commercially available systems are appropriately updated to reflect the crushing or shredding of vehicles under this subsection and appropriate reclassification of the vehicles' titles.

(4) RULEMAKING.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(A) provide for a means of registering dealers for participation in the Program;

(B) establish procedures for the electronic reimbursement of dealers participating in the Program, within 10 days after the submission to the Secretary of information supporting the eligible transaction, as determined appropriate by the Secretary, for the appropriate amount under subsection (c) and any reasonable administrative costs incurred by the dealer;

(C) prohibit any dealer from using vouchers to offset any other rebate or discount offered by that dealer or by the manufacturer of the new fuel efficient automobile;

(D) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

(E) consistent with paragraph (3)(B), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(i) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal and State requirements;

(ii) a mechanism for dealers to certify to the Secretary that eligible trade-in vehicles are disposed of, or transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures and to submit the vehicle identification numbers, mileage, condition, and other appropriate information, as determined by the Secretary, of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher; and

(iii) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal;

(F) establish a mechanism for dealers to determine the scrappage value of the trade-in vehicle; and

(G) provide for the enforcement of the penalties described in paragraph (5)(B).

(5) ANTI-FRAUD PROVISIONS.—

(A) VIOLATION.—It shall be unlawful for any person to violate any provision under this subsection or any regulations issued pursuant to paragraph (4).

(B) PENALTIES.—Any person who commits a violation described in subparagraph (A) shall be liable to the United States Government for a civil penalty in an amount equal to not more than $25,000 for each such violation.

(6) INFORMATION TO CONSUMERS AND DEALERS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary shall make information about the Program available through an Internet Web site and through other means determined by the Secretary. Such information shall include—

(i) how to determine if a vehicle is an eligible trade-in vehicle;

(ii) how to determine the scrappage value of an eligible trade-in vehicle;

(iii) how to participate in the Program, including how to determine participating dealers; and

(iv) a comprehensive list, by make and model, of fuel efficient automobiles meeting the requirements of the Program.

(B) PUBLIC AWARENESS CAMPAIGN.—Upon completing the requirements under subparagraph (A), the Secretary shall conduct a public awareness campaign to inform consumers about the Program and the sources for additional information.

(7) RECORDKEEPING AND REPORT.—

(A) DATABASE.—The Secretary shall maintain a database that includes—

(i) the vehicle identification numbers of all fuel efficient vehicles purchased or leased under the Program; and

(ii) the vehicle identification numbers, mileage, condition, scrappage value, and other appropriate information, as determined by the Secretary, of all the eligible trade-in vehicles which have been disposed of under the Program.

(B) REPORT.—Not later than June 30, 2010, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the efficacy of the Program and includes—

(i) a description of the results of the Program, including—

(I) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(II) aggregate information regarding the make, model, model year, mileage, condition, and manufacturing location of vehicles traded in under the Program; and

(III) the location of sale or lease;

(ii) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(iii) an estimate of the overall economic and employment effects of the Program.

(8) RULE OF CONSTRUCTION.—For purposes of determining Federal or State income tax liability or eligibility for any Federal or State program that bases eligibility, in whole or in part, on income, the value of any voucher issued under the Program to offset the purchase price or lease price of a new fuel efficient automobile shall not be considered income of the person purchasing such automobile.

(9) DEFINITIONS.—In this subsection:

(A) CATEGORY 1 TRUCK.—The term ''category 1 truck'' means a nonpassenger automobile (as defined in section 32901(a)(17) of title 49, United States Code) that—

(i) has a combined fuel economy value of at least 20 miles per gallon; and

(ii) is not a category 2 truck.

(B) CATEGORY 2 TRUCK.—The term ''category 2 truck'' means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled ''Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008''.

(C) CATEGORY 3 TRUCK.—The term ''category 3 truck'' has the meaning given the term ''work truck'' in section 32901(a)(19) of title 49, United States Code.

(D) COMBINED FUEL ECONOMY VALUE.—The term ''combined fuel economy value'' means—

(i) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words ''Combined Fuel Economy'' on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40 Code of Federal Regulations;

(ii) with respect to an eligible trade-in vehicle manufactured after model year 1984, the equivalent number determined on the fueleconomy.gov Web site of the Environmental Protection Agency for the make, model, and year of such vehicle; and

(iii) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1984, the equivalent number determined by the Secretary and posted on the website of the National Highway Traffic Safety Administration, using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

(E) DEALER.—The term ''dealer'' means a person that is licensed by a State and engages in the sale of automobiles to ultimate purchasers.

(F) ELIGIBLE TRADE-IN VEHICLE.—The term ''eligible trade-in vehicle'' means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this subsection—

(i) is in drivable condition;

(ii) has been continuously insured, consistent with State law, and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in; and

(iii) has a combined fuel economy value of 17 miles per gallon or less.

(G) FUEL EFFICIENT AUTOMOBILE.—The term ''fuel efficient automobile'' means a vehicle described in subparagraph (A), (B), (C), or (I), that was manufactured for any model year after 2003, and, at the time of the original sale to a consumer—

(i) carries a manufacturer's suggested retail price of $45,000 or less;

(ii) complies with the applicable air emission and related requirements under the National Emission Standards Act (42 U.S.C. 7521 et seq.);

(iii) qualifies for listing in emission bin 1, 2, 3, 4, or 5 (as defined in section 86.1803–01 of title 40, Code of Federal Regulations), or for work trucks the applicable vehicle and engine standards found under section 86.005–10 and 86.007–11 of title 40, Code of Federal Regulations; and

(iv) has a combined fuel economy value of—

(I) 24 miles per gallon, if the vehicle is a passenger automobile;

(II) 20 miles per gallon, if the vehicle is a category 1 truck; or

(III) 17 miles per gallon, if the vehicle is a category 2 truck.

(H) NEW FUEL EFFICIENT AUTOMOBILE.—The term ''new fuel efficient automobile'' means a fuel efficient automobile, the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser.

(I) PASSENGER AUTOMOBILE.—The term ''passenger automobile'' means a passenger automobile (as defined in section 32901(a)(18) of title 49, United States Code) that has a combined fuel economy value of at least 24 miles per gallon.

(J) PROGRAM.—The term ''Program'' means the Cash for Clunkers Temporary Vehicle Trade-In Program established under this subsection.

(K) QUALIFYING LEASE.—The term ''qualifying lease'' means a lease of an automobile for a period of not less than 5 years.

(L) QUALIFYING SHORTER TERM LEASE.—The term ''qualifying shorter term lease'' means a lease of an automobile for a period of not less than 3 years and not more than 5 years.

(M) SCRAPPAGE VALUE.—The term ''scrappage value'' means the amount received by the dealer for an eligible trade-in vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destruction of the vehicle.

(N) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation, acting through the National Highway Traffic Safety Administration.

(O) ULTIMATE PURCHASER.—The term ''ultimate purchaser'' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.

(P) VEHICLE IDENTIFICATION NUMBER.—The term ''vehicle identification number'' means the 17-character number used by the automobile industry to identify individual automobiles.

(c) EXPEDITED CONSIDERATION OF AMERICAN RECOVERY AND REINVESTMENT ACT RESCISSIONS.—

(1) PROPOSED RESCISSION OF DISCRETIONARY BUDGET AUTHORITY.—The President may propose, at the time and in the manner provided in paragraph (2), the rescission of any discretionary budget authority provided under the American Recovery and Reinvestment Act (Public Law 111–5).

(2) TRANSMITTAL OF SPECIAL MESSAGE.—(A) Not later than 15 days after the date of the enactment of this Act, the President may—

(i) transmit to Congress a special message proposing to rescind amounts of discretionary budget authority provided in the American Recovery and Reinvestment Act; and

(ii) include with the special message described in clause (i) a draft bill or joint resolution that, if enacted, would only rescind that discretionary budget authority.

(B) If an Act includes accounts within the jurisdiction of more than 1 subcommittee of the Committee on Appropriations, the President, in proposing to rescind discretionary budget authority under this subsection, shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

(C) Each special message transmitted to Congress under this paragraph shall specify, with respect to the discretionary budget authority proposed to be rescinded—

(i) the amount of budget authority proposed to be rescinded or which is to be so reserved;

(ii) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(iii) the reasons why the budget authority should be rescinded or is to be so reserved;

(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(v) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(3) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—The amount of discretionary budget authority the President may propose to rescind in a special message under this subsection for a particular program, project, or activity may not exceed $4,000,000,000.

(4) PROCEDURES FOR EXPEDITED CONSIDERATION.—(A)(i) Before the close of the second

day of continuous session of the applicable House of Congress after the date of receipt of a special message transmitted to Congress under paragraph (2), the majority leader or minority leader of the House of Congress in which the Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced by the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

(ii) A bill or joint resolution introduced pursuant to clause (i) shall be referred to the Committee on Appropriations of the House in which it is introduced. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to vote on the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(iii) A vote on final passage of a bill or joint resolution introduced pursuant to clause (i) shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

(B)(i) A bill or joint resolution transmitted to the Senate or the House of Representatives pursuant to subparagraph (A)(iii) shall be referred to the Committee on Appropriations of that House. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to vote on the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

(ii) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

(C)(i) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this subsection shall be highly privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(ii) Debate in the House of Representatives on a bill or joint resolution under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this subsection or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(iii) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this subsection shall be decided without debate.

(iv) Except to the extent specifically provided in clauses (i) through (iii), consideration of a bill or joint resolution under this subsection shall be governed by the Rules of the House of Representatives.

(D)(i) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this subsection shall be privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(ii) Debate in the Senate on a bill or joint resolution under this subsection, and all debatable motions and appeals in connection to such bill or joint resolution, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(iii) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition to such motion or appeal shall be controlled by the minority leader or his designee. Either such leader may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(iv) A motion in the Senate to further limit debate on a bill or joint resolution under this subsection is not debatable. A motion to recommit a bill or joint resolution under this subsection is not in order.

(5) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this subsection shall be in order in the Senate or the House of Representatives. No motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House to suspend the application of this paragraph by unanimous consent.

(6) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of discretionary budget authority proposed to be rescinded in a special message transmitted to Congress under paragraph (2) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

(7) DEFINITIONS.—For purposes of this subsection—

(A) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period; and

(B) the term ''discretionary budget authority'' means the dollar amount of discretionary budget authority and obligation limitations—

(i) specified in the American Recovery and Reinvestment Act (Public Law 111–5), or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

(8) CONFORMING AMENDMENT.—Section 1014(e)(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)(1)) is amended—

(A) in subparagraphs (A) and (B), by striking ''he'' each place such term appears and inserting ''the President'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting after subparagraph (A) the following:

''(ii) the President has transmitted a special message under section __(c) of the Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009 with respect to a proposed rescission; and''.

(d) SUNSET PROVISION.—Subection (c) shall be repealed on the date on which regulations are promulgated under subsection (b)(4).

SA 1279. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT; CREATION OF MANAGEMENT AUTHORITY FOR AUTOMOBILE MANUFACTURERS ASSISTED UNDER TARP.

(a) AUTHORITY TO DESIGNATE MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management

authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

(b) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) or to carry out the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated automobile manufacturer to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(c) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under his section.

(d) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated automobile manufacturers—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated automobile manufacturer; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(e) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011.

(f) DEFINITIONS.—As used in this section—

(1) the term ''designated automobile manufacturer'' means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1280. Mr. VOINOVICH (for himself, Mr. KOHL, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

SEC. _____. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SA 1281. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102, and insert the following:

SEC. 102. REGULATIONS AND APPLICATION OF CERTAIN PROVISIONS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations to implement this Act (and the amendments made by this Act). Not later than 6 months after the date on which the interim final regulations are promulgated under the preceding sentence, the Secretary shall promulgate final regulations.

(b) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding any other provision of this Act (or an amendment made by this Act), the provisions of chapter 5 of title 5, Under States Code, shall apply to this Act (and amendments).

SA 1282. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which

is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

"§ 8422. Deductions from pay; contributions for other service; deposits".

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. ___2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. ___3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section ___2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section ___2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1283. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products,

to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. __01. SHORT TITLE.

This title may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. __02. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section __04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section __04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. __03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section __04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section __08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. __04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comfor each non-foreign area.

SEC. __05. SAVINGS PROVISION.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section __04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section __04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section __04 of this title which is not

in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. __06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section __02 of this title), and section __04 of this title apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section __02 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section __06(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section __04.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section __07 of this title.

SEC. __07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section __04 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section __04 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. __08. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section __03;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide

for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. __09. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section __02 and the provisions of section __04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

SA 1284. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1225 submitted by Mr. COBURN and intended to be proposed to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. IMMEDIATE, MANDATORY EVALUATION OF POTENTIAL VIOLATIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IMMEDIATE, MANDATORY EVALUATION AND REPORT.—

(1) IMMEDIATE, MANDATORY EVALUATION.—The Secretary of Health and Human Services shall conduct an evaluation of the manufacture, distribution, and use of marijuana in States that have enacted laws legalizing, decriminalizing, or otherwise allowing the use of marijuana for purported medical use to determine—

(A) whether such activity conflicts with any provision of Federal law for which the Department of Health of Human Services is responsible; and

(B) whether such medical marijuana programs conflict with any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that is designed to ensure the safety and effectiveness of drugs used by the American public.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, and after an opportunity for public comment, the Secretary of Health and Human Services shall submit to Congress a report concerning the findings of the evaluation conducted under paragraph (1).

(b) REPORT ON RESEARCH.—The Secretary of Health and Human Services shall report to Congress on efforts to respond to privately-funded research to evaluate marijuana for possible prescription use, after being subjected to the full regulatory processes, evaluations, and requirements of the Food and Drug Administration, including Phase II and III studies, risk evaluation and mitigation strategy, and all other requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) regarding safe and effective reviews, approval, sale, marketing, and use of pharmaceuticals.

SA 1285. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 24 and insert the following:

''taining domestically grown tobacco; and

''(E) shall require that all tobacco product testing on domestic and foreign manufacturers' products, to determine compliance with standards under this section, be performed in laboratories accredited by the Secretary (or by an accreditation body recognized by the Secretary) for such purpose, in accordance with the procedures established by the Secretary.

SA 1286. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ___. IMMEDIATE, MANDATORY EVALUATION OF POTENTIAL VIOLATIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IMMEDIATE, MANDATORY EVALUATION AND REPORT.—

(1) IMMEDIATE, MANDATORY EVALUATION.—The Secretary of Health and Human Services shall conduct an evaluation of the manufacture, distribution, and use of marijuana in States that have enacted laws legalizing, decriminalizing, or otherwise allowing the use of marijuana for purported medical use to determine—

(A) whether such activity conflicts with any provision of Federal law for which the Department of Health of Human Services is responsible; and

(B) whether such medical marijuana programs conflict with any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that is designed to ensure the safety and effectiveness of drugs used by the American public.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, and after an opportunity for public comment, the Secretary of Health and Human Services shall submit to Congress a report concerning the findings of the evaluation conducted under paragraph (1).

(b) REPORT ON RESEARCH.—The Secretary of Health and Human Services shall report to Congress on efforts to respond to privately-funded research to evaluate marijuana for possible prescription use, after being subjected to the full regulatory processes, evaluations, and requirements of the Food and Drug Administration, including Phase II and III studies, risk evaluation and mitigation strategy, and all other requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) regarding safe and effective reviews, approval, sale, marketing, and use of pharmaceuticals.

SA 1287. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, strike lines 4 through 16, and insert the following:

''(3) CIGARETTE.—The term 'cigarette' means a product that is a tobacco product and that—

''(A) meets the definition of the term 'cigarette' in section 3(1) of the Federal Cigarette Labeling and Advertising Act; or

''(B) because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchase by, consumers as a cigarette or as roll-your-own tobacco.''.

SA 1288. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 8, strike ''section 3(1)'' and insert ''section 3(1)(A) or section 3(1)(B)''.

SA 1289. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused

sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SA 1290. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United

States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE _____—NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. __01. SHORT TITLE.

This title may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. __02. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section __04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section __04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. __03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section __04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section __08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. __04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. __05. SAVINGS PROVISION.

(a) IN GENERAL.—During the period described under section __04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section __04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(b) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(1) the employee leaves the allowance area or pay system; or

(2) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(c) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under subsection (b) shall receive any applicable locality-based comparability payment extended under section __04 of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding subsection (b), to the extent that an employee covered under that subsection receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that subsection shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. __06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section __02 of this title), and section __04 of this title apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section __02 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section __06(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section __04.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section __07 of this title.

SEC. __07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section __04 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of

January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section __04 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. __08. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section __03;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. __09. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section __02 and the provisions of section __04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. ___2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. ___3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section ___2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section ___2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1291. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. INOUYE, Mr. BEGICH, Ms. MIKULSKI, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE _____—NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. __01. SHORT TITLE.

This title may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. __02. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section __04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section __04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. __03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section __04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section __08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. __04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. __05. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this title to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the ''Rest of the United States'', the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section __04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section __04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section __04 of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. __06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section __02 of this title), and section __04 of this title apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section __02 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section __06(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section __04.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section __07 of this title.

SEC. __07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section __04 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section __04 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. __08. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section __03;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. __09. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section __02 and the provisions of section __04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. ___2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. ___3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section ___2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section ___2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1292. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, add the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by

striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. ___2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or

the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. ___3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section ___2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section ___2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1293. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike lines 7 through 15, and insert the following:

''(16) SMALL TOBACCO PRODUCT MANUFACTURER.—The term 'small tobacco product manufacturer' means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence—

''(A) the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer; and

''(B) except that in the case of a farmer owned tobacco grower cooperative that is also tobacco manufacturer, any employees whose responsibilities and compensation in no way support, are connected to, or are dependent upon the manufacture, fabrication, assembly, processing, labeling, storage or marketing of tobacco products, including cigarettes, roll-your-own tobacco, cigars, small cigar or cigarette tubes shall not be deemed employees of the tobacco product manufacturer.''.

SA 1294. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

''SMALL TOBACCO PRODUCT MANUFACTURER.—The term 'small tobacco product manufacturer' means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence—

''(A) the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer; and

''(B) except that in the case of a farmer owned tobacco grower cooperative that is also tobacco manufacturer, any employees whose responsibilities and compensation in no way support, are connected to, or are dependent upon the manufacture, fabrication, assembly, processing, labeling, storage or marketing of tobacco products, including cigarettes, roll-your-own tobacco, cigars, small cigar or cigarette tubes shall not be deemed employees of the tobacco product manufacturer.''.

SA 1295. Mr. BROWNBACK (for himself, Mr. COCHRAN, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 1229 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. MCCAIN, Ms. STABENOW, Mr. SANDERS, and Ms. KLOBUCHAR) and intended to be proposed to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 140 of the amendment, after line 17, add the following:

SEC. 11. CERTIFICATION.

(a) IN GENERAL.—This division, and the amendments made by this division, shall become effective only if the Secretary of

Health and Human Services certifies to Congress that the implementation of this division, and the amendments made by this division, will—

(1) pose no additional risk to the public's health and safety; and

(2) result in a significant reduction in the cost of covered products to the American consumer.

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this division, or of any amendment made by this division—

(1) any reference in this division, or in such amendments, to the date of enactment of this division shall be deemed a reference to the date of the certification under subsection (a); and

(2) each reference to ''January 1, 2012'' in section 6(c) of this division shall be substituted with ''90 days after the effective date of this division''.

SA 1296. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 1255 submitted by Ms. STABENOW (for herself, Mr. BROWNBACK, Ms. MIKULSKI, Mr. VOINOVICH, Mrs. SHAHEEN, Mr. BOND, Mr. BURRIS, Mr. DURBIN, Mr. LEVIN, and Mr. BROWN) and intended to be proposed to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 17, insert ''or new fuel efficient motorcycle'' after ''automobile''.

On page 2, line 24, insert ''or new fuel efficient motorcycle'' after ''automobile''.

On page 3, line 18, insert ''or new fuel efficient motorcycle'' after ''automobile''.

On page 5, between lines 21 and 22, insert the following:

(3) $2,500 VALUE.—A voucher may be used to offset the purchase price of the new fuel efficient motorcycle by $2,500 if—

(A) the new fuel efficient motorcycle is street-use approved; and

(B) the combined fuel economy is at least 25 miles higher than the combined fuel economy value of the eligible trade-in vehicle.

On page 6, line 2, insert ''or new fuel efficient motorcycles'' after ''automobiles''.

On page 6, line 17, insert ''or a single new fuel efficient motorcycle'' after ''automobile''.

On page 7, line 2, insert ''or new fuel efficient motorcycle'' after ''automobile''.

On page 7, line 9, insert ''or new fuel efficient motorcycle'' after ''automobile''.

On page 9, lines 24 and 25, insert ''or new fuel efficient motorcycle'' after ''automobile''.

On page 10, line 11, insert ''or new fuel efficient motorcycle'' after ''automobile''.

On page 12, line 20, insert ''and new fuel efficient motorcycles'' after ''automobiles''.

On page 13, line 4, insert ''(including new fuel efficient motorcycles)'' after ''vehicles''.

On page 13, line 19, insert ''and new fuel efficient motorcycles'' after ''automobiles''.

On page 13, line 22, insert ''or motorcycle'' after ''automobile''.

On page 17, line 7, insert ''or motorcycle'' after ''Code)''.

On page 17, between lines 19 and 20, insert the following:

(8) the term ''motorcycle'' means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground;

On page 17, line 20, strike ''(8)'' and insert ''(9)''.

On page 18, between lines 21 and 22, insert the following:

(10) the term ''new fuel efficient motorcycle'' means a motorcycle—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of $20,000 or less; and

(C) that has a combined fuel economy value of at least 50 miles per gallon;

On page 18, line 22, strike ''(9)'' and insert ''(11)''.

On page 19, line 1, strike ''(10)'' and insert ''(12)''.

On page 19, line 13, insert ''or motorcycle'' after ''automobile''.

On page 19, line 14, insert ''or motorcycle'' after ''automobile''.

SA 1297. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. ___2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. ___3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section ___2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section ___2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1298. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System; and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying

District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SA 1299. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of

title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. ___2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. ___3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section ___2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section ___2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1300. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. INOUYE, Mr. BEGICH, Ms. MIKULSKI, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System; and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 116. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security may change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) BENEFITS.—

(I) IN GENERAL.—No individual shall be entitled to any benefit under title II of the Social Security Act based on any contribution forfeited under clause (i).

(II) NO EFFECT ON MEDICARE BENEFITS.—Notwithstanding the forfeiture of contributions by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) IMPLEMENTATION.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

TITLE_____—NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. __01. SHORT TITLE.

This title may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. __02. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section __04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section __04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. __03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section __04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section __08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. __04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. __05. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this title to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the ''Rest of the United States'', the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section __04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section __04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section __04 of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. __06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section __02 of this title), and section __04 of this title apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section __02 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section __06(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section __04.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section __07 of this title.

SEC. __07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section __04 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section __04 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. __08. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section __03;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. __09. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section __02 and the provisions of section __04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE_____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. ___2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. ___3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section ___2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section ___2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1301. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1256 proposed by Mr. SCHUMER (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH)) to the amendment SA 1247 proposed by Mr. DODD to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle B—Other Retirement-Related Provisions

SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 112. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 114. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 115. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

TITLE _____—NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE

SEC. _01. SHORT TITLE.

This title may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. _02. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section __04 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section __04 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. __03. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section __04 of this title, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section __08 of this title.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. __04. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. __05. SAVINGS PROVISION.

(a) IN GENERAL.—During the period described under section __04 of this title, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section __04 of this title, and corresponding increases shall be provided for all step rates of the given pay range.

(b) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(c) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section __04 of this title which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. __06. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section __02 of this title), and section __04 of this title apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section __02 of this title), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section __06(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section __04.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section __07 of this title.

SEC. __07. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section __04 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section __04 of this title did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. __08. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section __03;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section __04 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. __09. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section __02 and the provisions of section __04 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE _____—PART-TIME REEMPLOYMENT OF ANNUITANTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. ___2. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. ___3. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section ___2.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this title, or subsection (i) of section 8468 of title 5, United States Code, as amended by this title; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section ___2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1302. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 1251 submitted by Mrs. HAGEN and intended to be proposed to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, line 6, strike ''includes'' and all that follows through line 7 on page 2, and insert the following: ''means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence—

''(A) the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer; and

''(B) except that in the case of a farmer owned tobacco grower cooperative that is also tobacco manufacturer, any employees whose responsibilities and compensation in no way support, are connected to, or are dependent upon the manufacture, fabrication, assembly, processing, labeling, storage or marketing of tobacco products, including cigarettes, roll-your-own tobacco, cigars, small cigar or cigarette tubes shall not be deemed employees of the tobacco product manufacturer.''.

NOTICES OF HEARINGS

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 Tuesday, June 16, 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 President's proposed fiscal year 2010 budget for the National Park Service and proposed expenditures under the American Recovery and Reinvestment Act.

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.

For further information, please contact David Brooks at (202) 224–9863 or Anna Fox at (202) 224–1219.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 11, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Reforming the Indian Health Care System.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Monday, June 8, 2009, at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that privileges of the floor be granted to Len Zwelling, a fellow in my office, for the remainder of the debate on H.R. 1256.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMBAT METHAMPHETAMINE ENHANCEMENT ACT OF 2009

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 38, S. 256.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 256) to enhance the ability to combat methamphetamine.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 256) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 256

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 ''Combat Methamphetamine Enhancement Act of 2009''.

SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.

Section 310(e)(2) of the Controlled Substances Act (21 U.S.C. 830(e)(2)) is amended by inserting at the end the following:

''(C) Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General may not sell any scheduled listed chemical product at retail unless such regulated person has submitted to the Attorney General a self-certification including a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements. The Attorney General shall by regulation establish criteria for certifications of mail-order distributors that are consistent with the criteria established for the certifications of regulated sellers under paragraph (1)(B).''.

SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

''(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall develop and make available a list of all persons who are currently self-certified in accordance with this section. This list shall be made publicly available on the website of the Drug Enforcement Administration in an electronically downloadable format.''.

SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking ''or'' after the semicolon;

(2) in paragraph (14), by striking the period and inserting ''; or'';

(3) by inserting after paragraph (14) the following:

''(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B), unless such regulated seller or regulated person is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 310(e)(1)(B)(v).''; and

(4) inserting at the end the following: ''For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 310(e)(1)(B)(v), the distributor may rely on a

written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 310(e)(1)(B)(v).''.

SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: ''or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)''.

SEC. 6. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) REGULATIONS.—In promulgating the regulations authorized by section 2, the Attorney General may issue regulations on an interim basis as necessary to ensure the implementation of this Act by the effective date.

HONORING THE 20TH ANNIVERSARY OF THE SUSAN G. KOMEN RACE FOR THE CURE

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 109.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 109) honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 109) was agreed to.

The preamble was agreed to.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 142.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 142) designating July 25, 2009, as ''National Day of the American Cowboy.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Madam President, I rise today to talk about one of the great icons of the American West—the cowboy. The cowboy is an enduring symbol of strong character, honesty, integrity, respect, and patriotism. I am proud to carry on a tradition started by my late colleague and friend, Senator Craig Thomas, by sponsoring S. Res. 142, which honors the men and women called cowboys by designating July 25, 2009, the National Day of the American Cowboy.

Craig truly showed us what it meant to be a cowboy. He knew that they come from all walks of life. Cowboys are men and women of any age, any race, and can be found across the country. The cowboy spirit isn't about boots and spurs and a hat. It is about strength of character, sound family values, courage, respect, and good common sense. Senator Thomas said:

Trying to define a cowboy is like trying to rope the wind, but you certainly recognize one when you see them.

It was easy to recognize that Senator Thomas truly was a Wyoming cowboy in every sense of the word.

The cowboy way of life has been passed down for generations since the first cowboys settled the American West. They were true pioneers who came west to settle an untamed frontier. Many of the cowtowns that sprung up around the cattle business when the West was being settled are still there now. They continue to live their western heritage. The first cowboys relied on hard work and persistence to make their living in a tough country. Today's cowboys haven't changed all that much from when the first wranglers and ranch hands started herding cattle on the Great Plains.

Today's cowboys continue to rope and ride across the United States. They live and work in every State to manage nearly 100 million cattle. They are an integral part of the economy of Wyoming and many other Western States. Cowboys work hard but they also play hard. Rodeo is a sport that tests skill with a rope or challenges a cowboy's ability to stay on the back of bucking rough stock for 8 long seconds. Rodeos across the Nation, from big events such as Cheyenne Frontier Days and the National Finals Rodeo in Las Vegas, to weekly smalltown jackpots at community arenas around the country, draw millions of fans every year.

The cowboy legend still lives in our culture and our imaginations through music, movies, and books. From cowboy blockbusters on the big screen to the thousands of country radio stations on the air, the cowboy remains a larger-than-life figure. We look up to cowboys because they are examples of honesty, integrity, character, patriotism and self-reliance. Cowboys have a strong work ethic, they are compassionate, and they are good stewards of the land. We look to cowboys as role models for how to live up to the best American qualities.

I am proud to be from a State that continues to live the cowboy tradition every day. Their contributions have helped shape what it means to be an American and have created a high standard we can all strive to meet. I am proud to continue Senator Thomas's tradition of recognizing the many contributions cowboys have made to our country. I look forward to celebrating the National Day of the American Cowboy on July 25, 2009.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the Nation who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, and rodeo is one of the most-watched sports in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 25, 2009, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

20TH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to S. Res. 171.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 171) commending the people who have sacrificed their personal freedoms to bring about democratic change

in the People's Republic of China and expressing sympathy for the families of the people who were killed, wounded, or imprisoned, on the occasion of the 20th anniversary of the Tiananmen Square Massacre in Beijing, China from June 3 through 4, 1989.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 171) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to, as follows:

S. RES. 171

Whereas freedom of expression, assembly, association, and religion are fundamental rights that all people should be able to possess and enjoy;

Whereas, in April 1989, in a demonstration of democratic progress, thousands of students took part in peaceful protests against the communist government of the People's Republic of China in the capital city of Beijing;

Whereas, throughout the month of May 1989, the students, in peaceful demonstrations, drew more people, young and old and from all walks of life, into central Beijing to demand better democracy, basic freedoms of speech and assembly, and an end to corruption;

Whereas, from June 3 through 4, 1989, the Government of China ordered members of the People's Liberation Army to enter Beijing and clear Tiananmen Square (located in central Beijing) by lethal force;

Whereas, by June 7, 1989, the Red Cross of China reported that the People's Liberation Army had killed more than 300 people in Beijing, although foreign journalists who witnessed the events estimate that thousands of people were killed and thousands more wounded;

Whereas more than 20,000 people in China were arrested and detained without trial, due to their suspected involvement in the protests at Tiananmen Square;

Whereas, according to the Department of State, the Government of China has worked to censor information about the massacre at Tiananmen Square by blocking Internet sites and other media outlets, along with other sensitive information that would be damaging to the Government of China;

Whereas the Government of China has continued to deny basic human rights, such as freedom of speech and religion;

Whereas, during the 2008 Olympic Games, the Government of China promised to provide the international media covering the Olympic Games with the same access given the media at all the other Olympic Games, but denied access to certain internet sites and media outlets in attempts to censor free speech;

Whereas the Department of State Human Rights Report for 2008 found that the Government of China had increased already severe cultural and religious suppression of ethnic minorities in Tibetan areas and the Xinjiang Uighur Autonomous Region, detained and harassed dissidents and journalists, and maintained tight controls on freedom of speech and the Internet;

Whereas the United States Commission on International Religious Freedom in 2009 stated, "The Chinese government continues to engage in systematic and egregious violations of the freedom of religion or belief, with religious activities tightly controlled and some religious adherents detained, imprisoned, fined, beaten, and harassed."; and

Whereas the China Aid Association reported that in 2007, Christians were detained or arrested and Christian house church groups were persecuted by the Government of China: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people who demonstrated at Tiananmen Square and elsewhere in the People's Republic of China in 1989, many of whom sacrificed their lives and freedom to—

(A) bring about democratic change in China; and

(B) gain freedom of expression, assembly, association, and religion for the people of China;

(2) expresses its sympathy for the families of the people who were killed, wounded, or imprisoned due to their involvement in the peaceful protests in Tiananmen Square in Beijing, China from June 3 through 4, 1989;

(3) condemns the ongoing human rights abuses by the Government of China;

(4) calls on the Government of China to—

(A) release all prisoners that are—

(i) still in captivity as a result of their involvement in the events from June 3 through 4, 1989, at Tiananmen Square; and

(ii) imprisoned without cause;

(B) allow freedom of speech and access to information, especially information regarding the events at Tiananmen Square in 1989; and

(C) cease all harassment, intimidation, and unjustified imprisonment of—

(i) members of religious and minority groups; and

(ii) people who disagree with policies of the Government of China;

(5) supports efforts by free speech activists in China and elsewhere who are working to overcome censorship (including censorship of the Internet) and the chilling effect of censorship; and

(6) urges the President to continue to support peaceful advocates of free speech around the world.

NATIONAL APHASIA AWARENESS MONTH

Mr. REID. Madam President, I ask unanimous consent to proceed to S. Res. 172.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 172) designating June 2009 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of or reduction in the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this resolution as the "NINDS"), stroke is the 3rd-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are about 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer about 750,000 strokes per year, with approximately ⅓ of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire the disorder each year;

Whereas the National Aphasia Association is a unique organization that provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas, as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes the "silent" disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2009 as "National Aphasia Awareness Month";

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the 3rd-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

MEASURE READ THE FIRST TIME—H.R. 31

Mr. REID. Madam President, H.R. 31 is at the desk and has been received from the House; is that correct?

The PRESIDING OFFICER. The leader is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

Mr. REID. Madam President, I would first ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—H.R. 1256

Mr. REID. Madam President, I ask unanimous consent that the vote in relation to the Burr-Hagan amendment No. 1246 occur at 4:30 p.m. tomorrow, Tuesday, June 9, and that no amendment be in order to the amendment prior to a vote in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—JOINT REFERRAL

Mr. REID. Madam President, as in executive session, I ask unanimous consent that the nomination of Raymond M. Jefferson to be Assistant Secretary of Labor for Veterans' Employment and Training, received by the Senate on June 2, 2009, be jointly referred to the HELP and Veterans' Affairs Committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 9, 2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, June 9, at 10 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date and the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with the time equally divided between the two leaders or their designees, with the majority controlling the first half, the Republicans controlling the second half, and with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate will resume consideration of Calendar No. 47, H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Further, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons. Finally, I ask that the time during any adjournment, recess, or period of morning business count postcloture to the matter now before the Senate, the tobacco legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, tomorrow, the Senate will resume consideration of the FDA tobacco legislation. Earlier tonight, cloture was invoked on the substitute amendment. Tomorrow, we will continue to work through amendments. We have indicated from the very beginning that those amendments are germane to the bill, we would be happy to work on those. If there are others we can work something out on, we would be happy to do that. Rollcall votes could occur throughout the day. Tonight, we were able to reach an agreement for a vote at 4:30 on the pending Burr substitute amendment. Senators will be notified when any additional votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Tuesday, June 9, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

POLLY TROTTENBERG, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE TYLER D. DUVALL, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

ROBERT MALCOLM MCDOWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2009. (REAPPOINTMENT)

DEPARTMENT OF STATE

ANNE ELIZABETH DERSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

DAVID C. JACOBSON, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

ARTURO A. VALENZUELA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS), VICE THOMAS A. SHANNON, JR., RESIGNED.

DEPARTMENT OF EDUCATION

THELMA MELENDEZ DE SANTA ANA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE KERRI LAYNE BRIGGS.

THE JUDICIARY

STUART GORDON NASH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RAFAEL DIAZ, TERM EXPIRED.

DEPARTMENT OF JUSTICE

IGNACIA S. MORENO, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RONALD JAY TENPAS, RESIGNED.

SMALL BUSINESS ADMINISTRATION

WINSLOW LORENZO SARGEANT, OF WISCONSIN, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE THOMAS M. SULLIVAN.

EXTENSIONS OF REMARKS

RECOGNIZING THE SERVICE OF GEORGE H. McCOY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. HIGGINS. Madam Speaker, it is with great pride as we commemorate the 65th anniversary of the D-Day invasion of Normandy, I rise to celebrate the extraordinary service of World War II veteran George H. McCoy.

On June 6, 1944 George, a member of the 82nd Airborne Division, and countless other veterans of the Normandy campaign, demonstrated their remarkable courage and devotion to the great cause of freedom.

In recognition of his selfless service, the President of the French Republic awarded George McCoy the ''Chevalier'' rank of the Legion of Honor, equivalent to knighthood, the highest decoration assigned by the Legion.

The Legion of Honor was created by Napoleon in 1802 to acknowledge services rendered to France by person of ''eminent merit'' in military or civil life.

To this day George continues his camaraderie with America's bravest through his membership in the West Seneca American Legion Post #735, Amvets Post #8113, and the Harvey D. Morin VFW Post #2940.

Just as France has recognized Mr. McCoy's exceptional service, acknowledgement it is fitting and appropriate from this good and grateful nation.

Madam Speaker, thank you for this opportunity to honor George McCoy, a man who with courage and humility has contributed to the liberties we are so fortunate to enjoy. Geroge's bravery is admirable and inspiring and I am pleased to acknowledge his service on this, the 65th Anniversary of Normandy's invasion.

RECOGNITION OF LA CHATELAINE'S VETERAN'S DAY SALUTE ON D-DAY

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. KILROY. Madam Speaker, I rise today to recognize Stan and Gigi Wielezynski on the 65th anniversary of D-Day. Stan, a native of Normandy, France, and his wife Gigi have never forgotten the courage and sacrifice of the Americans who liberated France from Nazi occupation during World War II. They are the owners of several Columbus area restaurants named La Chatelaine. For fifteen years, in order to express their gratitude and to recognize the U.S. Allied Forces involved in the invasion on the shores of Normandy, Stan and Gigi Wielezynski have opened their doors to World War II veterans and offered them a complimentary French meal.

The Wielezynskis take great pride in this event by having their employees come to work dressed in military apparel, carrying authentic World War II helmets, and celebrating with flag-shaped cakes and music of the 1940s. Additionally, they decorate the restaurant with jeeps, parachutes, and other World War II memorabilia.

Recently, the couple received a letter from Marion Gray, an 83-year-old veteran from the 29th Infantry, stating that his one dream was to say a final goodbye to the friends he lost in Normandy. Marion had been working as a bagger at the local store to save money for his trip. However, upon receipt of the letter, the Wielezynskis generously donated an entire weeklong all-expense paid trip to Normandy for Marion and his wife Ruth.

Madam Speaker, on this 65th anniversary of D-Day, I would like to commend Stan and Gigi Wielezynski for their enormous generosity to the Grays as well as the hundreds of other World War II veterans and for their love of their adopted country.

FEDERAL FUNDING FOR THE IMPROVING LITERACY THROUGH SCHOOL LIBRARIES PROGRAM AND THE LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA)

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today in support of an issue which affects the educational well-being of each of us, and in particular, our children — funding for federal library programs, particularly the Improving Literacy Through School Libraries program and the Library Services and Technology Act (LSTA).

As you may know, research has shown that students in schools with well-stocked libraries and highly qualified, state-certified school librarians have higher levels of academic achievement than students who do not have the same benefits. Furthermore, many school libraries have become sophisticated 21st century learning environments, offering a full range of print and electronic resources, but today only 60 percent of school libraries have full-time, state-certified school library media specialists on staff. Unfortunately, due to the constraints that school administrators must confront when faced with limited resources, library resource budgets are often utilized to make up for shortfalls in other areas.

To remedy this situation, the No Child Left Behind Act (NCLB) authorized funding for libraries through the Improving Literacy Through School Libraries program. While the purpose of the program was primarily to encourage reading and improve literacy, it also allocated funding for acquiring up-to-date school library media resources, acquiring and using advanced technology, facilitating Internet links and other resource sharing networks among schools and libraries, providing professional development for school library media specialists, and providing students with access to school libraries during nonschool hours. In recognizing the tremendous benefits of library and research technology, the inclusion of this important provision in NCLB represented a significant step towards the creation of a truly 21st century education system. Unfortunately, like many provisions of NCLB, this initiative has been underfunded.

As you may also be aware, state libraries rely greatly on the funds provided through LSTA, which is the only federal program devoted exclusively to libraries, to support statewide initiatives and provide funds to public, school, academic, research, and special libraries through subgrants. The requirement of a state match also helps stimulate additional investment in the program, as approximately three to four state and local dollars are invested for every one federal dollar.

I have long been a strong supporter of funding for library programs, particularly the LSTA state program and the Improving Literacy Through School Libraries program, because of the educational opportunities that these programs help provide and the important role that they play in expanding access to information resources and services for learning in all types of libraries for individuals of all ages. I would respectfully encourage my colleagues in the House to work together in a bipartisan manner to see that, as the Fiscal Year 2010 appropriations process moves forward, federal library programs receive the support they need to continue helping state and local library programs maintain a high level of quality and service.

RECOGNIZING OF THE 42ND ANNIVERSARY OF THE ATTACK OF THE USS ''LIBERTY''

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. CUMMINGS. Madam Speaker, on June 8, 1967, the USS *Liberty* was patrolling the waters of the Mediterranean when Israeli planes and torpedo boats attacked the ship. I rise today to pay a special tribute to those who lost their lives and the survivors of this attack on the 42nd Anniversary.

Shortly before the Six-Day War began, the USS *Liberty* was ordered to proceed to the eastern Mediterranean to perform an electronic intelligence collection mission. On June 8th, air and naval forces of Israel attacked the ship without warning.

Of a crew of 294 officers and men the ship suffered 34 killed in action and 173 wounded in action. The ship itself, a $40 million state-of-the-art signals intelligence platform, was so badly damaged that it never sailed on an operational mission again and was sold in

1970 as scrap for a mere $100,000. No ship in our history has ever received such damage and casualties by accident.

After 34 years, the voices of *Liberty*'s dead and wounded seamen must finally be heard. Despite the continuing efforts to uncover the real truths about the attack, Martin Luther King Jr., said it best—"History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people."

Although no amount of time can ever erase the memories of that tragic event or bring back those who perished, it is my hope that the wounds of their loved ones have begun to heal.

AAPI HOSTS SUCCESSFUL LEGISLATIVE CONFERENCE

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. CASSIDY. Madam Speaker, the American Association of Physicians of Indian Origin recently hosted a legislative conference on Capitol Hill, and I was honored to speak to this organization, consisting of proud American doctors who trace their heritage to India. AAPI's members play a critical role in delivering quality health care throughout the U.S. across a broad range of medical specialties.

I heard from AAPI members who discussed the need for health care reform but also shared their concerns about a single-payer system. These physicians told me that while we need reforms, we should never forget that we have the greatest health care system in the world. I agree. We need to find ways to reform health care delivery by cutting costs without compromising the quality of care provided to patients. A system that rations testing, cannot provide the latest pharmaceuticals to patients, and prevents patients from making decisions about their own health care, is a system that moves the power of healthcare from the hands of patients into the hands of government.

That's not what we need in America. I appreciate the advocacy of AAPI on this issue and the difference Indian American doctors make in providing the best health care to their patients every day in our great nation.

CONGRATULATING DARREL JACOBS ON BEING RECOGNIZED AS THE 2009 VOLUNTEER OF THE YEAR BY THE PHOENIX VA HEALTH CARE SYSTEMS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize a Vietnam veteran's service to his fellow veterans while battling his own chronic illness. This year, the Phoenix VA Health Care Systems awarded Darrel Jacobs the 2009 Volunteer of the Year award. This honor recognizes the remarkable way in which Darrel has given back to the same hospital that has provided him with excellent care since 1972.

Darrell, a former postal clerk for the U.S. Army from 1967–1971, spends 24 hours a week volunteering at the Carl T. Hayden VA Medical Center in Phoenix. Since he has had diabetes for 37 years and even underwent open-heart surgery at the Phoenix VA Medical Center about seven years ago, Jacobs is able to provide encouragement and assistance to his patients on a personal level.

Darrell provides support for patients in a multitude of ways, specializing in care for veterans with diabetes and heart disease. On days when the diabetes education class is held at the hospital, Darrell arrives at 6:30 a.m. to set everything up, assists veterans with their glucose tests, and is always the last one to leave once the class is over. He also coordinates lunches from the dietary department, works in the cardiology department, and even trains other volunteers.

I commend him for his energetic efforts in giving selflessly to other vets combating disease. Madam Speaker, please join me in recognizing Darrel Jacobs for his service to our country and his continued dedication to America's veterans.

IN RECOGNITION OF THE BIRCHWOOD SCHOOL'S 25TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KUCINICH. Madam Speaker and colleagues, I rise today in honor and recognition of the Birchwood School of Cleveland's West Park neighborhood as they celebrate their 25th Anniversary. The school was founded in 1984 by a small group of dedicated parents who wanted to create a haven for learning, quality instruction and character development for their children.

The Birchwood School was first housed in rented space in a church building on Warren Road, beginning with twenty students and three teachers, grades one through eight. The name "Birchwood" was used because of the side street upon which it was located. The name soon took on deeper significance as it was discovered that the Chinese character for the birch tree meant blossoming and soaring upwards.

The school's first principal, Mr. Debelak, consulted with some of the most noteworthy experts in the educational field in his creation of a curriculum that would challenge, instruct and shape the character and intellect of every student. The educational mission and goals of Birchwood School have not wavered throughout the growth of the school: inspire children to set high goals in every endeavor; develop the character of each child to instill a sense of caring, compassion and community; and equip each child with a strong foundation of knowledge and the tools to think critically and creatively. Since 1984, the school has grown to nearly 20 staff members and 117 students, as diverse in background and culture as the City of Cleveland.

Madam Speaker and colleagues, please join me in honor of the founding members, dedicated staff and parent volunteers of the Birchwood School of Cleveland as they celebrate twenty-five years of fostering, enriching and uplifting the minds and hearts of every child who has walked through its doors. Since 1984, 175 students have graduated from Birchwood School, and 323 students have been a part of Birchwood for all or part of their elementary and middle school years. The vision of Birchwood School—providing each child with a quality education and character enrichment, continues to provide significant opportunity and a solid foundation for the future of every student.

TRIBUTE TO MARTY DAVIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to Marty Davis of Taylorville, Illinois who is celebrating his 50th anniversary as a member of the McDonald's family.

Marty Davis began his career in 1959 at age sixteen in one of the first McDonald's in the nation located in Des Moines, Iowa. Marty worked as a crew member making hamburgers and French fries just like any other teenager, but Marty continued his career in McDonald's. He worked as a manager in a local store and was eventually promoted to an area supervisor for the local operator in Des Moines. In 1977, Marty was offered the chance to own his own McDonald's franchise and moved to Taylorville. Marty has never looked back and now owns and operates McDonald's franchises in Pana, Vandalia, Shelbyville, and Taylorville, Illinois.

As a small business owner in my congressional district, Marty has not forgotten his community. His local stores are active in many local charitable organizations. His stores traditionally place at the top in the Nation during the local annual Ronal McDonald House Charities "Give a Little Love" heart campaign. This placement is a testament to Marty's willingness to put money back into our communities to help those most in need.

Marty was recently honored by McDonald's when he was able to throw out the first pitch during a game between my beloved St. Louis Cardinals and the Cincinnati Reds on Monday, June 1, 2009. As an avid Cardinal fan like me, this opportunity in honor of his 50 years in the McDonald's family was a wonderful surprise to Marty. While I do not blame him for the Cardinals loss that evening, I sure hope that in a few weeks, I throw much better pitches to the Democrats than Marty delivered that night!

Marty Davis has served Central Illinois as a small businessman, community leader, and my friend, and I wish him a very happy 50th anniversary as a member of the McDonald's Family.

HONORING THE LIFE OF CATHERINE SUTTON-DAWSON

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. DELAURO. Madam Speaker, it is with the heaviest of hearts that I rise today to pay

tribute to the life and legacy of an outstanding member of our community and my good friend, Catherine Sutton-Dawson. Though we lost Cathy much too early, her lifetime of good work has left an indelible mark on our community.

Cathy dedicated her professional life to helping others. In a career that spanned nearly thirty-five years, she was employed at Yale-New Haven Hospital where she worked in a variety of roles, most recently as an outreach worker in the Maternal Child Health Initiative in the Department of Community Health. Cathy understood the importance of giving back to the community. The Department of Community health often sponsored a variety of causes and Cathy was always an active and willing participant. From toy collections and Thanksgiving baskets to community initiatives, Cathy was always available to lend a helping hand. She saw these efforts not only as a means to support those in need, but also as a way to promote unity and departmental teambuilding.

Cathy was also an active member of the New Haven community. She believed in supporting causes that would enrich the community. As a member of the Connecticut NAACP, Cathy chaired the health committee which sponsored an annual health fair which reached thousands of local residents and families. She was also deeply involved in the Hill Development Corporation—a non-profit organization dedicated to bringing economic progress and improved quality of life to the urban neighborhoods of New Haven County. These are just two examples of Cathy's outstanding contributions to our community. The myriad of awards and citations that she has been honored with over the years, including Yale-New Haven Hospital's Annual Martin Luther King Dream Builder Award, are a testament to her unique dedication to civic service.

Catherine Sutton-Dawson was a remarkable woman—always greeting you with a smile and open arms. She possessed an enthusiasm that was infectious and a kindness that inspired all of those around her. I consider myself fortunate to have called her my friend. I extend my deepest sympathies to Cathy's husband of twenty years, Tony, her daughter, Toni, grandchildren Frank and Amir as well as her family, friends, and colleagues. Though her loss will be felt throughout the New Haven community, she has left a legacy of compassion and generosity to which we should all strive.

CONGRATULING JOSEPH J. SAVITZ, ESQUIRE, 2009 HONOREE OF TEMPLE ISRAEL OF WILKES-BARRE, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Joseph J. Savitz, of Wilkes-Barre, Pennsylvania, who is being honored by the Board of Trustees of Temple Israel for his many years of leadership and community service.

For more than 50 years, Attorney Savitz has distinguished himself throughout northeastern Pennsylvania and beyond as a highly skilled practitioner of the law and as a dedicated supporter of worthwhile causes that enriched the region and benefitted countless people.

Born in the Heights section of Wilkes-Barre, Attorney Savitz graduated from G.A.R. High School and went on to further his studies at then Wilkes College from which he graduated in 1948 following three years of military service in the United States Army that included service during World War II in France.

In 1951 he received his Juris Doctor degree from the University of Pennsylvania Law School. His preceptor was then Attorney Max Rosenn who went on to distinguished himself during decades of service on the federal bench with the United States Third Circuit Court.

Attorney Savitz joined the law firm of Rosenn and Rosenn which, in 1954, became the law firm of Rosenn, Jenkins and Greenwald. It was from that law firm that Attorney Savitz eventually retired as senior partner and still serves as "Of Counsel."

Over the years, Attorney Savitz has served as Pennsylvania Department Commander of the Jewish War Veterans; USA and then National Judge Advocate; trustee of Wilkes University since 1958 (Chair, Board of Trustees, 1975–1978), now a Trustee Emeritus; treasurer and member of the board of John Heinz Institute of Rehabilitative Medicine; Past President and continuing Director of Temple Israel; Trustee of the Jewish Community Center and a member of all State and Federal Courts.

Madam Speaker, please join me in congratulating Attorney Savitz on this noteworthy occasion. His dedication and selfless service to his community is legendary and his leadership and example has inspired countless others to seek his counsel and follow in his footsteps.

Attorney Joseph Savitz has truly improved the quality of life for so many for so long in northeastern Pennsylvania and, in the process, he has earned widespread respect and admiration from his fellow citizens.

TRIBUTE TO THE LATE FATHER GERARD JEAN-JUSTE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the late Father Gerard Jean-Juste, a dedicated public servant, tireless community activist and one of south Florida's unsung heroes, who passed away on Sunday, May 24, 2009 in Miami, Florida. I will join his countless friends at his homegoing celebration on June 5, 2009 to be held at Miami's Notre Dame Catholic Church.

Father Jean-Juste, a Roman Catholic priest, led a 30-year crusade on behalf of both Haitian Americans and his countrymen in Haiti. In that effort, Jean-Juste walked a fine, tense line between spiritual adviser and political leader. One of south Florida and Haiti's most high-profile advocates, Father Jean-Juste symbolized the resilient and unyielding voice for those who were disenfranchised and bore the brunt of inequality of opportunity. Completely unselfish in his endeavors, he devoted himself as a community-builder and a catalyst par excellence. The authenticity of his stewardship on our behalf was defined by his utmost consecration to his calling as God's faithful servant, bringing laughter, hope and optimism to hundreds of ordinary folks and countless Haitian immigrants whose lives he deeply touched, never holding anyone at arm's length.

For many years, Father Jean-Juste ranked among the most visible and outspoken advocates for human rights. In the 1980s, he spoke out against the Duvalier dictatorship in Haiti, and since then against what he assailed as unfair treatment of Haitians seeking refuge in America. As a remarkable pillar, as well as our community's friend and confidant, he will be an indelible reminder of the noble commitment and awesome power of community service on behalf of the less fortunate. His faith was deep and genuine, and his love for us was real and unforgettable.

Indeed, Father Jean-Juste will be remembered and admired for his tireless, persistent and unwavering efforts on behalf of poor and marginalized people in south Florida. Many of my constituents' family and friends are in need of refuge, compassion and aid. Through his mission to put the cause of Haitian immigrants on the political forefront, Father Jean-Juste serves as the ideal role model for us to mold ourselves after.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Father Gerard Jean-Juste. Father Jean-Juste's life was a triumph and he was blessed with a loving family who took pleasure in every aspect of his life and his interests. I am honored to pay tribute to Father Jean-Juste for his invaluable services and tireless dedication to the south Florida and Haitian community. He will be missed by all who knew him, and I appreciate this opportunity to pay tribute to him before the United States House of Representatives.

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. BOSWELL. Madam Speaker, I regret missing afternoon and evening votes from the House on June 4th. Had I been present, I would have voted "aye" on rollcall votes 304, 305, 306, 307 and 310, and "nay" on rollcall votes 308 and 309.

IN REMEMBRANCE OF DICK JACOBS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Dick Jacobs, a prominent figure in the Great Cleveland Community and former owner of the Cleveland Indians for 15 years, who died today at the age of 83. His tenure as owner of the Indians not only revitalized the team and their fans, but also the City of Cleveland.

Dick Jacobs was the Chairman and Executive Officer of the Richard E. Jacobs group, a commercial real estate development company he founded along with his brother in 1955. The Jacobs group made history by developing the tallest building between New York and Chicago, the Key Center in Public Square as well as by developing Cleveland's first retail shopping mall. He bought the Cleveland Indians in 1986, during which the Indians won the team's first American League Pennants since 1954, during the 1995 and 1997 seasons. Additionally, the Indians went on to the playoffs five straight seasons in a row and to the World Series twice during his tenure. The Richard E. Jacobs group opened Jacobs field in 1994, the stadium Cleveland fans dubbed ''The Jake'' until its renaming in early 2008.

Madam Speaker and colleagues, please join me in remembrance of Dick Jacobs and in recognition of his significant contributions to the Greater Cleveland Community. His tenure as owner of the Cleveland Indians and his considerable commitment to the revitalization of the City of Cleveland will continue to live on in the hearts of the Greater Cleveland Community.

THE LIFE AND SERVICE OF PRIVATE FIRST CLASS MATTHEW DWIGHT OGDEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. ORTIZ. Madam Speaker, I rise today to honor the life of Private First Class Matthew Dwight Ogden, of Corpus Christi, Texas, who died on June 1, 2009, in Nerkh, Afghanistan, while assigned to Operation Enduring Freedom.

Matthew was born in Corpus Christi and attended King High School, where he graduated in 1994. He went on to enlist in the U.S. Army and was a private in the U.S. Army's 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, New York.

I would like to take this time to acknowledge the life of a young man who died for this country as he fought for our, ''life, liberty and the pursuit of happiness,'' our inalienable rights as outlined in the U.S. Declaration of Independence. Without Matthew's courage and determination to join the U.S. Army, and other young men and women like him, we would not be able to enjoy this life and liberty. It is fitting and important that we pay tribute to Matthew for his bravery and courage as he fought to protect our country and way of life.

Matthew will be missed dearly by his family, friends and service men and women, however, his spirit will forever remain intact. He will remain with us at all times—we will forever remember him.

I would also like to take this time to share my most sincere condolences with his father, Michael Dwight Ogden, and his mother, Charlotte Anne Taylor. He is survived by brothers Nathen Ogden, Stephen Turner, and Nicholas Aikman. My condolences go out as well to the families of his ''fallen brothers.''

Today, I ask that my colleagues join me in celebrating the life and service of Private First Class Matthew Dwight Ogden, who gave his life for our country. He will forever be remembered as a hero of our nation and—the 27th Congressional District of Texas.

FINAL SERVICE OF SPRINGER COMMUNITY CHURCH IN DIX, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to note the final service of the Springer Community Church in Dix, Illinois.

For 85 years, the Springer Community Church has been an important part of the Jefferson County community. In the 1920s, with transportation sparse, the church was founded in the old Springer schoolhouse so that local children in the surrounding area would have a place to attend Sunday School. It was 1946 when the church had a building of its own, about a half mile away.

Over time, Springer Community Church became known as ''the little pink church,'' and it was truly a community project. The building was constructed on donated land from the material of an old store which was being torn down in a neighboring town. Members of the community built the church, and put additions onto it in the 1950s and 1970s. It was served by missionaries from the American Missionary Fellowship. Over the decades it became a place for generations of local community members to come together and worship.

Sadly, the building fell into disrepair, and last weekend, the little pink church held its last service, a Remembrance Service, to allow members to gather together and celebrate the church's history. Amidst the sadness of seeing such an important institution close its doors, the church treasurer, Carole Barton, exemplified the perseverance that has carried Springer through these last 85 years, telling the Mt. Vernon Register-News, ''we hope some day we can get organized and put in another church.'' I join with my colleagues in the House in wishing the Springer Community Church family all the best, as they seek a new location from which to continue the important work which they have done so well.

CONGRATULATING CHIQUITA BRANDS INTERNATIONAL

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate Chiquita Brands International on receiving the 2009 Circle of Excellence Award presented annually by the Distribution Business Management Association. Each year the association presents this prestigious award to the corporation that best exemplifies three main criteria of supply chain management: current corporate commitment, past demonstrated programs, and plans for continued commitment. The Circle of Excellence Award is the Distribution Business Management Association's highest recognition for Corporate Social Responsibility initiatives and environmental protection.

Chiquita, together with the Massachusetts Institute of Technology, worked to adequately measure their carbon footprint in bringing bananas from the plantations to the marketplace. Through their studies, they were able to identify areas in the supply chain that will allow them to further reduce their carbon footprint in a sustainable manner.

According to Amy Thorn, Executive Director of the Distribution Business Management Association, Chiquita stood out from other businesses because of its ongoing green transportation initiatives that focus on reducing carbon emissions in transportation throughout North America. Additionally, Dr. Omar Keith Helferich of Central Michigan University stated that Chiquita's accomplishments are testimony to its corporate commitment to sustainability.

Madam Speaker, please join me in applauding the leadership of Chiquita and their 23,000 world-wide employees who are truly committed to making our country and planet a better and sustainable place for future generations.

HONORING THE VISITING NURSE SERVICES OF CONNECTICUT ON THEIR CENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. DELAURO. Madam Speaker, it gives me great pleasure to rise today and extend my sincere congratulations to Visiting Nurse Services of Connecticut as they celebrate their centennial anniversary. This is a very special milestone for this organization—a non-profit health care provider and innovative leader in providing home health care needs to individuals in more than fifty communities across Connecticut.

In March of 1909, eighty women representing twenty-one churches and charitable organizations met to discuss their concerns about the spread of tuberculosis and came to the conclusion that the solution was to secure and finance a visiting nurse to treat patients and teach others in the community how to protect themselves and their families from this devastating disease. These women also understood the importance of involving the community in their efforts. They contacted local businesses, churches, and social groups to explain their plans and solicit funds to support it. With the hiring of Miss Finnegan, who made her home visits around the City of Bridgeport on her bicycle, the foundation for Visiting Nurse Services of Connecticut was laid.

Over the course of the last century, Visiting Nurse Services of Connecticut expanded to meet the growing and changing needs of our communities. Today, Visiting Nurse Services of Connecticut provides skilled nursing care, hospice care, therapy/rehabilitative services, medical social work assistance, and home health aide services for thousands of patients each year in Fairfield, New Haven and Litchfield counties. The commitment of the administration and staff remains as strong today as it was in the agency's earliest years. In the last hundred years, there have been many changes at the agency, however, at its heart has always been the desire to provide affordable, quality health care to those most in need and improve their quality of life.

Humor, Excellence, Attitude, Respect, Teamwork—HEART—is at the core of this agency's mission. "Bringing HEART to Health Care" is so much more than a slogan—it is the essence of their philosophy and the culture of this very special organization. For one hundred years, Visiting Nurse Services of Connecticut has been an invaluable resource to countless individuals and families in need. I am proud to stand today and extend my heartfelt congratulations on their centennial anniversary and my very best wishes for many more years of success.

INTRODUCTION OF RESOLUTION COMMEMORATING THE 64TH ANNIVERSARY OF THE UNITED NATIONS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. MALONEY. Madam Speaker, today, along with Chairman DELAHUNT of the Subcommittee on International Organizations, Human Rights and Oversight, I am introducing legislation to commemorate the 64th anniversary of the founding of the United Nations, U.N.

Joining us in supporting this legislation are Representatives ED TOWNS, MAURICE HINCHEY, SAM FARR, MADELEINE BORDALLO, JOSÉ SERRANO, JIM MCGOVERN, MICHAEL HONDA, DENNIS KUCINICH, JOHN OLVER, and BARBARA LEE.

For 64 years since its founding, the U.N. has made many contributions to the world community and has provided a forum for the achievement of international cooperation in solving the world's most pressing economic, social and humanitarian problems including climate change, trafficking in humans, combating global terrorism, and responding quickly to disasters such as the tsunami in Southeast Asia in 2004.

Last year, Secretary General of the U.N. Ban Ki-moon launched a multi-year campaign to improve awareness among global policymakers at the highest levels regarding issues relating to violence against women. This campaign has been successful in bringing people together to make a difference in the lives of women globally throughout its first year by holding a number of conferences that bring together experts and world leaders to promote solutions to the issues of violence against women.

I look forward to working with Chairman DELAHUNT and others to support the U.N. as the organization moves forward and to commend the U.N. for 64 years of good work.

IN HONOR OF JOAN CLAYBROOK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Joan Claybrook, upon the occasion of the renaming of Public Citizen's headquarters in Washington, DC as the Joan Claybrook Building, and in recognition of 27 years of service as President of Public Citizen.

Joan Claybrook was born on June 12, 1937 and grew up in Baltimore, Maryland, where she attended Goucher College. Her distinguished career in public service began in Washington, DC, where she worked in conjunction with Ralph Nader addressing highway and auto safety issues. Their combined efforts on transportation issues culminated in the passage of the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act of 1966, our nation's first auto safety laws. Her expertise on auto safety led her to a position in the Carter Administration, where she served as head of the National Highway Traffic Safety Administration (NHTSA) from 1977 to 1981.

Joan served as President of Public Citizen from 1982 to 2008, throughout her various leadership roles in public service. She currently serves on the board for a number of institutions, including Georgetown University Law Center, from where she earned her J.D., as well as on the board of the Consumers Union, Citizens for Tax Justice, Advocates for Highway and Auto Safety, the Goucher College Board of Trustees, Trial Lawyers for Public Justice and the California Foundation Advisory Board. She has been honored numerous times for her distinguished work on behalf of public interest including three honorary degrees from Georgetown University, Goucher College and University of Maryland. Additionally, she was awarded the Phillip Hart Distinguished Consumer Service Award and the Excellence in Public Service Award from the Georgetown Law Center.

Madam Speaker and colleagues, please join me in honor of Joan Claybrook as Public Citizen renames their Washington, DC headquarters as the Joan Claybrook Building and in recognition of her dedication to public service.

TRIBUTE TO THE NATIONAL PUERTO RICAN DAY PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SERRANO. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the Fifty-Second National Puerto Rican Day Parade, which will be held on June 14th, 2009, in New York City. A bright and star-studded event, this parade proudly recognizes the heritage of Puerto Rican people here in the United States, and year upon year has proven to be one of our nation's largest outdoor festivities. This year I am especially pleased to take part in the day because the parade itself is dedicated to the City of Mayaguez, Puerto Rico, a vibrant and beautiful community which also happens to be my place of birth.

The National Puerto Rican Day Parade is the successor to the New York Puerto Rican Day Parade, which held its inaugural celebration on Sunday, April 12th, 1958, in "El Barrio," Manhattan. The impact of the first Puerto Rican Day Parade in New York was both immediate and resounding. It galvanized thousands of New York Puerto Ricans in a very public, very proud demonstration of their emergence in the City as an important and growing ethnic group. For the next 38 years, the New York Puerto Rican Day Parade grew into a staple of New York's cultural life. In 1995, the overwhelming success of the parade prompted organizers to increase its size and transform it into the national and, indeed, international, affair that it is today.

This magnificent New York institution now includes participation from delegates representing over thirty states, including Alaska and Hawaii, and attracts well over 3 million parade goers every year. In addition, the parade reaches millions more through television broadcasts and via satellite to viewers the world over.

The great success that the parade enjoys each year is brought about in large measure by the continued and tireless efforts of a few dedicated individuals. They are women and men of able leadership and strong conviction, who believe, as I do, in the limitless potential of people of Puerto Rican descent. Leading this effort is the National Puerto Rican Day Parade, Inc., a 501(c)3 not-for-profit organization designed to foster self-awareness and pride among Puerto Ricans in this country, and in so doing, likewise address issues of economic development, education, cultural recognition, and social advancement.

The Parade's march up New York's Fifth Avenue, while certainly the most visible aspect of the celebration, is hardly the only event associated with the National Puerto Rican Day Parade, Inc.'s activities. Each year more than 10,000 people attend a variety of award ceremonies, banquets and cultural events that strengthen the special relationship shared by Puerto Ricans and the City of New York. Over the years, the two have developed a symbiotic relationship. Puerto Ricans have helped transform New York into a dynamic, bilingual city that continues to welcome newcomers from all over the globe. The City of New York, which is a place of opportunity, has enabled Puerto Ricans to flourish economically, culturally and politically.

Madam Speaker, the National Puerto Rican Day Parade captures the spirit of the special relationship between Puerto Ricans and New York City. It celebrates the many ways that we enrich the traditions of this country, and sends a clear signal to all who witness it, that the Puerto Rican community—both in New York and nationally—represents an exquisite tapestry of individuals. As a Puerto Rican and a New Yorker, and as someone who participates in this parade annually, I can attest that the reverberations of this day are both vast and glorious. They can be seen on the faces and heard in the streets, as millions come together to joyously proclaim their heritage. And so it is, Madam Speaker, that with a full and proud heart, I stand before you and my colleagues in Congress to pay tribute to the sights and sounds and wonder that is the National Puerto Rican Day Parade.

SESQUICENTENNIAL OF HISTORIC VILLAGE OF SANDOVAL, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to mark the sesquicentennial of the historic village of Sandoval, Illinois.

Sandoval is a small community fifty miles east of East St. Louis, in Marion County, Illinois. Settled in 1823 by Thomas Deadmond,

the area is believed to have been named after the proprietor of a trading post that passed through the town. Sandoval was officially incorporated on February 18, 1859, and the village is currently celebrating its 150th birthday.

Sandoval played an important role in the Civil War. The Illinois Central railroad passes directly through the town, making it a strategic staging point for Union soldiers on their way to battle.

Since the conclusion of the war, Sandoval has continued to grow and prosper through the dedication of its citizens. From the village's founding to its flourishing community today, Sandoval has a rich culture of hard work and entrepreneurship. In 1877, the St. Louis and Sandoval Mining Company opened Sandoval's first coal mine, soon to be followed by the Zinc Company in 1897. As Sandoval moved through the twentieth century, the community has prospered in many of its industries including: oil production, agriculture, and manufacturing. It has proven itself to be an enduring village that the State of Illinois as well as the country should be proud of.

I would like to congratulate Mayor Ron Kretzer, as well as all of the citizens of Sandoval, who continue to make their town a community worth celebrating.

HONORING HERMAN W. HOROWITZ

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. McCARTHY of New York. Madam Speaker, I rise in honor of Herman W. Horowitz for his remarkable contributions to society. The bravery displayed by Mr. Horowitz throughout the liberation of the French Republic during WWII and his continued community activism are certainly deserving of recognition.

Recently, Mr. Horowitz has been awarded the French Legion of Honor, France's highest award in commemoration of his wartime efforts. As a member of the Seventh Armored Division, Mr. Horowitz displayed the bravery and patriotic sacrifice that eventually led to the war's end. For these efforts, nations around the world are grateful, but for the French citizens who Mr. Horowitz helped to liberate, his sacrifice will always be especially remembered. As Americans, we also have cause for particular gratitude as Mr. Horowitz's efforts helped to bring a close to a war in which so many American lives were lost.

In addition to his wartime efforts, Mr. Horowitz has remained active in his community. Retelling his wartime stories during speaking engagements at local schools and institutions, Mr. Horowitz has kept his dedication to service very much alive. In addition to these contributions, Mr. Horowitz has been extremely active in his volunteer efforts at the Holocaust Center in Glen Cove, N.Y. Throughout all of these efforts, Mr. Horowitz has continued to embody the spirit of service to his community, nation and all humanity that he displayed so many years ago across the Atlantic. The selflessness displayed by Mr. Horowitz, throughout his life, has made his continued service and community contributions so remarkable.

The service and contributions of Mr. Horowitz is surely inspiring to us all, and I am immensely grateful to him for all that he has accomplished. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for his extensive contributions to society.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. BARRETT of South Carolina. Madam Speaker, due to unforeseen circumstances, I unfortunately missed one recorded vote on the House floor on Thursday, June 4, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 308 (On Agreeing to the Issa of California amendment to H.R. 626).

IN RECOGNITION OF THE 100TH BIRTHDAY OF LEVONIA ''TINY'' CHANEY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise to recognize the 100th birthday of Levonia "Tiny" Chaney. Levonia was born on June 16, 1909, in the rural community of Brookman, Georgia, to Henry and Laura (nee Boston) Bailey. Her father was a successful farmer, blacksmith, barber, community activist, and chairman of the Deacon Board at New Zion Baptist Church.

Levonia Bailey Chaney migrated from Savannah, Georgia, in 1934, to Hackensack, New Jersey, where she met and married her late husband, Arthur Chaney Sr. They were blessed with three children, Arthur W. Chaney Jr. M.D.; Carol Tunstall, retired music educator; and Dewey Chaney M.D. Her mother was a dressmaker. She watched her mother sew from the scraps that her father brought from the mill whenever he went to town to sell his produce. Levonia looked forward to helping her mother make clothes for the family. After the death of her mother, she became dressmaker, hairdresser, and barber for the family. She was baptized at an early age and joined the New Zion Baptist Church in Brookman, Georgia. She was salutatorian of her class at Seldon Normal Industrial Institute in Brunswick, Georgia, where she majored in home making. As a teenager she was an active member of the Girls 4–H club of America. She won numerous awards, including "Champion Dressmaker of the State of Georgia." She is the oldest living PTA president in the city of Hackensack. She and her late husband were recognized in 1970 by the Hackensack Negro Professional Women's Club as "Parents of the Year." In 1999, Mount Olive Baptist Church, under the pastorate of Rev. Gregory J. Jackson, recognized her 69 years of faithful service. She is a charter member of the Emeritus of the Nurses Unit.

Levonia, affectionately called "Tiny," arrived in Bergen County in 1934 where she united with the Mt. Olive Baptist Church of Hackensack under the pastorate of the late Rev. T. W. H. Gibson. She shared her gift of sewing by making choir robes, altar skirts, covers for chairs, the nurse's uniforms, and whatever else the church needed. She is still an active member of the church for 75 years now, under the pastorate of Rev. Gregory J. Jackson. After 41 years of service, Tiny retired from International Ladies Garment Workers Union. The community also benefited from her skills creating bridal party gowns and garments for members in the church and community.

She enjoys reading with great excitement, doing search and find word puzzles, playing games, exercise time, movies, arts and crafts, celebrating each other's birthday, singing and dancing at the Martin Luther King Center in Hackensack. She looks forward to a new MLK center that would provide friendship, sense of purpose, uplifting and a host of other cultural and educational activities. She is a Past Matron of Pride of the East Order of the Eastern Star, PHA Hackensack and has been honored for her dedicated service for over 60 years.

"Tiny" the matriarch of the Bailey family has three surviving sisters, Vera Brewer, Gussie B. Langston and Susie Richardson. She is the grandmother of seven, Arthur Chaney III, MD, Kip Chaney, Gina Chaney, Corey Chaney, Craig Chaney, Shanda Tunstall-Charles, and Harvey Tunstall. She is the great grandmother of six. She has one living fraternal aunt, Genevieve Scott of Brunswick, GA.

On behalf of myself and the people of the 9th Congressional District of New Jersey, I wish Levonia very best as she celebrates her 100th birthday.

A TRIBUTE TO ANDY J. BALTZO

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. TAUSCHER. Madam Speaker, I rise with my colleague, Hon. GEORGE MILLER, in the House of Representatives—to recognize the work of Andrew J. Baltzo, founder of the Mt. Diablo Peace & Justice Center in Walnut Creek, California, who passed on Memorial Day 2009 after a long illness.

Andy Baltzo was born in Berkeley, California, on February 3, 1920. He was raised in Oakland, and studied at the University of California in Berkeley where he attained a teacher's credential. For the 10 years following his graduation, Andy taught chemistry to local intermediate school students. He also served four years in the U.S. Army as a medical lab technician. It was the bombing of Hiroshima that gave Andy the incentive to devote his life to speaking out against the further development of nuclear weapons world-wide.

In 1969, Andy led the way in forming the Mt. Diablo Peace Center and served as the Center's full-time director until 2000. Striving to demonstrate that a peaceful world based on justice for all people is possible, the Mt. Diablo Peace and Justice Center has consistently worked to provide venues for people to further their experience of the peace process through classes, public forums and educational programs.

A man of deep convictions, Andy devoted his life to furthering non-violent resistance and expanding social justice. Because of his work, he received the Dr. Martin Luther King Jr. Honorable Mention Award for "Keeping the Dream Alive" from the Contra Costa County Board of Supervisors on January 16, 1996. He

also received the 6th Annual Peacemaker Award from the Center for Human Development on January 27, 2000.

Today our thoughts and prayers are also with Andy's wife Doris, his daughter Alice, and son Daniel, and all of his family and friends. We join them in celebrating a life well lived. It is an honor and a privilege to commemorate the life of Andrew J. Baltzo and recognize the indelible mark he leaves behind on the residents of our Congressional Districts.

NATIVE AMERICAN HERITAGE DAY ACT OF 2009

SPEECH OF

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. COLE of Oklahoma. Mr. Speaker, I rise today not only as a Member of Congress representing 11 tribal nations, but also as a proud member of the Chickasaw Nation to support the passage of H.J. Res. 40. I would like to thank Mr. BACA for his leadership on this bill and for all the work he does on behalf of Tribes. This bill recognizes of the achievements and contributions of Native Americans to the United States and encourages all Americans to observe the day after Thanksgiving as Native American Heritage Day. As a Nation with a tragic history in the treatment toward Native Americans, it is important that this Congress recognize the contribution that native peoples have made to the development of our Nation.

Today, there are 562 federally recognized Indian tribes in 34 States. Mr. Speaker, throughout the course of American history, these tribes ceded millions of acres of land to the United States, but have never ceded sovereignty or agreed to self-liquidation. Today, Indian lands are only about 5 percent of all land in the United States. Sadly, Mr. Speaker, many tribes remain fractured and broken, due to the destructive policies toward Native Americans. However, tribal heritage, history and contributions to the United States remain robust and all Americans should remember to honor the contributions of this courageous group.

Mr. Speaker, from the birth of the United States, Native Americans have contributed to our success as a country. The first European settlers could not have survived without the help of the native communities. Even during the Revolutionary War, Native Americans fought along side the colonists to fight for liberty. During their journey west, Lewis and Clark depended on tribes to see them through harsh winters and save them from starvation. Mr. Speaker, even while it was the policy of the United States to remove or destroy tribal governments in the 19th and early 20th centuries, Native Americans still worked alongside European settlers to grow our Nation both economically and culturally.

Mr. Speaker, throughout the course of our history, Native Americans have fought with, against, and for the United States. In fact, Indians have served in all the country's wars and historically enlist in the military in great numbers. Though all Native Americans did not even have U.S. Citizenship during World War I, they still volunteered their service. It is estimated that more than 12,000 American Indians served in the United States military in World War I. By using native languages to confuse the enemy, these soldiers were able to turn the tide of one of the bloodiest wars in history. These ''Codetalkers'' continued this heroic effort in World War II. Historically, Native Americans have the highest record of service per capita than any other demographic group and there are over 190,000 Native American veterans today.

Today, Mr. Speaker, tribal communities are vibrant and growing. Tribal governments are strong, ensuring that their people retain their culture, values and way of life. In my state of Oklahoma in particular, home to 39 distinct tribes, Indian Country is flourishing. Tribal enterprises contribute millions of dollars to the State's economy and provide thousands of jobs for Oklahomans. Mr. Speaker, unlike private corporations, Native American owed businesses give back to their communities by investing in basic infrastructure, healthcare, education, law enforcement and a host of other government services. In many areas, tribal cultural activities are the only access to the arts and humanities that the local population can readily access. The changes that have been made my Native businesses in recent years are absolutely astounding. Tribal cultures enrich American life, and tribal economies provide opportunities where few would otherwise exist.

As legislators and as Americans, it is vitally important that we consider the contributions that Native Americans have made to the success of our great country. It is equally imperative that Congress remembers that we have engaged with Indian tribes as a government-to-government relationship with tribes since the first European settlers arrived in North America. As we make laws that will affect Indian Country, we should do so with the intention of keeping tribal governments strong, self-sufficient and encourage the preservation of tribal cultures.

Again, Mr. Speaker, I encourage all Members to vote in favor of this significant legislation.

IN HONOR OF THE MOST REVEREND ANTHONY M. PILLA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Most Reverend Anthony M. Pilla, Bishop Emeritus of the Diocese of Cleveland, for being awarded the 2009 Notre Dame College Medal.

The Most Reverend Anthony M. Pilla, Bishop Emeritus of the Diocese of Cleveland, served the diocese as the ninth Bishop of the Catholic Diocese of Cleveland for 25 years. A Cleveland native, he is a graduate of Borromeo College and St. Mary Seminary and was ordained to the priesthood in 1959. Bishop Pilla served as President of the National Conference of Catholic Bishops. As Bishop, he directed community-based initiatives such as Church in the City and Vibrant Parish Life. He served on numerous community boards and committees including the board of the former National Council of Christians and Jews, the Greater Cleveland Roundtable and Catholic University of America.

Notre Dame College established the Bishop Anthony M. Pilla Scholarship Fund to honor him for his longtime dedication to higher education to make a Catholic education accessible to the disadvantaged. In 1994 he was presented the Fidelia Award for his longstanding work and support of Notre Dame College.

Madam Speaker and colleagues, please join me in honoring the Most Reverend Anthony M. Pilla, Bishop Emeritus of the Diocese of Cleveland for living Notre Dame College's commitment to personal, professional and global responsibility. He is certainly worthy of the award being bestowed upon him for his longtime commitment to civic work throughout Greater Cleveland.

TRIBUTE TO LAWRENCE CHIOU

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize Lawrence Chiou, of Ames, Iowa, who is among the outstanding U.S. high school students selected to attend the annual Research Science Institute sponsored by the Center for Excellence in Education and the Massachusetts Institute of Technology (MIT).

The mission of the Center for Excellence in Education is to nurture young scholars to careers of excellence and leadership in science, technology, engineering, and mathematics. The Research Science Institute is a highly competitive six-week program which emphasizes advanced theory and research in mathematics, the sciences, and engineering. Lawrence was selected for this program upon scoring in the upper one percent of U.S. student PSAT exam scores. From June to August 2009, Lawrence will learn from distinguished professors and conduct a research project at MIT.

I commend Lawrence Chiou for his commitment to academic achievement and leadership in science and technology. He is a future leader of this country of whom Iowa is very proud. I am honored to represent Lawrence and his family in the United States Congress and I wish him the best in his future endeavors.

RAYMOND BRAGG, RETIREMENT FROM DIRECTOR OF REDEVELOPMENT AND SPECIAL PROJECTS FROM THE CITY OF FONTANA, CA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. BACA. Madam Speaker, I rise today to recognize the retirement of Raymond Bragg, Director Redevelopment and Special Projects for the City of Fontana. Mr. Bragg has had an impressive 42 year serving the public in California and abroad.

A native of Burlingame, CA, Mr. Bragg currently resides in Fontana, CA. His accomplishments as a City Planner can be seen throughout Fontana. Prior to his professional career,

Mr. Bragg attended California Polytechnic State University, Pomona where he met his wife Karolyn. His Scholastic career also includes a Master's degree from California State University, Fullerton in Comparative Public Administration, specializing in the Middle East.

In 1967, his venture into public service began when a newly married Mr. Brag and his wife Karolyn, honorably served two years with the Peace Corps. He and his wife taught English as a second language at the university level in Turkey.

California and The City of Fontana are not the only beneficiaries of Mr. Bragg's talents. In 1978, he accepted a position with the R.M. Parsons Engineering Company and was contracted by the Kingdom of Saudi Arabia to build a new city on the Red Sea. Through this position, as a City Planner, Mr. Bragg was given the opportunity of a lifetime to see a new city develop.

The City of Fontana has capitalized upon Mr. Bragg's education and experience abroad. The pride he takes in his work is visible throughout downtown Fontana. Over 10,000 people from the community joined him to celebrate the opening of a library constructed under his guidance. His achievements with the revitalization of downtown Fontana will impact the community for years to come.

Throughout his extraordinary career Mr. Bragg has also led a harmonious family life. He and his wife Karolyn have been married for 42 years with 3 children, including 7 grandchildren.

I congratulate Mr. Bragg on his impressive 42 year career in public service and I wish him well in his retirement.

CENTENNIAL OF WILDEY THEATER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to commemorate the centennial of an important landmark in Edwardsville, Illinois.

The Wildey Theater first opened its doors in 1909 at 250–254 Main Street in Edwardsville. Originally a three-story opera house and meeting hall, the Wildey soon began hosting silent films and live productions. In 1927 it presented "The Jazz Singer," the first motion picture to include sound.

For the next few decades, the Wildey Theater was the most popular location for entertainment in Edwardsville. Unfortunately, in 1998 the Wildey could no longer stay at it and was forced to close its doors. The City of Edwardsville purchased the building and began renovating the historic theater. With the benevolent actions from the citizens of Edwardsville the Wildey is being restored to its earlier grandeur. Last month, it celebrated its 100th birthday with an outdoor showing of "The Wizard of Oz."

I want to congratulate Alderman Rich Walker, chairman of the Wildey Theater's development committee, and the citizens of Edwardsville who have put countless hours and made generous contributions to this historic landmark. I look forward to visiting a restored Wildey Theater as it begins its second century as a gathering place in Edwardsville.

IN RECOGNITION OF THE 2009 U.S. PHYSICS OLYMPIAD TEAM

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. EHLERS. Madam Speaker, I rise today to honor the achievements of the members of the 2009 United States Physics Olympiad Team.

To be considered for the U.S. team, students take a series of challenging theoretical and laboratory exams. Out of thousands of students, the top 24 finalists are invited to participate in a 10-day physics camp hosted by the University of Maryland. This camp prepares the students to face the challenge of meeting physics students from all over the world in a brain-to-brain competition through nine days of intense studying, testing and problem solving.

At the end of training camp, five exceptional students will advance and represent the United States in July at a tremendous international competition in Mexico. This type of international physics competition is a meaningful endeavor where physics students from across the globe learn in new intellectual and experiential ways and establish working relationships that bridge geographic and cultural differences.

Last year, the U.S. five-member team brought home five medals: four gold ones and a silver.

The members of the 2009 team include: Yishun Dong, Yale Fan, David Field, Justin Holmgren, Patrick Hurst, Robert Kastner, Brian Kong, Kevin Lang, Dan Li, Patricia Li, Bowei Liu, Jenny Lu, Marianna Mao, Anand Natarajan, Joshua Oreman, Thomas Schultz, Allen Yuan, Yunfan Zhang and Andrew Zhou.

I commend the American Institute of Physics, the American Association of Physics Teachers and affiliated sponsors for organizing this annual event and fostering a passion for science in these students.

I know my colleagues share my pride in the achievements of these students. Their success is a testament not only to their individual determination, but also to a group of exceptional teachers and coaches. The 2009 U.S. Physics Team coaches include Paul Stanley, JiaJia Dong, David Fallest, David Jones, Andrew Lin, Warren Turner and Qiu Zi Li. These coaches are all volunteers and usually full time teachers with extraordinary demands on their time. Unfortunately, very rarely do they receive recognition for their work with the physics team. I would like to thank each of them for the time and dedication they have shown to these students. The time spent with these students is a great service to the future of science and America.

I also hope that some of the Olympiad students will consider running for public office and add their expertise to the policy world! I am very thankful for these future leaders and ask that you please join me in congratulating them on their wonderful achievements. We wish the top five the best of success as they represent the United States at the 40th International Physics Olympiad competition be held in Merida, Yucatan, Mexico.

JACK KEMP

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. DREIER. Madam Speaker, we were all saddened by the passing of our former colleague Jack Kemp who served with such great distinction in this House and in former President Bush's cabinet. He was most famous for his football career and the following poem from Capitol Guide Albert Carey Caswell reflects on his wonderful life.

JACK, YOU WENT DEEP!

In the game of life . . . going long or deep . . .
What, steps must we so take . . . to so make our lives complete?
All upon this earth, so very deep!
As left behind, when our time runs out to reap!
All in the calls that we so make, all in the hearts that we so touch . . . so very deep!
Whether, on fields of green . . .
Or walking upon, those most hallowed halls of Congress seen . . .
Jack, you . . . always went deep!
A Jack of all trades, a Renaissance Man God so made . . . all in our hearts to keep!
A Fine Father, A Fine Husband . . . and a Good Friend!
A True Leader, of both Women and Men!
Whether, on fields of green . . . or in those halls of Congress seen . . .
As Jack, was always well armed to compete! For this man could lead!
A Man of character and class, soft spoken . . . who in our hearts now lasts!
As why Bob Dole, saw your fine soul . . . and wanted to make you his VP!
As why all of Buffalo knows, to what a fine man Jack Kemp so rose!
For in the game of life, when . . . he came up to that line . . .
He would always shine, and go deep . . . and not think twice!
And, for all of his leadership . . . and all of his accomplishments so bright. . .
The greatest thing of all, for which we so weep tonight!
Is that Family Man, so very bright . . .
For it was once said, "In the end, the love you send" . . .
"Is equal to the number you make!"
Upon, looking at his family's Christmas cards!
The tears in our eyes, now run so very hard!
Knowing what his fine life and love . . . had so meant!
For Love of God and Country, and Family your life was spent!
But, for you Jack . . . you kind soft spoken man . . .
Heaven, could not wait!
As why, In the Game of Life . . . Jack, your life was so complete!
As Jack . . . yea! You, went deep!

In honor of a warm hearted man, Congressman Jack Kemp . . . A great leader on and off the field . . . a fine father, a great husband and a family man . . . during the Memorial Day Concert at The Capitol, Dan Snyder asked me if I had written anything for his friend Jack. Inspired by his request and Jack this tribute was written.

WORLD ENVIRONMENT DAY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise to commemorate World Environment Day, which is recognized every year on June 5th. World Environment Day was established by the United Nations in 1972 during the commencement of the Stockholm Conference on the Human Environment. For the last 37 years, World Environment Day has been one of the ways that the United Nations has increased awareness in every country about our environment through its goals of giving a human face to environmental issues, empowering people to become active agents of sustainable and equitable development, promoting an understanding that communities are pivotal to changing attitudes towards environmental issues, and advocating partnership which will ensure all nations and peoples enjoy a safer and more prosperous future.

This year, the theme for World Environment Day appropriately focuses on taking action to combat global warming. This year's anniversary comes as people from nations all around the globe are calling for action to move towards a clean energy future that will not only drive economic growth but also protect our planet. As the world readies for the United Nations Climate Change Conference this December in Copenhagen, this anniversary also serves as an important reminder of the need for global action as the international community prepares to come together to discuss the path forward.

The scientific debate about whether humans are causing global warming is over. The reports issued in 2007 by the United Nations Intergovernmental Panel on Climate Change underscored the clear need for all countries to take action to reduce global warming pollution. In Copenhagen, the United States and the international community must now turn to how to take action to address it.

Last month, the United States took a major step forward when the House Energy and Commerce Committee reported out the American Clean Energy and Security (ACES) Act. This comprehensive energy legislation will unleash a clean energy revolution here in America that will create hundreds of thousands of jobs, strengthen our national security by reducing our dependence on foreign oil and stop global warming. This legislation will build upon the progress we have already made with the passage of the 2007 energy bill and the clean energy provisions included in the recovery package. With the leadership of President Obama and Speaker PELOSI, the United States is finally poised to head to Copenhagen as a leader rather than a laggard in taking action to transition to a clean energy future and reduce heat-trapping emissions.

This U.N. event is an important reminder of our global needs and I want to bring it to the attention of all the Members.

GEORGE S. ''BUCK'' BLESSING

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. CORRINE BROWN of Florida. Madam Speaker, this communication is forwarded on behalf of the constituents of Congressional District Three and myself as we pay tribute to the life of George S. ''Buck'' Blessing. We are all saddened by the loss of his presence in this life but joyful that he has gone to be with his Heavenly Father.

On this occasion, we join with the immediate family and loved ones in saying farewell and praising God for his life. George S. ''Buck'' Blessing was dearly cherished and well respected by his loved ones, his colleagues, and the community. His service in the Army in World War II illustrates his dedication to America and its ideals. Please rest assured that your extended family from Congressional District Three joins your immediate family and community in recognizing George S. ''Buck'' Blessing's outstanding service to this nation. As you experience the stage of grief, please find comfort in God's words and wisdom. He is a constant power of strength in these times and will continue to lift you and your family.

Remember, we join Reverend Charles Belz and your friends and family in celebrating George S. ''Buck'' Blessing's tremendous life. We are all with you in this time of transition. There is an emptiness that only those who have lost a close relative can understand. May the sympathy of those who care make the sorrow of your heart less difficult to bear. If my staff or I may assist you or your family in any way, please do not hesitate to call on us.

In closing, I know that George S. ''Buck'' Blessing would be extremely proud of the tremendous work his grandson, Nick Martinelli, is doing in my office on behalf of the armed services and veterans. Nick Martinelli is carrying on his family's strong tradition of service to this nation, and I am very thankful for the contributions he makes every day.

HONORING LYNN MORTON-WEIL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, Representative LYNN WOOLSEY, to honor and recognize Lynn Morton-Weil, who is retiring after more than 21 years of service to the people of Sonoma County.

During her tenure as a county employee, Ms. Morton-Weil worked in six departments as well as serving as personal assistant to three county supervisors, Tim Smith, Mike Cale and currently, Valerie Brown. As such, she embodies much of the Board's institutional memory.

In addition to her official duties, she helped establish the Sonoma County Regional Park Foundation and served as its first Executive Director. She also administered the first Community Partnerships for Youth grant, which included developing the application process, contract and monitoring criteria and served as Project Director of the Sonoma County Juvenile Prevention Commission.

Recognizing the importance of public service and involvement, she has dedicated countless hours to both candidates and causes.

She takes pride in living in a television-free household, so her retirement hours will be filled with her passions: gardening, hiking, cycling, music, theatre, dance and most especially, her friends, family and her eagerly anticipated English springer spaniel puppy.

Madam Speaker, Lynn Morton-Weil has served her community and her county well for much of her adult life. It is therefore appropriate that we honor her for her public service and wish her well on her retirement.

HONORING LYNN MORTON-WEIL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Ms. WOOLSEY. Madam Speaker, I rise today along with my colleague, Representative MIKE THOMPSON, to honor and recognize Lynn Morton-Weil, who is retiring after more than 21 years of service to the people of Sonoma County.

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FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2009

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 626) to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes:

Mrs LOWEY. Madam Chair, I rise today in strong support of the Federal Employees Paid Parental Leave Act. This long overdue and deficit-neutral measure will make the federal government a more family-oriented workplace.

As a mother of three and a grandmother of eight, I understand the challenges families face. Balancing work with child care, especially after the arrival of a new baby, is a challenge Congress can and must do more to address. By providing federal employees with four weeks of paid parental leave after the birth or adoption of a child, H.R. 626 is an important first step in this worthwhile effort.

As the nation's largest single employer, the United States government should be leading the way in adopting family-friendly employment policies, not struggling to catch up. Not only do 75 percent of Fortune 100 companies already provide paid parental leave, but a Harvard University study of 165 nations revealed that the United States joins Lesotho, Liberia, Swaziland and Papua New Guinea as the only nations that do not guarantee paid parental leave to their federal employees. Like many of my colleagues, I am pleased that the House of Representatives will act tonight to rectify this embarrassing discrepancy.

According to the Office of Personnel Management, roughly three million federal employees or nearly 60 percent of the current federal workforce will be eligible to retire within the next ten years. The bill under consideration this evening represents a strategic investment in the future of our federal workforce, ensuring that the United States government is able to recruit and retain young, talented professionals.

Madam Speaker, with our nation embroiled in two armed conflicts and confronting the worst economic recession in decades, I believe that this measure is an essential step toward maintaining and enhancing the quality of the federal workforce in years to come. I urge my colleagues to join me in supporting the Federal Employees Paid Parental Leave Act.

ENHANCING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION ACT OF 2009, H.R. 2710

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. HONDA. Madam Speaker, last week I reintroduced the "Enhancing Science, Technology, Engineering, and Mathematics Education (E-STEM) Act of 2009," H.R. 2710. This legislation, improved from last Congress, provides comprehensive mechanisms to coordinate the Nation's science, technology, engineering, and mathematics education initiatives. Forty-nine members of the United States House of Representatives signed on as original cosponsors of this bipartisan legislation.

The intent of this bill is to increase the coordination, collaboration, and coherence to Science, Technology, Engineering, and Mathematics (STEM) education initiatives for the students of today and the citizens and workers of tomorrow.

As a former teacher, principal and school board member I am deeply committed to improving the education we provide our young people. Developing citizens that are critical thinkers and scientifically literate will help drive a vibrant society and create sound economic policy. Our economy depends on our country's education.

Today, more than ever, our economic resiliency depends on the competitiveness of our labor force. Unfortunately, the signs are not good. Over 25 years ago, "A Nation at Risk" identified America's need to improve STEM education to ensure that we remain competitive in an increasingly global economy. In this country we have many successful STEM education programs. The challenge is that these programs are not coordinated. Over a dozen agencies are engaged in STEM education and often not aware of the efforts of other agencies—they are working in isolation. Our Nation is not maximizing the impact of our STEM education initiatives.

The E-STEM Act will provide a framework for federal agencies, the states and all stakeholders, to work collaboratively. It will help them establish national STEM education goals, coordinate STEM education initiatives, and avoid unnecessary duplication among these efforts.

The bill has four major components:

(1) Elevating the STEM Education Subcommittee at the President's Office of Science Technology Policy (OSTP) to the standing committee level. This change would give STEM education a higher profile within OSTP and establish the mechanism for the coordination of federal STEM education initiatives.

(2) Establishing an Assistant Secretary for STEM Education at the U.S. Department of Education. This Office would bring together the Department's STEM education efforts and manage programs such as Math and Science Partnerships, Math Now, Math Skills for Secondary Students, Minority Science and Engineering Improvement, Teachers for a Competitive Tomorrow, and Upward Bound Math-Science as well as the non-financial aid components of the National Science and Mathematics Access Retain Talent (SMART grants), the Teacher Education Assistance for College and Higher Education (TEACH grants), and the Academic Competitiveness grants.

(3) Creating the State Consortium on STEM Education. This voluntary group of states will be provided with support to align their STEM education efforts. Their mission is to coordinate policies to address weaknesses in STEM education. For example, the Consortium will work with stakeholders to identify strategies to improve the representation of women and minorities in STEM fields.

(4) And lastly, this bill establishes the National STEM Education Resource Repository (NSERR). This clearing house will be a portal to information about all federally funded STEM education programs, making the results of the more than $3 billion the Federal Government spends annually on STEM education available to local educators. NSERR will make STEM education resources, research and promising practices and exemplary programs widely available to educators, search engines, and third party developers to create applications to enhance STEM teaching and learning.

We need to ensure that all our children are prepared for citizenship in a world that is increasingly dependent on STEM literacy. The bleak outlook for our economy should be a wake-up call that we cannot continue to move forward without a blue print for our students and our future economic well-being. This is why I reintroduced the E-STEM Act.

I want to thank all my colleagues for joining together to address the critical needs of our Nation. I look forward to working together to move this legislation through this Congress.

CONGRATULATIONS TO THE PEOPLE OF LEBANON ON ADVANCE OF DEMOCRACY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. WILSON of South Carolina. Madam Speaker, I wish to congratulate National Assemblyman Saad Hariri and his March 14 coalition on their victory in yesterday's elections in Lebanon. In December, I participated on a delegation to Beirut meeting with Saad Hariri and his colleagues who were bravely campaigning to promote a free market democracy. At their campaign headquarters, I was, inspired by the large number of portraits of assassinated parliamentarians. Saad Hariri is upholding the tradition of dedication established by his martyred father. Following the American-led coalition liberation of Iraq, Syria withdrew from Lebanon giving new hopes for the spread of democracy across the Middle East.

I would like to submit the following portions of an article entitled "Hezbollah loses Lebanon vote" that ran in today's Washington Times reporting on the success of Mr. Hariri and his coalition:

"Lebanon's pro-Western coalition claimed victory Sunday night after an election that appeared to douse fears of a militant Islamist takeover in the tiny nation known for sectarian conflict and as a proxy for Iranian and Syrian interests . . .

"Hezbollah, labeled a terrorist group by the United States and European Union, appeared to suffer from a high voter turnout that exceeded 50 percent—the largest since the end of Lebanon's 1975–91 civil war.

"The outcome appeared to avoid a crisis with the United States and Europe, where some analysts had feared that the Hezbollah-led coalition would win and force the United States and European Union to reconsider foreign aid, especially for the Lebanese army. The army is a key institution in a country that transcends sectarian divisions.

" 'This is a big lay in the history of democratic Lebanon,' Saad Hariri, leader of the pro-Western March 14 coalition, told cheering supporters.

" 'Congratulations to you, congratulations to freedom, congratulations to democracy,' said Mr. Hariri, the son of slain former Prime Minister Rafik Hariri . . .

"Analysts said the next government would have to work with the opposition to prevent instability and fighting from a year ago, when Shi'ite Hezbollah-led forces briefly seized control of Sunni-dominated West Beirut.

"Hezbollah is a longtime ally of Iran and Syria. It opposed a 2005 agreement in which Syrian troops withdrew from Lebanon, ending a 29-year occupation."

IN RECOGNITION OF THE LIFE OF MAJOR KEVIN M. JENRETTE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to recognize the life of a heroic American citizen, Major Kevin M. Jenrette.

Major Jenrette, of Lula, Georgia, died in Afghanistan on June 4, 2009, of injuries sustained when an IED detonated near his military vehicle followed by small arms fire. He is survived by his wife and children in Lula and his parents in Auburn, Alabama.

Like all those who have paid the ultimate sacrifice in this conflict, words cannot express the sense of sadness we have for his family, and the gratitude our country feels for his service. Major Jenrette died serving the United States and the entire cause of liberty, on a mission to bring stability to a troubled region and liberty to a formerly oppressed people. He was a true patriot indeed.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Madam Speaker, for the House's remembrance on this mournful day.

INTRODUCTION OF THE VETERANS HOME LOAN REFINANCE OPPORTUNITY ACT OF 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Veterans Home Loan Refinance Opportunity Act of 2009. This bipartisan legislation improves the federal Qualified Veterans Mortgage Bonds (QVMB) program to allow eligible states to use tax-free bond proceeds to refinance the home mortgages of our military veterans.

This legislation is necessary during our troubled economic times. QVMB home loan financing was not available to newly discharged veterans returning home from Iraq and Afghanistan until passage of the Heroes Earning Assistance Relief Tax Act of 2008 (H.R. 6081) in the 110th Congress.

Prior to 2008, some veterans may have taken out adjustable-rate mortgages (ARM) to purchase a home during the real estate boom earlier in the decade. It is only fair to them that they have the same opportunity as newly discharged veterans to take advantage of the low-interest, fixed rate mortgages available through QVMB financing.

For some veterans with a costly ARM or interest-only mortgage, this legislation could prevent a foreclosure.

Finally, Madam Speaker, this legislation includes an inflation index to ensure the QVMB veterans home loan program remains viable in the future.

I urge passage of the Veterans Home Loan Refinance Opportunity Act.

RECOGNIZING MEMORIAL DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mr. LANGEVIN. Madam Speaker, I proudly rise to add my voice to the millions across the nation to honor Memorial Day and the bravery and sacrifices of our troops and veterans—especially the men and women who have paid the ultimate price for defending our freedom. Since the founding of our nation, the members of our armed forces have been charged with defending liberty, a job that they carry out with honor and distinction every day.

Without concern for their own safety, they have stormed the beaches of Normandy and Okinawa. They have protected the people of Seoul and held Saigon against the Tet offensive. And today, they valiantly serve in Iraq and Afghanistan. I know firsthand of these ongoing sacrifices. As a member of the Armed Services and Intelligence Committees, I participate daily in meetings and hearings where I am reminded of their tireless efforts, devotion and dedication to our nation. I was fortunate to witness their professionalism and extraordinary service on the front lines during a recent visit to Iraq and Afghanistan over the Memorial Day recess. Talking with soldiers from my home district was especially moving as it served to remind me of the uncommon courage and dedication that can come from small towns and local communities all across America. I want to say a special thank you to those soldiers I met with in Iraq and Afghanistan for their tireless service.

On Memorial Day, we pause to remember those who have made the ultimate sacrifice for the good of their country. We remember the courage and dedication of soldiers who served on a distant battlefield knowing that they may not make it back home. For this reason, I support several legislative proposals to honor our men and women in uniform, such as measures to establish a Select Committee on POW and MIA affairs, recognize the hard work of our NCOs and support the families of U.S. servicemembers.

Setting aside Memorial Day as a time for the nation to remember our fallen service members is crucial, but we must remember and honor our troops who put their lives on the line not once a year, but every single day, so that we may continue to enjoy the freedom and liberty that make our country great. For that, we are eternally indebted to them.

INTRODUCTION OF THE HIGH QUALITY TEACHERS ACT 0F 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 8, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce legislation encouraging teacher development in the schools that are in need of quality instructors.

Several years ago, we passed the No Child Left Behind Act, NCLB, with the goals of closing the achievement gap and improving academic performance overall. Schools have since found some success, but I believe we need to make a number of changes to NCLB to make it more supportive for educators.

Madam Speaker, our teachers are crucial to our educational system. It is teachers who connect with our children and inspire them to achieve.

I am introducing the High Quality Teaching Act of 2009 to provide professional development opportunities for our teachers in struggling or at-risk schools.

Specifically, this legislation authorizes federal grant funding for schools to invite the National Board for Professional Teaching Standards, NBPTS, to implement its Targeted High Need Initiative, THNI. The NBPTS trains teachers to become professionally certified.

This legislation targets funding to the schools the most in need of quality teaching, such as those falling into Program Improvement under No Child Left Behind or those with high student populations from disadvantaged backgrounds.

Madam Speaker, I urge my colleagues to support professional teacher development in the schools that could benefit from the best possible instruction.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 9, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 10

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider any pending nominations.
Room to be announced

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs' construction process.
SR–418

9:45 a.m.
Foreign Relations
To hold hearings to examine the nomination of Kurt M. Campbell, of the District of Columbia, to be Assistant Secretary of State for East Asian and Pacific Affairs.
SD–419

10 a.m.
Environment and Public Works
Business meeting to consider the nominations of Peter Silva Silva, of California, to be Assistant Administrator for Water, and Stephen Alan Owens, of Arizona, to be Assistant Administrator for Prevention, Pesticides, and Toxic Substances, both of the Environmental Protection Agency, and Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration, Department of Transportation.
SD–406

Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Tara Jeanne O'Toole, of Maryland, to be Under Secretary for Science and Technology, Department of Homeland Security, and Jeffrey D. Zients, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.
SD–342

Judiciary
To hold hearings to examine the continued importance of the Violence Against Women Act.
SD–226

11 a.m.
Armed Services
Business meeting to consider certain pending civilian nominations.
SR–222

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine allegations of waste, fraud, and abuse in security contracts at the United States Embassy in Kabul, Afghanistan.
SD–342

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine aviation safety, focusing on the Federal Aviation Administration's role in the oversight of air carriers.
SR–253

Banking, Housing, and Urban Affairs
Business meeting to consider the nominations of Mercedes Marquez, of California, to be Assistant Secretary of Housing and Urban Development for Community Planning and Development, and Herbert M. Allison, Jr., of Connecticut, to be Assistant Secretary of the Treasury for Financial Stability; to be followed by a hearing to examine the state of the domestic automobile industry, focusing on the impact of federal assistance.
SD–538

Rules and Administration
To hold hearings to examine the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission.
SR–301

3 p.m.
Rules and Administration
Business meeting to consider the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission.
SR–301

JUNE 11

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Gordon S. Heddell, of the District of Columbia, to be Inspector General, J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Zachary J. Lemnios, of Massachusetts, to be Director of Defense Research and Engineering, Dennis M. McCarthy, of Ohio, to be Assistant Secretary for Reserve Affairs, and Jamie Michael Morin, of Michigan, to be Assistant Secretary for Financial Management and Comptroller, and Daniel Ginsberg, of the District of Columbia, to be Assistant Secretary for Manpower and Reserve Affairs, both of the Air Force, all of the Department of Defense.
SD–106

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Housing and Urban Development.
SD–138

10 a.m.
Judiciary
Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1107, to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and the nominations of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit, and Mary L. Smith, of Illinois, to be Assistant Attorney General, Tax Division, Department of Justice.
SD–226

11 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine President's proposed budget request for fiscal year 2010 for the National Oceanic and Atmospheric Administration (NOAA).
SR–253

2 p.m.
Foreign Relations
To hold hearings to examine certain North Korea issues.
SD–419

Appropriations
Military Construction and Veterans Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Veterans Affairs.
SD–124

2:15 p.m.
Indian Affairs
To hold hearings to examine reforming the Indian health care system.
SD–628

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine S. 372, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SVC–217

3 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine the National Criminal Justice Act of 2009.
SD–226

Health, Education, Labor, and Pensions
To hold hearings to examine health care.
Room to be announced

JUNE 16

2 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine pandemic influenza preparedness and the federal workforce.
SD–342

2:30 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for Army modernization and management of the Future Combat Systems Program.
SR–222

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the National Park Service and proposed expenditures under the American Recovery and Reinvestment Act.
SD–366

JUNE 17

10 a.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine aviation safety, focusing on the role and responsibility of commercial air carriers and employees.
SR–253

Judiciary
To hold an oversight hearing to examine the Department of Justice.
SD–226

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 409, to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System, S. 874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, S. 1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and S. 1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.
SD–366

JUNE 18

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for United States Special Operations Command.
SR–222

JUNE 24

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs quality management activities.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6231–S6318

Measures Introduced: Fifteen bills and three resolutions were introduced, as follows: S. 1196–1210, and S. Res. 170–172. **Pages S6255–56**

Measures Reported:

Reported on Friday, June 5, during the adjournment:

S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States, with amendments. (S. Rept. No. 111–25) **Page S6255**

Measures Passed:

Combat Methamphetamine Enhancement Act: Senate passed S. 256, to enhance the ability to combat methamphetamine. **Pages S6315–16**

Susan G. Komen Race for the Cure 20th Anniversary: Senate agreed to H. Con. Res. 109, honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital and its transition to the Susan G. Komen Global Race for the Cure on June 6, 2009. **Page S6316**

National Day of the American Cowboy: Committee on the Judiciary was discharged from further consideration of S. Res. 142, designating July 25, 2009, as ''National Day of the American Cowboy'', and the resolution was then agreed to. **Page S6316**

Tiananmen Square Massacre 20th Anniversary: Senate agreed to S. Res. 171, commending the people who have sacrificed their personal freedoms to bring about democratic change in the People's Republic of China and expressing sympathy for the families of the people who were killed, wounded, or imprisoned, on the occasion of the 20th anniversary of the Tiananmen Square Massacre in Beijing, China from June 3 through 4, 1989. **Pages S6316–17**

National Aphasia Awareness Month: Senate agreed to S. Res. 172, designating June 2009 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia. **Page S6317**

Measures Considered:

Family Smoking Prevention and Tobacco Control Act: Senate resumed consideration of H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, taking action on the following amendments proposed thereto: **Pages S6231–32, S6233–34, S6241–42, S6243–47**

Pending:

Dodd Amendment No. 1247, in the nature of a substitute. **Page S6244**

Burr/Hagan Amendment No. 1246 (to Amendment No. 1247), in the nature of a substitute. **Page S6244**

Schumer (for Lieberman) Amendment No. 1256 (to Amendment No. 1247), to modify provisions relating to Federal employees retirement. **Page S6244**

During consideration of this measure today, Senate also took the following action:

By 61 yeas to 30 nays (Vote No. 204), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on Dodd Amendment No. 1247 (listed above). **Pages S6244–45**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Tuesday, June 9, 2009; provided that Senate vote on or in relation to Burr/Hagan Amendment No. 1246 (to Amendment No. 1247) at 4:30 p.m.; provided further, that the time during any adjournment, recess or a period of morning business count against post-cloture. **Page S6318**

Jefferson Nomination—Referral Agreement: A unanimous-consent agreement was reached providing that the nomination of Raymond M. Jefferson, to be Assistant Secretary of Labor for Veterans' Employment and Training, received by the Senate on June 2, 2009, be jointly referred to the Committee on Health, Education, Labor, and Pensions and the Committee on Veterans' Affairs. **Page S6318**

Nominations Received: Senate received the following nominations:

Polly Trottenberg, of Maryland, to be an Assistant Secretary of Transportation.

Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

Anne Elizabeth Derse, of Maryland, to be Ambassador to the Republic of Lithuania.

David C. Jacobson, of Illinois, to be Ambassador to Canada.

Carlos Pascual, of the District of Columbia, to be Ambassador to Mexico.

Arturo A. Valenzuela, of the District of Columbia, to be an Assistant Secretary of State (Western Hemisphere Affairs).

Thelma Melendez de Santa Ana, of California, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

Stuart Gordon Nash, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ignacia S. Moreno, of New York, to be an Assistant Attorney General.

Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration. **Page S6318**

Messages from the House: **Page S6252**

Measures Referred: **Page S6252**

Measures Read the First Time: **Pages S6252, S6317–18**

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Amendments Submitted: **Pages S6274–S6315**

Notices of Hearings/Meetings: **Page S6315**

Authorities for Committees to Meet: **Page S6215**

Privileges of the Floor: **Page S6315**

Record Votes: One record vote was taken today. (Total—204) **Pages S6244–45**

Adjournment: Senate convened at 2 p.m. and adjourned at 6:51 p.m., until 10 a.m. on Tuesday, June 9, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6318.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Finance: On Friday, June 5, 2009, committee concluded a hearing to examine the nominations of Miriam E. Sapiro, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador, George Wheeler Madison, of Connecticut, to be General Counsel, and Kim N. Wallace, of Texas, to be Deputy Under Secretary for Legislative Affairs, both of the Department of the Treasury, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nominations of Rand Beers, of the District of Columbia, to be Under Secretary of Homeland Security for National Protection and Programs, and Martha N. Johnson, of Maryland, to be Administrator, General Services Administration.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 2743–2762; 2 private bills, H.R. 2763–2764; and 7 resolutions, H. Con. Res. 145–146; and H. Res. 515–517, were introduced. **Pages H6305–06**

Additional Cosponsors: **Pages H6306–07**

Reports Filed: A report was filed on June 5, 2009 as follows:

H.R. 2454, to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy, with an amendment (H. Rept. 111–137, Pt. 1).

Reports were filed today as follows:

H.R. 1741, to require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain

protection and witness assistance programs, with amendments (H. Rept. 111–138);

H.R. 2344, to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters (H. Rept. 111–139);

H.R. 1687, to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse", with amendments (H. Rept. 111–140);

H. Res. 472, congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and their dedication to general aviation, safety and the important contribution general aviation provides to the United States, with an amendment (H. Rept. 111–141); and

H. Res. 410, recognizing the numerous contributions of the recreational boating community and the boating industry to the continuing prosperity and affluence of the United States (H. Rept. 111–142).

Page H6305

Speaker: Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker Pro Tempore for today. **Page H6269**

Recess: The House recessed at 12:31 p.m. and reconvened at 2 p.m. **Page H6269**

Suspensions: The House agreed to suspend the rules and pass the following measures:

International Science and Technology Cooperation Act of 2009: H.R. 1736, amended, to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals, by a ⅔ yea-and-nay vote of 341 yeas to 52 nays, Roll No. 311;

Pages H6270–72, H6289–90

STEM Education Coordination Act of 2009: H.R. 1709, amended, to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, by a ⅔ yea-and-nay vote of 353 yeas to 39 nays, Roll No. 312; **Pages H6272–75, H6290–91**

Supporting the goals and ideals of High-Performance Building Week: H. Res. 492, to support the goals and ideals of High-Performance Building Week; **Pages H6275–77**

Expressing support for the designation of February 8, 2010, as "Boy Scouts of America Day", in celebration of the Nation's largest youth scouting organization's 100th anniversary: H. Res. 356, to express support for the designation of February 8, 2010, as "Boy Scouts of America Day", in celebration of the Nation's largest youth scouting organization's 100th anniversary; **Pages H6277–79**

Celebrating Asian Pacific American Heritage Month: H. Res. 435, amended, to celebrate Asian Pacific American Heritage Month; **Pages H6279–82**

Agreed to amend the title so as to read: "Celebrating Asian/Pacific-American Heritage.". **Page H6282**

Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day: H. Res. 420, to celebrate the symbol of the United States flag and to support the goals and ideals of Flag Day, by a ⅔ recorded vote of 391 ayes with none voting "no", Roll No. 313;

Pages H6282–84, H6291

Improved Financial and Commodity Markets Oversight and Accountability Act: H.R. 885, amended, to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; and **Pages H6284–86**

Wounded Veteran Job Security Act: H.R. 466, amended, to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services. **Pages H6287–89**

Agreed to amend the title so as to read: "To amend title 38, United States Code, to provide for certain rights and benefits for persons who are absent from positions of employment to receive medical treatment for service-connected disabilities.". **Page H6289**

Recess: The House recessed at 3:43 p.m. and reconvened at 6:30 p.m. **Page H6289**

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H6289–90, H6290–91 and H6291. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9 p.m.

Committee Meetings

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security approved for full Committee action the Homeland Security appropriations for fiscal year 2010.

Joint Meetings

EMPLOYMENT

Joint Economic Committee: On Friday, June 5, 2009, committee concluded a hearing to examine the employment-unemployment situation for May 2009, after receiving testimony from Keith Hall, Commissioner, Bureau of Labor Statistics, Department of Labor.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 9, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of the Treasury and the Internal Revenue Service, 10:30 a.m., SD–138.

Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Defense, 10:30 a.m., SD–192.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Health and Human Services, 2:30 p.m., SD–124.

Committee on Armed Services: Subcommittee on Airland, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for tactical aviation programs, 2:30 p.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine the role of the oceans in our nation's economic future, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending energy legislation, and the nominations of Catherine Radford Zoi, of California, to be Assistant Secretary for Energy, Efficiency, and Renewable Energy, and William F. Brinkman, of New Jersey, to be Director of the Office of Science, both of the Department of Energy, and Anne Castle, of Colorado, to be Assistant Secretary of the Interior, 10 a.m., SD–366.

Committee on Environment and Public Works: with the Subcommittee on Oversight, to hold joint hearings to examine scientific integrity and transparency reforms at the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nomination of Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the nomination of Eric P. Goosby, of California, to be Ambassador at Large and Coordinator of United States Government Activities to Combat HIV/AIDS Globally, Department of State, 2:30 p.m., SD–419.

Committee on the Judiciary: Subcommittee on the Constitution, to hold hearings to examine the legal, moral, and national security consequences of prolonged detention, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., S–407, Capitol.

House

Committee on Appropriations, to mark up the Commerce, Justice, Science and Related appropriations for fiscal year 2010, 11 a.m., 2359 Rayburn.

Subcommittee on Defense, hearing on Army Posture, 9 a.m., H–140 Capitol.

Subcommittee on Legislative Branch, to mark up the Legislative Branch appropriations for the fiscal year 2010, 9:30 a.m., H–144 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "It's Too Easy Being Green: Defining Fair Green Marketing Practices," 11 a.m., 2123 Rayburn.

Subcommittee on Energy and Environment, hearing entitled "Allowance Allocation Policies in Climate Legislation: Assisting Consumers, Investing in a Clean Energy Future, and Adapting to Climate Change," 10:30 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled "The Effective Regulation of the Over-the-Counter Derivatives Markets," 10:30 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Western Hemisphere, hearing on Guatemala at a Crossroads, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee Emergency Communications, Preparedness and Response, hearing entitled "The FY 2010 Budget for the Federal Emergency Management Agency," 10 a.m., 311 Cannon.

Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, hearing entitled "The FY 2010 Budget for the Directorate for Science and Technology, the Office of Health Affairs, and the Domestic Nuclear Detection Office," 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 1521, Cell Tax Fairness Act of 2009, 11:30 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism and Homeland Security, hearing on H.R. 2289, Juvenile Justice Accountability and Improvement Act of 2009, 3 p.m., 2141 Rayburn.

Task Force on Judicial Impeachment, to consider articles of impeachment against U.S. District Judge Samuel B. Kent for recommendation to the Committee, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans and Wildlife, oversight hearing entitled "Overdose: How Drugs and Chemicals in Water Supplies and the Environment are Harming our Fish and Wildlife," 10:30 a.m., 1324 Longworth.

Committee on Rules, to consider the following bills: H.R. 2410, Foreign Relations Authorization Act; and H.R.

1886, Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, 3 p.m., H–313 Capitol.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on Environmental Research at the Department of Energy, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on Assessing CARES and the Future of VA's Health Infrastructure, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing on Proposals to Provide Federal Funding for Early Childhood Home Visitation Programs, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on HUMINT, 1 p.m., 304–HVC Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Hot Spots, 3 p.m., 304–HVC, Capitol.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the Troubled Asset Relief Program (TARP) accountability and oversight, focusing on the strength of financial institutions, 10 a.m., 210, Cannon Building.

Next Meeting of the **SENATE**

10 a.m., Tuesday, June 9

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 1256, Family Smoking Prevention and Tobacco Control Act, and vote on or in relation to Burr/Hagan Amendment No. 1246 (to Amendment No. 1247) at 4:30 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10:30 a.m., Tuesday, June 9

House Chamber

Program for Tuesday: Consideration of the following suspensions: (1) H. Res. 505—Condemning the murder of Dr. George Tiller, who was shot to death at his church on May 31, 2009; (2) H.R. 2675—Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act; (3) H.R. 1741—Witness Security and Protection Grant Program Act; (4) H.R. 2344—Webcaster Settlement Act of 2009; (5) H. Res. 515—Condemning the murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula, who were shot outside the Army Navy Career Center in Little Rock, Arkansas on June 1, 2009; (6) H. Res. 503—Recognizing National Physical Education and Sport Week; (7) H. Res. 453—Recognizing the significant accomplishments of the AmeriCorps; (8) H. Res. 411—Supporting the goals and ideals of the Intermediate Space Challenge in Mojave, California; (9) H. Res. 454—Recognizing the 25th anniversary of the National Center for Missing and Exploited Children; (10) H.R. 1687—The "Ralph Regula Federal Building and United States Courthouse" Designation Act; (11) H. Res. 472—Congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association; (12) H. Res. 410—Recognizing the numerous contributions of the recreational boating community and the boating industry; (13) H. Res. 484—Expressing support for designation of June 10th as "National Pipeline Safety Day"; (14) H. Res. 385—Celebrating the life of Millard Fuller; (15) H.R. 1327—Iran Sanctions Enabling Act of 2009; (16) H. Res. 502—Recognizing National Homeownership Month and the importance of homeownership in the United States; (17) H. Res. 498—Honoring and congratulating the U.S. Border Patrol on its 85th anniversary; and (18) H.R. _____—Consumer Assistance to Recycle and Save Act.

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