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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 23, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Chaplain Mark Campbell, Office for the Deputy Under Secretary of Defense, Washington, D.C., offered the following prayer:

Almighty God, enlighten our eyes that we may see clearly Your purposes for our great country, and grant Your wisdom to these dedicated leaders. Provide the ability to discern the best from the good, the workable from the unhandy, the useful from the frivolous. ''Make us to choose the harder right over the easier wrong.''

I ask this day for Your energy and benediction on the work of this body, on the decisions to be made, and in the agreements to be struck.

Protect our troops today, and change the hearts of those who wish ill against our Nation.

I also ask Your divine blessing on each House Member, their families, and their staffs.

With gratitude to You, most high God, I pray in the name of my Savior, the Lord Jesus Christ, amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING CHAPLAIN MARK CAMPBELL

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

There was no objection.

Mr. YOUNG of Alaska. Today, it is my great privilege to welcome Rev. Mark Campbell to the House of Representatives. Rev. Campbell and his wife, Shelley, are active duty in the United States Air Force, ministering to our brave men and women in uniform.

Rev. Campbell is currently the chaplain for the Office of the Secretary of Defense, Office of Military Community and Family Policy. He works as a consultant on religious affairs, reviews policy guidance, and facilitates support for chaplain and family support assistance programs at the State level.

Prior to serving as a chaplain in the Air Force, Rev. Campbell pastored the College Gate Baptist Church in Anchorage, Alaska. Since entering the active duty Air Force, Rev. Campbell has served at bases around the world. He is a shining example for those of us instructed to ''go into all the world and preach the good news to all creation.''

I thank Rev. Campbell for his prayers today and being here today to lead the invocation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

A COMMITMENT TO STATUTORY PAYGO

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

Mr. KRATOVIL. Madam Speaker, I rise today in support of the statutory PAYGO legislation passed by the House yesterday. My colleagues on the other side of the aisle are certainly correct that this legislation is not perfect. Of course, I'm finding in my first seven months here in Congress that no legislation we pass in this House is perfect. Such is the nature of legislating and the compromise that comes with it.

My colleagues on the other side of the aisle, however, in my view, are incorrect in that this legislation is not a positive step in restoring us to the financial discipline that led us to the large surpluses in the 1990s.

Statutory PAYGO holds the Federal Government to the simple, but important, principles that American families demand of themselves: you cannot spend money that you do not have, and when one part of your budget expands, another must tighten.

The passage of statutory PAYGO proves the House of Representatives can learn a lesson from the families we represent by ensuring that both new tax and entitlement legislation alike is paid for.

The large deficits we inherited as a result of the borrow-and-spend policies of the past have put pressure on funding for education, clean energy and

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other important investments. Our national priorities will no longer be held hostage to our lack of self-restraint when it comes to spending.

We must balance short-term deficit spending in order to pursue effective economic recovery with a commitment to restoring financial discipline in the long term.

This begins with yesterday's commitment to statutory PAYGO.

INACCURATE STATEMENTS BY PRESIDENT REGARDING HEALTH CARE

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

Mr. BOEHNER. Madam Speaker, my colleagues, last night the President addressed our Nation about the issue of health care, and there were some statements made by the President last night that aren't quite accurate.

One, he said that we will keep government out of health care decisions. Now, if that's the case, I wonder why there was $200 million set aside in the stimulus bill earlier this year so that the government could do a comparative analysis to determine which treatment was most effective in terms of a potential cure for a disease. This is clearly going to give the government information that they believe is the best treatment when the doctors and their patients may not agree.

And secondly, I'd point out that if you look at an amendment that was offered in the Energy and Commerce Committee the other night, the amendment said real simple that no government bureaucrat will make any decisions or interfere with any decision between a doctor and their patient. And I would add that that amendment was rejected on a party-line vote.

Secondly, the President said if you like your current plan we will give you the option to keep it. I wish that were true. But as I noted the other day on the floor, under the ERISA provision, I believe that thousands of companies will drop their company health care plan because after 5 years it's going to have to be approved by the Department of Labor and the health care choices czar to ensure that the company plan meets certain Federal standards. I've got to tell you this is going to drive a lot of companies out of offering the insurance that people have today. They will have no option but to go to the government plan.

And thirdly, he said no plan will add to our deficit. Well, the Congressional Budget Office last Friday came out and said the plan that was being considered will add $239 billion to our deficit over the next 10 years. And if you look further at this plan, you will see that while the cost of the plan is $1.6 trillion, the tax increases don't go into effect until 2011, but the real cost of the plan doesn't begin to add up for about 5 years. And so when you get into the out years, beyond 10 years, you see these exploding deficits, because it's going to cost $200 to $300 billion a year more, over and above the tax increases already in this bill. At a time when we've got record deficits and record spending here in Washington, we don't need to be adding to the deficit.

And lastly, the President said Republicans want to kill health care reform and have not offered better ideas. I've got to tell you, earlier this year when I handed Speaker PELOSI the gavel, I said that when Republicans had to oppose our new President or our colleagues across the aisle, it was our obligation to say how we would do it better.

We had a better solution on the stimulus bill. We had a better solution on the budget. We believe that we had a better solution on the energy bill that was here last month. We have offered our better solution on health care. We outlined those in a letter to the President back in May when we asked for a meeting and got a nice, polite letter back from the President that said, Well, thank you for your ideas, but we'll see you at the end of the process.

Republicans have a better solution that won't put the government in charge of people's health care, that will make sure that we bring down the cost of health care for all Americans and ensure affordable access for all Americans.

PAY-AS-YOU-GO REQUIREMENTS WORK

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

Mr. KLEIN of Florida. Madam Speaker, yesterday this House passed legislation that will restore fiscal discipline by requiring the United States Government to only spend what it can truly afford. The Statutory Pay-As-You-Go Act will roll back deficits and require all new legislation which reduces revenues or expands spending to be paid for. This is a critical piece of common sense. At long last, Congress will be required to follow the policies that families in my district in south Florida stick by every day: only spend a dollar if you can save a dollar somewhere else.

It is clear that pay-as-you-go requirements work. The last time they were in place in Congress in the 1990s we saw budget surpluses. After they lapsed in 2002, the lack of fiscal discipline allowed deficits to balloon.

Fiscal responsibility is one of my personal core values. It is what my wife and I teach our children and should guide every decision we make in government.

This bill marks a turning point in the fiscal health of our Nation. It won't happen overnight, but starting today we will begin to cut our deficit and return to surpluses.

NOT MY COUNTRY

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

Mr. FLEMING. Madam Speaker, earlier this week four Members of the President's Cabinet, including Secretary Sebelius, came to my home State of Louisiana to build grassroots support for ObamaCare in the rural areas, but they found themselves defending the administration's broader effort to take over the Nation's health care system. To say they were greeted by skepticism would be an understatement.

The anger over the direction this country is moving was best expressed by a gentleman who told the group, Please carry a message to Mr. Obama, that it will be a cold day in hell before he socializes my country.

The administration and a small group of very liberal Democrats are intent on pushing through a government takeover of health care, even though more than half this country does not want it.

Democrats in this House are moving forward with a health care plan that will hurt the sacred relationship between Americans and their doctor, deny access to needed treatments, and place power in the hands of Washington bureaucrats. Why are you in such a rush? Are you afraid Americans will learn the truth this time and stop it?

AMERICA CAN NO LONGER AFFORD TO WAIT FOR HEALTH CARE REFORM

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

Mr. BRALEY of Iowa. Madam Speaker, on Tuesday there was a long parade of my friends from the other side coming down here to the Well to talk about the problems with the Democratic health care bill. And you just heard the distinguished minority leader talking about the cost of this bill.

Well, this is a stark reality, America. America can no longer wait for health care reform. Every person in this country pays a hidden tax of $1,200 a year, every family in this country pays a hidden tax of $1,800 a year, to take care of people right now who don't have health insurance but still get health care.

That's the reality that we're dealing with, and that's why we are working hard to try to transform our health care delivery system.

And my friend from Louisiana who just spoke is a perfect example of what's wrong. Right now, we know that in our country the States that provide the highest quality of care to Medicare patients get paid the least, while the State of Louisiana spends more per Medicare patient than any other State and ranks 50th on Medicare quality of assessments.

That's why Democrats are leading the charge to change the way we transform our health care system.

SCRAP THIS BILL AND LET'S START OVER ON REAL HEALTH CARE REFORM

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

Mr. SAM JOHNSON of Texas. Think about this concept of government-managed health care for just a minute. Imagine that the Federal Government told you you can have your house for free. That sounds good, right? Until they tell you that you have to live in government housing. Now what? How many Americans want to leave their homes for government subsidized housing?

Polls show that the more people learn about the government-controlled health plan, the less they support it.

Increasing the number of Americans who have health insurance is a laudable goal we all want to achieve, but paying $1.5 trillion to get part of the way, with a government-controlled plan that eliminates choice and stifles the doctor-patient relationship, that's not the answer.

Mr. President, scrap this bill and let's start over on real health care reform.

□ 1015

WE NEED REFORM

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

Mr. INSLEE. Madam Speaker, the keepers of the status quo on health care are simply wrong. It is unacceptable for Americans to have their wage increases swallowed up by health care costs.

Our medical costs are rising three times faster than our wages. It consumes twice as much of our economy as it did just 12 years ago. The status quo is unacceptable.

Now some of my colleagues want to defend the status quo, trying to scare Americans to think that we're going to deliver bad medical care. Let me ask them this: Is the medical care at the Mayo Clinic in Rochester, Minnesota, so bad? I don't think so.

Our bill, basically—and we are improving this bill as we speak—is going to provide the kind of care that Americans are getting at the Mayo Clinic. Because when our bill passes, it will in fact allow and inspire doctors to do what they do at the Mayo Clinic for half the price that Americans are paying for their medical care in Miami, Florida. Half the price at the Mayo Clinic for what Americans pay in medical care.

We need reform. We're going to pass it.

MAYO CLINIC OPPOSED HEALTH CARE BILL

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

Mr. POE of Texas. Madam Speaker, let me say this, that the Mayo Clinic opposes this health care bill because it's nonsense, it costs too much, and it's going to put America more in debt.

And that's just the way it is.

HEALTH INSURANCE REFORM MEANS STABILITY FOR EVERY AMERICAN

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

Mr. CARNAHAN. Those within and without health insurance share something in common: they both lack stability and security when it comes to coverage, cost, and quality of their health care.

Every day, Americans are forced into tough decisions and circumstances that lead them to lose their health care. As the President mentioned last night, on average, 14,000 Americans a day are losing their health care.

Health insurance reform means stable coverage that can't be taken away. If your spouse is laid off or changes jobs, you won't lose your coverage. If you or your family or coworker get sick, you won't pay more or lose your coverage.

With health insurance reform, no one is able to get between you and your doctor. It will keep government out of health care decisions, allowing you to keep the coverage you have today if you want it.

Stability has been missing from our health care system for decades. As we work to get our economy moving again, now is the time to fix it. The proposed health insurance reform bill builds upon what works and fixes what is broken.

My constituents strongly want, need, and deserve a more stable and secure health care system. And that's what we need to fight to do.

WE NEED TO SUPPORT, NOT TAX, SMALL BUSINESSES

(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. Madam Speaker, small businesses face challenging economic threats. Those who can afford to are struggling to provide health care to their employees.

The last thing small businesses need—and we've had 2.6 million jobs lost since the new President came in office—are more mandates and tax hikes that will destroy jobs. Unfortunately, under their health care tax, Democrats are proposing just that.

They believe small businesses should abide by government mandates and provide health care that meets a bureaucratic code or suffer an 8 percent tax and fines up to $500,000. This is no way to treat the most prolific job-creating engine of our economy.

Republicans have solutions for affordable, accessible, and portable health care without tax hikes on families and small businesses. We reject the rationing of health care and government intrusion and propose flexibility for small businesses to band together for affordable health care.

Republicans have solutions that will empower individuals, not Big Government. We will promote new jobs.

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

NEED FOR HEALTH CARE REFORM

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

Mrs. DAHLKEMPER. Madam Speaker, I rise today to talk about the need for health care reform in this country, reform that must ensure patients can choose their doctor, is portable, and gives stability to our citizens as they grow old, change jobs, and face health problems. It must protect those with preexisting conditions and address prevention.

I've received countless calls from constituents about the need to fix what is broken and protect what works in this health care system.

Last night, on this floor, I heard a colleague on the other side of the aisle say that all Americans have health care today, the emergency room. Well, tell that to my constituents like Carla, who called about her sister Edith, who's been without insurance since last September.

Edith is 49 years old and suffers from severe osteoarthritis. Injured at work, she had to change jobs because she was denied workmen's comp. And then, after she got a job that offered some coverage, she was laid off due to economic conditions.

Now unemployed, Edith is without health insurance, insurance she desperately needs to help cover her doctors visits and her prescriptions. Edith is a victim of a failed system.

Madam Speaker, we need health care reform in this country to ensure that Edith and countless others are not left behind.

WE THINK YOU'RE SMART ENOUGH WHEN YOU HAVE THE RIGHT INFORMATION

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

Mr. NEUGEBAUER. Madam Speaker, I'm very disappointed because the Democrats and the administration don't think the American people are either smart enough or they don't trust them to make their own decisions.

The Democrats and the administration have introduced a reform for financial markets that is going to start telling the American people, Hey, you're not smart enough or we don't trust you to determine what kind of

credit card you should have. We don't trust you, we don't think you're smart enough to determine what kind of mortgage you should take out.

We don't trust you, we don't think you're smart enough to determine what kind of car loan you should have. We don't trust you and we don't think you're smart enough to determine what kind of checking account that you should have.

Now we're going to tell the American people we don't think you're smart enough or don't trust you to pick your own health care.

You know, the American people are getting kind of tired of the Democrats telling them that they don't trust them or they don't think they're smart enough.

Madam Speaker, the Republicans have introduced a financial reform that says to the American people: we think you're smart enough when have you the right information.

AMERICAN RECOVERY AND REINVESTMENT ACT

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

Ms. HIRONO. Rather than emulate the laissez faire strategy of the previous administration, President Obama signed the American Recovery and Reinvestment Act less than a month after taking office. Now, just 5 months after its passage, some on the other side of the aisle are proclaiming it a failure.

In January 2009, before passage of the Recovery Act, the economy lost 741,000 jobs, foreclosures were at record highs, and the economic growth rate had hit negative 6.3 percent. Some $10 trillion in wealth had been lost in the stock market.

The Recovery Act provided our States with vital funds, allowing thousands of teachers, law enforcement officials, and firefighters to stay on the job, to educate our children, and to protect our public. To call this a failure is putting rhetoric over people.

More than $20 billion has been made available to fund over 6,000 shovel-ready transportation construction projects, over 2,500 of which are already under way.

The Recovery Act is not a cure-all to our economy's problems, but it has and will continue to make a difference for the better.

MYTH VERSUS REALITY ON HEALTH CARE

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

Mr. SMITH of Nebraska. Last night, President Obama held a prime time press conference in which he repeated many of the health care claims that are making their way around Capitol Hill. But what are the myths versus the realities?

Some even claim health care reform will not add to our deficit over the next decade. However, the nonpartisan Congressional Budget Office has released its cost estimate on the House health care legislation, showing it will increase the Federal deficit by $239 billion over the next 10 years.

Another claim is that no one will lose health insurance they have right now. This defies reality, Madam Speaker. According to an independent study, 114 million Americans will be forced out of their current health care coverage.

Madam Speaker, it's simple: Washington-run health care will mean more deficits, more debt, and more government interference in our lives.

AMERICAN RED CROSS REAL HERO AWARD

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

Mr. TEAGUE. Madam Speaker, I rise today to honor an exceptional constituent from my district, Mr. Billy Jack Miller of Elephant Butte, New Mexico, who was awarded the 2009 American Red Cross Real Hero Award.

This summer, Billy Jack was presented the Good Samaritan Award for rescuing an individual from drowning in Elephant Butte Lake, where he has operated a local fishing guide service for many years. The man he saved fell into the lake and became trapped between the dock and a boat.

The Good Samaritan Award honors outstanding individuals who exemplify the spirit of heroism and humanitarianism at a distinguished level and a commitment to improving the lives of others. Billy Jack embodies this achievement.

Over the years, working on the water, he has developed a knack for spotting fellow boaters in distress and is always there to lend a helping hand.

I'm proud on the occasion of this preeminent award to have the opportunity to commend the work of Billy Jack Miller, a great citizen of Elephant Butte, New Mexico. It is my privilege to honor Mr. Miller for his work and dedication.

CONSUMER FINANCE PROTECTION AGENCY

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

Mr. BACHUS. Madam Speaker, I received a letter yesterday from a lady, an officer in a small community bank in Alabama. I wanted to share what she said with my colleagues.

She expresses her concerns that many community bankers are expressing about the legislation under consideration by the House Financial Services Committee to create a new government bureaucracy, otherwise known as the Consumer Finance Protection Agency.

Here's what she says: I strongly support consumer protections. In fact, my bank's competitive edge rests with our customers' implicit trust that we will deal with them fairly and honestly when they visit my bank with their best interests in mind. Don't take that ability away from me to meet their unique needs.

She points out that there are countless examples of local bankers offering nonstandard loan products to consumers and customers in an effort to meet their unique needs—not to victimize them, but to give them a product that fits their purpose.

Under the proposed protection agency, however, community bankers ''would have a much harder time helping their customers. They'd have to go through all sorts of regulatory hurdles.''

WE ALL WIN IN HEALTH CARE REFORM

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

Mr. KAGEN. Madam Speaker, I have some excellent news for the people of northeast Wisconsin, people like Mike up in Marinette, Jenny in Appleton, and Jeff in Green Bay: access to affordable health care will be enacted this year by this Congress. After all, how can we continue the losing ways of the past, where discrimination against citizens due to preexisting conditions was allowed to take place.

You're going to hear arguments from one side and the other. But we stand on the side of the American people who understand this: There shall be no discrimination to any citizen due to preexisting medical conditions. After all, we don't discriminate on the basis of the color of your skin. What about the chemistry of your skin?

The bill that's moving forward in this House will guarantee other things as well. It will guarantee small businesses will be able to reduce their costs for health care and allow them to employ more people and stimulate our economy at the greatest time of need.

□ 1030

NEW MANDATES FOR ABORTION COVERAGE IN EVERY INSURANCE PLAN

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

Mr. PITTS. Madam Speaker, everywhere I go people tell me they're worried about the direction our country is headed.

So far in this Congress, all we've seen are bailouts and government takeovers. We've taken over or nationalized huge sectors of our economy. We've nationalized the banking industry and the financial sector. We've nationalized the home mortgage industry. We've

taken over the auto companies. We've nationalized the energy sector with cap-and-trade.

And now our friends on the other side want to nationalize the health care sector, 17 percent of our economy, a government takeover with new government mandates. And one of those hidden mandates is for abortion coverage in every insurance plan, public or private, in America.

At a time when the number of abortions is declining, doctors performing abortions are declining, the number of abortion clinics is declining, the Congress and White House want to mandate abortion coverage in every insurance plan, public or private; another bailout in this bill, this one for the abortion industry.

What would the result be? Less jobs, more taxes, massive government spending, and a mountain of debt on our kids and grandkids.

THE TIME IS NOW TO ENACT A HEALTH CARE PLAN FOR ALL AMERICANS

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

Mr. ELLISON. Madam Speaker, Martin Luther King, Jr., spoke of the fierce urgency of now. He talked about the fact that you cannot set a deadline or timeline on somebody else's freedom. Well, there's another civil rights movement going on today in America, and that is the right for health care.

Health care is what we need now, and we cannot delay. I urge my colleagues to come together and pass a health care reform bill before we go out for the August recess because people absolutely need it, people who are fearing being dropped or put off for preexisting conditions, people being subject to discrimination because of their age or their gender.

We've got to stop this. We have got to make sure that a caring Nation cares for the health of its people. The time is now. We cannot delay. We've had enough time, Madam Speaker.

Six decades America has debated about what to fix about our broken health care system. We've done 45 hours of markups, 79 House hearings, 215 pages of bills and work to make sure that we have every input and every point of view shared.

The time is now, Madam Speaker.

LET'S GET A BIPARTISAN COMPROMISE ON HEALTH CARE REFORM

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

Mr. ROE of Tennessee. Madam Speaker, last night President Obama addressed the American public and urged Congress to pass health care reform. As a physician who has seen the shortcomings of our system, I am glad he strongly urges reform. I want to correct something he said about why Republicans oppose this plan and support other measures.

First, he said a public plan was needed to keep insurance companies honest. Republicans don't oppose insurance reform. We wholeheartedly embrace it. We oppose the public plan because it's a backhanded attempt at moving towards a government-run system where care is provided not because it's the best but because it costs the least or, worse, it's rationed.

Second, he said the wealthiest Americans should shoulder the burden for everyone's health care with a surtax. What he didn't say is that those same wealthy Americans are many of the same people we're relying on to create jobs and help reduce the staggering unemployment rate. You can't have it both ways. We can't dramatically increase taxes on the wealthiest Americans to some of the highest taxes in the world and then turn around and expect job creation.

We support ensuring patients can get the care they need from their physician, reforming the insurance industry, making health care more affordable through cost containment and tax credits. Let's get these ideas, sit down and hammer out a bipartisan compromise.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Georgia, Mr. Price, submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the otherwise lawful possession or use of firearms in federally assisted housing;

Whereas the Second Amendment of the United States constitution guarantees that ''the right of the people to keep and bear Arms, shall not be infringed'';

Whereas the Second Amendment applies equally to all Americans, regardless of who owns or pays for their housing;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democrat leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. HENSARLING. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Texas, Mr. Hensarling—along with the gentleman from Texas, Mr. Conaway, the gentleman from Georgia, Mr. Gingrey, and the gentlewoman from Tennessee, Mrs. Blackburn—submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, and Housing and Urban Development Appropriations Act;

Whereas the said gentleman's amendment would have encouraged the development and use of alternative fuels by the federal government from resources found abundantly in the United States and Canada such as oil sands and oil shale, furthering our ability to become more energy independent, reducing the federal government's energy costs borne by the American taxpayer;

Whereas, this is especially important at a time of a record deficit that has reached $1 trillion for the first time in American history and a record debt that will be tripled in 10 years;

Whereas, the said amendment could help in the creation of desperately needed jobs in an economy where the unemployment rate is 9.5%—the highest unemployment rate in 26 years and climbing—and 2.6 million people have lost their job since February 2009;

Whereas, when campaigning for the presidency, then-Senator Obama said that ''under my plan of a cap and trade system, electricity rates would necessarily sky rocket.'';

Whereas, on June, 26, 2009, the Democratic Majority passed such legislation in H.R. 2454, a national energy tax also known as cap and trade, that experts have estimated will result in American families paying anywhere from $1,500 to $3,000 annually in additional energy costs;

Whereas, on December 6, 2006, then-Minority Leader Nancy Pelosi said, ''[W]e promised the American people that we would have the most honest and open government and we will.'';

Whereas, according to then-Minority Leader Nancy Pelosi's New Direction for America, ''Bills should generally come to the floor

under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.'';

Whereas a similar amendment was adopted by the House in 2008 during consideration of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act, 2009 on a bipartisan vote;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically breached decades of House precedent and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Texas' amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BROUN of Georgia. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as to the question of privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Georgia, Mr. BROUN submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used for bike paths;

Whereas transportation appropriations have previously been used to build and repair bike paths;

Whereas the construction and repair of bike paths is not a legitimate function of the federal government, since they do not contribute to interstate transportation or interstate commerce;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. PELOSI, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. OBEY, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Georgia's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. TIAHRT. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of privilege of the House.

The form of my resolution is as follows:

Whereas the gentleman from Kansas, Mr. TIAHRT submitted an amendment to the Committee on Rules to H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have prohibited salaries and expenses from being paid to individuals who obligate money under the stimulus FHWA program for road signs that are placed at construction sites to alert motorists that the project is being paid for by stimulus money;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for free speech on this Floor; and,

Whereas the Speaker, Mrs. PELOSI, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. OBEY, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentleman from Kansas's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Kansas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1045

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mrs. BACHMANN. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentlewoman from Minnesota, Mrs. Bachmann submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentlewoman's amendment would have protected American taxpayers by prohibiting funds made available in the Act from being used to fund any organization that has been indicted for violations of state or federal election laws—or that employs people who have—such as the Association of Community Organizations for Reform Now (ACORN);

Whereas a similar provision was adopted by the House in 2008 during consideration of H.R. 3221, the Housing and Economic Recovery Act of 2008, and became law on June 30, 2008, but does not currently apply to all programs funded in the underlying bill;

Whereas the gentlewoman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity to protect American taxpayers on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 669, the rule to accompany H.R. 3288, be amended to allow the gentlewoman from Minnesota's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Minnesota will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 669 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 669

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 160, line 6. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed seven of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (3) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The proponent of any such amendment may modify its amendatory instructions before the question is put thereon. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

SEC. 4. During consideration of H.R. 3288, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver against all points of order in the Congressional Budget Act which causes a violation of rule 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. The gentleman has met the threshold burden under the rule. The gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Again, I rise today not because this bill may or may not violate the Unfunded Mandates Act—it may or it may not. The question here is why, again, and we're near the end of the appropriations cycle and we've been living under what is the equivalent of legislative martial law, where the majority has stated that they cannot allow appropriation bills to come to the floor because we have to get through this process. We have to move through it. The Appropriations Committee chairman said, There is a limited numbers of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills.

Now, appropriating is one of the most—if not the most important—thing that Congress does. We maintain the power of the purse under article 1. This is our responsibility. And to say that we've got to move through it quickly and so we have to deny the minority party the ability to offer the amendments it wants to offer simply because we have to make the trains run on time here.

When the Republicans were in the majority, one Member said the other day that he was in the chair for over 3 days on the interior bill simply because Members on the majority side and the minority side had a lot of amendments they wanted to offer—3 days on the interior bill. Here we're allowing just an afternoon on the THUD bill. We're allowing just less than a day on the defense bill next week that contains more than a thousand earmarks that haven't been vetted by the Appropriations Committee, 540 of which are no-bid contracts to private companies. And we aren't allowing probably but a few, if history holds, amendments to that bill. And they will likely be amendments that the majority chooses.

Last week, on a previous appropriation bill, I asked for unanimous consent 16 times on 16 amendments that I had to allow us to substitute an amendment that one of my colleagues had offered that was not allowed.

So making the point that this isn't an issue of time; the time constraints were already set. We simply wanted to substitute amendments that we thought were maybe more important, that Members were denied the ability to offer, and we were rejected. Objection was raised 16 times to unanimous consent requests simply to substitute amendments. So we know what this is about. It's not about an issue of time, although that is a sorry excuse, frankly. When appropriating dollars is the most important thing we do here, we shouldn't limit ourselves to just a few days to get the appropriations process done on the floor.

But even if you accept that, the minority party simply wanted to offer the amendments it wanted to offer, not the ones that the majority party had chosen for the minority party to offer and were denied 16 times. And here again today we're going to be discussing a bill. More than 70 amendments were offered to the Rules Committee. Only, I believe, 24 were ruled in order. We just had four or five Members offer privileged resolutions to make the point that their amendments, which were germane, which should have been allowed, were not allowed by the minority party.

Madam Speaker, this isn't the way this House ought to be run. We're breaking from tradition here with the appropriations process, and at a time when we need more than ever to scrub these appropriations bills and make sure we're not spending money that we shouldn't be spending. We have a deficit that will near $2 trillion this year. When I came to Congress just 8 years ago, that was almost the entire Federal budget. Now our budget deficit will equal that amount, and yet we're throwing appropriation bills at the floor and saying got to get them done in 1 day and not allow the minority party to offer the amendments that it would like to offer.

I would submit that while the majority party may think that they can get away with it because process arguments don't mean much outside the Beltway, I can see that. But a bad process begets bad policy, and sooner or later, it will come back to bite. And it just doesn't come back to bite the majority party; it comes back to haunt this institution. And institutionally, we ought to be better. We ought to have more regard for this institution than to simply break with precedent

like this and deny the minority party the ability to offer the amendments I would like to offer.

Mr. ARCURI. Madam Speaker, I rise in opposition.

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

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

Madam Speaker, this point of order is not about anything other than delaying the passage of this very important bill. And I would say to my friend from Arizona, that he, himself, has probably received more amendments from the Rules Committee than the rest of Congress put together. So he certainly has had an opportunity to offer many amendments with respect to different earmarks that he feels should be removed from the bill.

So I would submit that this point of order is really about delaying the passage of what is a critically important bill, and that is the transportation appropriation bill, a bill that talks about things like funding roads so that we have safe highways for our families to travel on, things like high-speed rail so we can bring people and goods from point A to point B as quickly as possible. That's what we're here to discuss today. That's why the passage, the consideration of this rule and the passage of this rule, is so important, so we may consider this critically important bill.

□ 1100

I hope my colleagues will vote ''yes'' so we can consider this legislation on its merits and not stop it by virtue of a procedural motion. Those who oppose the bill can vote against the final passage. We must consider this rule, and we must pass this legislation today.

I reserve the balance of my time.

Mr. FLAKE. I yield myself the balance of my time to answer the gentleman.

I want to make the point that I'm not trying to delay the process. I could call a vote and waste 30 minutes. I'm not going to. I know the outcome here. That's not the point. The gentleman mentioned that I've been given a lot of amendments. I have, but it is only because the majority knows that they can beat them. And when I've offered to substitute some of my colleagues' amendments that were germane that simply weren't ruled in order, objection was raised 16 times to do that. So this isn't about time. This is about the majority wanting only the amendments that it wants to see on the floor.

I yield back the balance of my time.

Mr. ARCURI. I yield back the balance of my time, and urge a ''yes'' vote on the rule.

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

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

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

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

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members be given 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 New York?

There was no objection.

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

I rise today as a member of the Rules Committee and also as a member of the Transportation and Infrastructure Committee in strong support of H.R. 3288, the Fiscal Year 2010 Transportation HUD Appropriations Act. H. Res. 669 provides for consideration of H.R. 3288 under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Appropriations.

The rule makes in order a total of 23 amendments, each of which is debatable for 10 minutes. The rule also provides one motion to recommit with or without instructions.

Madam Speaker, housing and transportation are two areas that must be priorities for Congress, especially when the economy slows, because we get a double return on our investment. As we have seen with the recovery bill, investment in infrastructure not only generates economic recovery by putting people back to work, but those construction jobs strengthen our transportation system and improve our housing stock. We not only put people to work, but we also get something in the long run. We get better roads. We get safer transportation. We get better housing. That is critically important.

Some of the members of the Transportation and Infrastructure Committee would have liked to have seen a greater percentage of the funding in the Recovery Act go towards infrastructure spending and, indeed, we have seen that of all the funding included in that bill the transportation funding has resulted in saving and creating jobs faster than even we expected.

The Transportation-HUD Appropriations bill continues this investment and our commitment to utilize all of the tools available to continue this economic recovery that has already begun to take hold. Included in H.R. 3288 is $41.1 billion to improve and repair our Nation's aging highway infrastructure. The bill includes more than $10 billion for Federal Transit Administration, which will help transit agencies meet increased public demand for mass transit. This not only provides more transportation options to Americans during tough economic times, it also decreases traffic congestion, reduces our dependence on foreign oil, and reduces greenhouse gas emissions.

This bill adds another $4 billion to develop and construct a national system of high-speed rail, building on the commitment we began with the recovery bill. This is the first major investment in transportation since the 1960s. High-speed rail moves more people at a lower cost, at a faster speed and with less impact on the environment than does road transportation. We have developed the most advanced highway and aviation systems in the world over the last 60 years, but in comparison to the train system in other nations such as Germany, France and even China, they have clearly exceeded what we have done here in America.

Speaking from the experience of my own delegation, the Members that represent upstate New York, we are committed to work in a bipartisan effort to make high-speed rail a reality across upstate New York. We have done so because we realize the numerous benefits that this improvement in our transportation system will have as a result of high-speed rail, not only for upstate New York, but for the Nation as a whole.

Just as we saw over a century ago with the construction of the Erie Canal, streamlining the movement of people and goods along the corridor between the eastern seaboard and Chicago, the freight gateway to the west coast, will benefit the cities at both ends and also the cities across the country through which the line will run.

Madam Speaker, this is just a sampling of the important programs and initiatives that the Transportation-HUD Appropriations Act will fund in fiscal year 2010. I urge all my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume. Last month, in the middle of the night, the majority called an emergency meeting of the Rules Committee in order to withdraw a modified open rule which had previously been passed by the committee regarding the Commerce, Justice and Science Appropriations bill and to replace it with a draconian rule that severely limited the ability of Members from both sides of the aisle to bring amendments to the floor for debate and a vote.

That unnecessary and unfortunate procedure began the process of overturning over two centuries of precedent of open debate on appropriations bills in this House. Historically, appropriations bills, such as the one being brought to the floor today, have come to the floor under an open rule, a rule that allows any Member, from either side of the aisle, to offer amendments if the amendments are germane. Now the majority has unwisely ended that hallowed tradition and is using the Rules Committee to repress the ability of Members to offer amendments.

Each and every appropriations bill considered since that late night, or should I say early morning, meeting has restricted the prerogative of Members to offer amendments. Instead, the Speaker and the chairman of the Appropriations Committee, through the majority on the Rules Committee, decide who will offer amendments, and they decide exactly who shapes the way Congress spends the taxpayers' dollars. As of the last count, that doctrine, the Pelosi-Obey doctrine, has blocked over 600 amendments. Six hundred times already Members on both sides of the aisle in this House have been denied the ability to represent their constituents on appropriations bills.

The new doctrine and process not only breaks two centuries of tradition and precedent in the House; it also runs contrary to one of the central tenets of the Democrats' election campaign. During the 2006 campaign, they claimed that they would run Congress in a more open and bipartisan manner. On December 6 of that year, Speaker PELOSI reiterated her campaign promise. She said, ''We promised the American people that we would have the most honest and open government, and we will.'' But here we are today, with Congress for the first time in history completely shutting down the previously open appropriations process.

When the process was first closed down last month, I explained to the majority that they should be cognizant of the repercussions of overturning two centuries of precedent. They did not listen. They have continued to bring to this floor restrictive rule after restrictive rule, 10 so far. Although I feel that the majority has caused lasting damage to the traditions of the House, there's still a chance for the majority to return to the long-held tradition of fairness and openness of debate on appropriations bills. So I urge my colleagues to oppose this rule so that we can return to regular order, to restore the long-held tradition of the House of openness on appropriations bills.

I once again remind my colleagues that majorities are never eternal. The precedent being set now may be used by majorities in the future. And this is not the appropriate way to run the House. It is unnecessary. It is inappropriate. It is unfair. I think it's time, Madam Speaker, that we overturn that doctrine, the Pelosi-Obey doctrine, and restore the tradition of openness in the appropriations process.

And I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Colorado, one of the new distinguished members of the Rules Committee, Mr. POLIS.

Mr. POLIS. I thank my colleague, Mr. ARCURI, for the time, and I rise today, Madam Speaker, in strong support of this rule and the underlying bill. Madam Speaker, right now, our Nation's transportation infrastructure continues to fight a losing battle with our growing needs, shrinking revenues and a dwindling highway trust fund.

Meanwhile, our public housing assistance and community support programs feel the strain of additional demand, more and more families and individuals across our country who face layoffs, foreclosures and the economic waves that have rippled through nearly every sector of our economy in every State in our Nation.

Madam Speaker, this bill will help to address the challenges of those who are particularly hard hit in a responsible and thorough manner, and I thank Subcommittee Chair OLVER and Chairman OBEY and their staffs for a job well done. This bill provides vitally needed funding for transit through investment in the Federal Transit Administration, including commuter rail systems and a focus on multi-modal transportation planning.

This bill also reflects our growing understanding of where our transportation system needs to go in the future and how to get there. We understand that the sooner we address things like vehicle miles traveled, congestion, smart growth and complete streets, the sooner we will see the environmental, health and economic benefits that the status quo is currently lacking.

Easing congestion is crucial for my district in Colorado. Even the smallest amount of congestion means major economic impacts as travelers and companies moving goods and people on Highway 70 and Highway 36 sit idle. These highways are two of the main arteries in my district that connect nearly every community and where investment in infrastructure has not kept pace with growth.

Highway 70 is the lifeblood of our mountain communities in Colorado. This bill will help ease congestion in places like Eagle, a growing community in the mountains where, until a few years ago, rush hour was like a long lift line in Vail or too many rafts on the Colorado River. But now, this is a community that comes to a halt with rush-hour traffic that combines with regional airport traffic to yield real implications.

We all know that our Nation's housing market has been at the center of our economic troubles and that our economic troubles have only fed a cycle of more layoffs and foreclosures. These programs in this bill administered by HUD allow nonprofit organizations such as Thistle Community Housing in my district to make housing affordable for all families. Through community development grants, Thistle leverages Federal dollars with private philanthropy and local funds to not only provide affordable rental housing, but also to make the dream of homeownership possible for my constituents even of modest needs.

Make no mistake, however, this is not merely a housing subsidy program. It also promotes personal responsibility by requiring enrollment in financial literacy and job training programs. In our economic climate, these kinds of training programs are critical. To help our recovery, this bill extends the loan limits enacted in the American Recovery and Reinvestment Act through 2010 and provides for continuation of the Home Equity Conversion Mortgage program.

Madam Speaker, this bill is critical for our country because it is important for our economy, our environment, and it builds and repairs the physical infrastructure of our Nation. I urge swift passage of the rule and the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a pleasure to yield 4 minutes to my friend from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman from Florida for the time.

I rise in opposition to this rule because I do not want to lend my support to a politically cooked process that freezes the American people out of having their say through a constructive amendment process. I know the large number of the majority Members do not want this process either for the same reasons that I don't. The majority may think that they are freezing out the minority in these rules, and they are; but more importantly, they are freezing out their own constituents and all of our constituents.

□ 1115

The truth of the matter is that these closed and structured rules are designed to avoid the tough votes, and those familiar with the situation know that. On the surface, the rules may be promoted as a means of moving the process along in a timely fashion, and there may be some tone of truth to that; however, the real issue is the difficult votes, and that's sad, because that's what we get paid to do here. We don't get paid to duck tough votes around here.

I have to wonder sometimes if our predecessors from both parties are not looking down from the big chamber in the sky and wondering what in God's name are we doing to the process that they left us. One thing we know we're doing is cheating the American people.

The administration says that this bill is about making long-term infrastructure investments. If that is true, then our investors, or our constituents, should have a say-so in how those investments are made. Right now they have no such say, and that's a shame.

As an example, I had an amendment to move $3 billion in ''parked'' money in a high-speed rail appropriation to be put—to use in the Highway Trust Fund where we desperately need those funds. The administration wants us to bail out the Highway Trust Fund, for those of you who don't know that. And I want to note, too, that in the stimulus package there is $8 billion sitting there for high-speed rail, none of which will be spent this year.

Also, there was an agreement between the administration and Congress

saying that with that $8 billion we would appropriate $1 billion a year for the next 5 years. My amendment would have honored the administration's request in that agreement, leaving $1 billion in the high-speed rail account. My amendment was not made in order. That $3 billion could have been used as an investment in my State and all of your States in a much-needed investment in the highway infrastructure that would actually create jobs now.

For some, however, that would have been a tough vote, because even though that money won't be spent on high-speed rail for a couple of years, at least, a vote to transfer to the trust fund, where it's needed today, would be a vote to remove it from the rapid trail category now, a vote that would not have been politically fashionable for some in this Chamber, and that's the reason it's not in order.

The net result is that an important investment amendment will now not be put to the investors, the taxpayers. Instead, we will institutionally duck the vote and, thereby, rob the investors of their say-so in this worthwhile investment.

I want to say, Madam Speaker, that this bill could have been a bipartisan bill. Chairman OLVER and I worked together all through this process. We had hearings. We worked in a constructive way.

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

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

Mr. LATHAM. And I think it is an outrage and an insult to Chairman OLVER for the Rules Committee to say that you're questioning his competence and his ability to handle issues involved in this bill.

This could have been a bipartisan process. This could have been something that everyone in this House could support if, in fact, we had a process that respected the chairman, his abilities, his competence, and respected the interests of all of our constituents.

To close out people, our constituents, the people who own these investments, is simply wrong, and I ask everyone to please vote against this outrageous rule and respect the chairman, respect what the rights should be in this House of Representatives and have been since the beginning. And I would encourage everyone to vote against this outrageous rule.

Mr. ARCURI. Madam Speaker, before I recognize my colleague from New York, I would just like to make a point, and that is, throughout history, we have seen vision on the part of people, and it's that vision that brought Columbus to the New World. It's that vision that built the Panama Canal. It's the vision that built the Erie Canal. It's the vision in the Eisenhower Highway System. It's the vision that brings us and moves us forward.

This bill contains that vision. It has money in it for high-speed rail. That, I would submit, is our vision for the future. That's the kind of vision that people sent us here to Congress to continue, and it's that kind of vision that this bill contains.

With that, Madam Speaker, I would yield 3 minutes to one of the leaders in transportation in this country, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I rise in support of the rule for the Transportation-HUD Appropriations Act, and I think that the transportation appropriation in this bill is excellent, but I'm going to focus on a different aspect of it.

I want to, in particular, thank Chairman OLVER for securing more than $18 billion for tenant-based rental assistance and $8.7 billion for project-based rental assistance. This represents about $3.7 billion more than last year. This should be enough to fully fund the renewal of section 8 tenant-based and project-based rental assistance and provide $75 million for about 10,000 new incremental tenant-based vouchers for homeless veterans.

The bill also has $350 million for the Housing for People with AIDS program, also known as HOPWA, $50 million more than was appropriated last year. This is a great victory for these programs, and I applaud the chairman and the committee for their efforts to secure these badly needed resources.

I also want to thank all of my colleagues who signed on to my letter to the committee in support of increases for section 8 housing and for the HOPWA program earlier this year.

For many years, our letters were ignored and we were forced to come to the floor and offer an amendment to increase funding for section 8 housing and HOPWA, where more than not we were successful at passing amendments to increase funding for these programs. I am pleased that this year, because of the efforts of the chairman, that was not necessary for us to come to the floor with an amendment.

But I do want to recognize that the need for affordable housing will still greatly outpace the supply. During this time of economic recession, much more needs to be done. I understand the Financial Services Committee is working on legislation to reform the section 8 program and authorize 150,000 additional new vouchers, and I look forward to working with them to pass that legislation so we can more properly address the severe housing crisis by substantially increasing funding for vouchers.

Similarly, while we requested $360 million this year for the HOPWA program and $350 million is appropriated in this bill, the National AIDS Housing Coalition estimates that over $3.2 billion is required to truly meet the housing needs for all those living with HIV/AIDS.

While we could always do more when it comes to funding for section 8 and HOPWA, I recognize it is no small feat to increase funding for a program by $3.7 billion in a single year for section 8 and $350 million for HOPWA.

I commend the chairman for his leadership, and I want to thank him for his continued support for these important housing initiatives. And I also want to thank the chairman and the committee for their initiatives in the transportation field and for the funds they have brought to this.

And I want to express, while I have the opportunity, my agreement with Chairman OBERSTAR that it is essential that we pass, this year, a reauthorization of the transportation bill and not put it off for 18 months into the next Presidential election year cycle if we're going to start catching up to the necessity to keep our infrastructure from falling apart, and also if we're going to get some more stimulus for this economy that we so desperately need during this recession.

So I support the rule. I thank the chairman for yielding me time.

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

Mr. ARCURI. Madam Speaker, I yield 2 minutes to another gentleman from New York, one of the freshmen here, Mr. MASSA.

Mr. MASSA. Madam Speaker, I rise today not only in support of the rule, in support of the underlying bill, but in opposition to one of the unprecedentedly large numbers of amendments which, in fact, is being allowed to be offered to this bill. And I have sat here this morning listening to a long conversation about the lack of allocation of amendments, and yet I have yet to hear the reality that in this House and in this rule and in this Congress, the majority has offered an unprecedented number of amendments to all forms of legislation heretofore not seen in the 111th or forbearing Congresses.

The amendment today that I would like to discuss is one that reaches far down into this bill to strip out a very small amount of money for a town where I come from. Now, I know that many people don't know where Hornell, New York, is. It's a small town. It's not on the big maps of the geopolitical world, but it's where I'm from. And in fact, in that town, once a center of a bustling train industry, is a small YMCA.

And that YMCA, like many around rural America, is a community center that offers not only its basic functions but, in this case, is actually a functioning gym for a small St. Ann's Catholic school. It's also a cardiovascular rehabilitation center for a local St. James private hospital.

With unprecedented transparency and, frankly, a small amount of pride, I have fought to place not billions, not hundreds of millions, not even tens of millions, but a very small amount of money to service and return a fair value of taxation back to the community.

What I proposed to do and what I am fighting against by stopping an amendment that would strip that out, with an open heart and an open conversation with those on the other side of the aisle that would deny the citizens of this small town a return for their tax investment, is to help that small community in whatever way possible.

I rise in support of this bill and this rule in support of the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the rule in the legislation H.R. 3288, the Transportation Appropriating bill. In particular, I want to express my support for the passenger rail funding within the bill that amounts to $4 billion.

President Obama, Chairman OLVER, and my colleagues on the appropriations committee have demonstrated their commitment to passenger and high-speed rail by providing funding in this bill that would enable the urban, suburban, and rural communities in America to be connected by a system that will deliver both safe, swift, efficient, and economical travel across our Nation.

Texas, in particular, and the congressional delegation, needs passenger and high-speed rail, and we know that throughout the country it's needed. Funding for high- and higher-speed rail will reduce congestion and pollution, create jobs, and connect communities.

The deployment of rail throughout the designated corridors in my State and throughout the country and my district is something that's drastically needed and will help enhance business alike. The San Antonio/Austin corridor area is booming and the highway is congested. Developing passenger rail is crucial to the economic development.

It is vital that we preserve the recommended levels of passenger funding in this bill. Our passenger rail system is terribly underdeveloped and underfunded when compared to other nations such as France, Italy, China, and Japan, so we need to make that investment as quickly as possible. And the high-speed rail is needed.

In Texas, we have intellectual capacity and technology to be able to make this happen and make this happen as quickly as possible. My colleagues in south Texas have joined me in support of this effort, and we will hopefully get this bill passed.

As a member of the committee, I want to encourage everyone to support this piece of legislation that allows an opportunity for us to begin to look with that vision to the future. We need to get on board and support the $4 billion funding contained in H.R. 3288 that deals with rail.

I encourage both House and Texas colleagues to support the piece of legislation that we have before us and support the bill.

□ 1130

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

Mr. ARCURI. We have no additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend. This has been an interesting debate. Apparently, there are some discussions, Madam Speaker, going on with our friends on the other side of the aisle.

What I will do at this point is reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I will continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would simply inquire of my friend if it is the intention of the majority to try to amend the rule.

Mr. ARCURI. We are at the present time reviewing that option, and we are looking at it, but I would like, if I may, in the meantime, to make one more point about this bill.

Mr. LINCOLN DIAZ-BALART of Florida. On your time.

If I may, Madam Speaker, I thank my friend. Obviously, I have great respect for him, and I know that he will continue to speak on the merits of the legislation being brought to the floor today.

As confirmed by my friend, it seems that the majority is considering amending the rule, I am told, to eliminate the provision which allows Members to modify the amendatory instructions in their amendments to account for changes in the bill that occurred during the printing process.

It is my understanding that the majority fears that the minority will exploit that provision to change our amendments even though that has not happened thus far.

If this were to take place, I think it would be another example of how the majority is rushing legislation to the floor without giving this system the necessary time to work. If we had an extra day, we wouldn't need this provision at all because the bill would be printed, and the Members could read the bill; but because the Rules Committee and the chairman of the Appropriations Committee are determined to push legislation through without sufficient time for the House to review the legislation, we need this provision in the rule to account for clerical problems. Rather than actually giving Members time to read the bill, they want to run the risk that Members' amendments might not be in order.

So, in short, Madam Speaker, if this amendment to the rule were to take place, I think it would be another example of how the Speaker and the chairman of the Appropriations Committee value their schedules over the rights of Members to be heard on the floor.

I reserve the balance of my time.

Mr. ARCURI. I thank my friend for his comments.

Madam Speaker, this is somewhat of a technical change that we are contemplating, but I would say this: I think what one side or what one person views as rushing a piece of legislation the other side can very well argue is necessary and that we need to do it.

One of the things that I hear from constituents at home is, you know, Congress needs to put aside the partisan bickering and move forward with the people's business. I would submit that that is exactly what we are trying to do. There is nothing more important, obviously, for Congress to do than to ensure that the funding to run the government is available. Now, obviously, both sides of the aisle have dramatic differences on how that funding should occur.

I would submit to my friend from Florida—and I mean that, my good friend and colleague from the Rules Committee—that we have a distinct difference in terms of what a ''timetable'' is. We believe that we are here to ensure that we do the people's business and that it is done and that we do the funding in appropriations bills in a timely fashion. So we are working on that, and we are considering the amendment, and we will have an answer on that very shortly.

Mr. RODRIGUEZ. Will the gentleman yield?

Mr. ARCURI. I will gladly yield to my friend from Texas.

Mr. RODRIGUEZ. In listening to some of the discussions earlier of the amendments that had been brought before and of their concerns that they were not going to be listed, I know that the Rules Committee did the right thing in not considering them since a lot of the amendments that were talked about earlier, Madam Speaker, were amendments that should be dealt more appropriately with the authorizing committees. This is an appropriating bill, and they should not be handled in legislation of this matter. In appropriating bills, we don't have those amendments. They should go with that committee, and we need to respect the committees on the authorizing side to make sure that they do the right thing and that they do the authorizing and not through an appropriating bill.

I know this is a technical matter that will hopefully get dealt with, but in response to the discussions that you had had regarding the previous so-called lack of an opportunity to prepare those amendments, those amendments belong in an authorizing bill and not in an appropriating bill.

Let me just say that this is a major piece of legislation. It's a bill that needs to be passed. Throughout this country, there is a tremendous need for our infrastructure. This is a bill that will allow for an opportunity to create jobs, additional jobs, and that will make things happen, especially for the fast rail system, where it makes an investment and begins to look at resources in that area. That's one of the

areas in this country where we're lacking and where we have to have additional resources.

So I just wanted to take an opportunity to share the importance of making sure that we pass this piece of legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, we are ready to close, but my understanding is that the majority hasn't finalized its amendment to further restrict this process.

For example, with regard to this Transportation-HUD appropriations bill, the original schedule that was put out by the chairman of the Appropriations Committee, before the decision was made to end two centuries of precedent and not permit open rules on appropriations bills, called for 2 days of debate, but the rule they're bringing to the floor limits it, obviously, to 1 day of debate. Now they have an amendment to the rule that, apparently, they want to bring forth to further limit debate. So I am waiting until our colleagues have finalized their amendment to further restrict this process before, obviously, I close.

Having said that, I would ask my friend and colleague if he is ready with his further restrictive amendment. I will yield for the answer.

Mr. ARCURI. With respect to the question, I do take exception to your characterization of it.

Mr. LINCOLN DIAZ-BALART of Florida. The question is: With regard to the amendment to the rule, are you ready with your amendment to the rule?

Mr. ARCURI. We are not ready.

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

Mr. ARCURI. Madam Speaker, first off, may I inquire as to the amount of time left on both sides?

The SPEAKER pro tempore. There are 12 minutes remaining for the gentleman from New York, and there are 15½ minutes remaining for the gentleman from Florida.

Mr. ARCURI. Thank you.

Madam Speaker, I would like to speak just for a couple of more minutes again about the underlying importance of passing this rule and the underlying bill.

I think there is nothing more important than transportation and infrastructure for government to ensure exists. When you look back at the history of this great institution, the first standing committee was, in fact, the Transportation and Infrastructure Committee, although then not called by that very name, but it was critically important. The framers saw the importance of having an infrastructure, of having the ability to render our ports navigable and of having functional roads. At that time, of course, rail and airlines were not even imagined, but as we transformed our Nation, it became a critical part of our infrastructure. So it is my belief that this rule and the underlying bill are critically important.

Madam Speaker, at this time, I would like to lay out on the record the amendment that we may be offering.

The amendment to the rule is, actually, rather minor. The amendment will strike from the rule a provision that is no longer necessary. There was some concern that the final version of the GPO print might not have the same page and line numbers as the ordered reported version. That did not occur, so the language in the rule to preserve the Members' rights to fix their amendments is no longer needed.

As I indicated earlier, it is clear that this proposed amendment—again, we have not offered it yet—is really of a technical nature to allow for a correction in the rule that was passed yesterday out of the Rules Committee.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, if the amendment is so simple, as my friend has pointed out, where is it?

I reserve the balance of my time.

Mr. ARCURI. May I reclaim my time?

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. ARCURI. Thank you, Madam Speaker, and I thank my friend for his cooperation in this.

As I indicated earlier, we are considering offering this amendment. With that, I would again just like to talk a little bit more about the underlying bill.

The bill that we are considering today, the THUD bill, is, again, important at this time. With our economy in the state that it is in, clearly, many people believe that the best thing that we can do for the economy is to spend on and to develop our infrastructure. It is that which we are supposed to do and that which we are asked to do.

One of the things in the Transportation and Infrastructure Committee on which we debate on a very regular basis is the surface transportation reauthorization bill, which will come up this year. We clearly believe that it is critically important, that it is important not only for our infrastructure but as a way of creating jobs. It is what we were sent to Congress to do, which is to ensure that our roads are safe, to ensure that our airports run and function the way they are supposed to and to ensure that our rail transportation infrastructure is what it should be.

Madam Speaker, I would say, at this time, we have decided that we will not be offering the amendment. Therefore, I would reserve the balance of my time, and I am prepared to close.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend. He had described the amendment, and I had argued against it. Now the decision has come not to make it, not to propose the amendment further limiting this process. So I thank my friend for having obtained a decision from his side of the aisle.

□ 1145

At this point, Madam Speaker, I yield such time as he may consume to my good friend the ranking member, Mr. DREIER.

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

Mr. DREIER. Madam Speaker, I as always thank my friend from Miami for yielding me this time.

I have to say I was sitting downstairs watching the proceedings here on the floor, and I have to admit, I have been privileged to serve for nearly 2 decades on the House Rules Committee, and for 8 of those years, I was privileged to serve as chairman of the House Rules Committee. I think we've moved into uncharted waters. I know that there have been difficulties and the challenge of trying to amend rules before in the past, and it has often been done by unanimous consent where we've had a bipartisan consensus that some minor technical change needed to be made. Well, that doesn't appear to be the case right now, Madam Speaker.

As I've listened to the exchanges take place between my friend from Utica and my friend from Miami, I have to admit to being just a little bit confused. And I suspect that a number of our colleagues that don't have the opportunity to serve on the Rules Committee may be equally confused.

I think that the bottom line here is very clear. I heard a new Member from New York take the floor earlier and decry the number of amendments that have been filed by Members of the minority, indicating that this was somehow unprecedented. Well, the only thing that is unprecedented here, Madam Speaker, is the fact—and I'm sure that Mr. DIAZ-BALART has pointed this out throughout the debate—is the fact that we have never before in the history of our Republic gotten to what now I guess is appropriations bill number 10—number 9—anyway, and we've nearly completed the appropriations process. I know that after this bill we will have the Defense appropriations bill, and everyone's holding up numbers for me, Madam Speaker. I have to say that I appreciate it. I guess we've got two left after this. You all on both sides of the aisle are helping me make my point.

Never before in the history of the Republic have we seen the appropriations process closed down from the very beginning. We began the process, what was described in old Congress as a modified open rule which required preprinting, which did restrict the rights of Members. Then we got to the point where within after 20 minutes of debate under that modified open rule, we shut down the process and required the filing of amendments.

And now, here we are with two appropriations bills left, and the Rules Committee members during debate are seeing some sort of conflict taking place I

believe between the Appropriations Committee and the Rules Committee, and one of the things that we pointed to throughout the debate on these last eight or nine appropriations bills has been the fact that the Rules Committee has really been controlled by the Appropriations Committee. I mean, the entire body has been controlled by the chairman of the Appropriations Committee, because the Rules Committee has simply marched in lockstep to the requests that the distinguished chairman of the Appropriations Committee has made.

Again, it's unprecedented, and the exchange that I've just seen taking place here on the House floor is unprecedented, and I hope that we can learn from this, Madam Speaker, we can learn that there is something called regular order. And all that means is the Democrats and Republicans, the representatives of the American people, the representatives of Democrats, Republicans, Independents and people who aren't even registered to vote across the country, can have their voice heard in the appropriations process, as has been the case for 220 years, if we could have what is known as an open amendment process.

Again, this is not about Republicans. It's not about Democrats. It's about the American people and their voice, their voice in the people's House, which is what this place is known as.

And so, Madam Speaker, it saddens me that we've come to this point, and I hope that my friend from Utica and my friend from Miami will somehow be able in the next few minutes to be able to bring about a reconciliation on this challenge that we've been following.

Mr. LINCOLN DIAZ-BALART of Florida. I ask my friend, he has no additional speakers?

Mr. ARCURI. I have no additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank him for obtaining a decision from his leadership and in effect not moving forward with an amendment to further limit, further restrict a restrictive rule.

I'm going to be asking for a ''no'' on the previous question, Madam Speaker, so that we can amend this rule so we can go back to regular order, so that we can allow for an open process of debate. There is no question that this rule that the majority has brought forth will help or contribute to cementing a dangerous precedent that the majority continued to set last month. It will further damage bipartisanship and comity in this body.

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

I think it's more unfortunate what the majority has done, and they realize overturning two centuries of precedent is a significant action, and it will inure to the detriment of each and every Member and the constituents of each and every Member of this House forever.

As I said before, majorities are never permanent. My distinguished colleague on the Rules Committee who's serving his first term, member of the majority party said, I've never seen an open rule on an appropriations process—I'm paraphrasing him—but I don't expect to be in the majority forever, and so one day I expect to see an open rule on an appropriations bill.

Well, that was an illustrative statement in many ways, one that he recognizes that the trend that has been set by the majority of restricting the debate process on appropriations bills has now been set in a fairly definitive form, but he expects that in the future majorities will act differently. And that may not be the case, because once precedents are broken, new precedent exists for future majorities, and that would be most unfortunate if forever the Members of this House are denied the ability to introduce amendments in an open process on appropriations bills.

So, Madam Speaker, I thank you for your courtesy, and I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

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

Mr. ARCURI. Madam Speaker, I'd like to thank my good friend from Miami for his cooperation in management of this rule and for his courtesy in that regard. I appreciate it very much.

Madam Speaker, the Transportation-HUD Appropriations Act funds some of the most important initiatives that pay for everything from roads, bridges and railroads to housing for veterans and low-income families. In my opening remarks, I discussed the critical investments that this bill would make in our transportation system. This bill also invests in housing programs for vulnerable populations, including retirees, people with disabilities, veterans, and even children. The funding is even more essential during these tough economic times.

This bill includes funding to address the problem of homelessness among our veterans. All too often the men and women who sacrifice the most for our freedom are hit the hardest during times of economic crisis. We owe our veterans the utmost respect and gratitude for their service, and we must honor the commitment made to them. They should not have to return home to be confronted by the possibility of poverty or homelessness. To address this, H.R. 3288 includes $75 million for veterans affairs housing vouchers to provide 10,000 of these vouchers for our homeless veterans.

It provides $8.7 billion to provide affordable housing to 1.3 million low-income families and individuals, two-thirds of whom are elderly or disabled. It includes another $1 billion to rehabilitate and build new housing for low-income seniors. Currently there are 10 eligible seniors on the waiting list for each unit of available housing. In America, it is unacceptable that our Greatest Generation is faced with this shortage.

H.R. 3288 also contains important investments to revitalize our local communities, including $4.6 billion for community development block grants, $25 million for brownfields redevelopment, and $250 million to fund the Hope VI competitive grants program to transform neighborhoods of extreme poverty into sustainable mixed-income neighborhoods through the demolition of severely distressed public housing.

Madam Speaker, housing and transportation are two areas that must be priorities, especially when the economy slows. The funding that H.R. 3288 provides for these programs will ensure that jobs continue to be created and that our Nation's economy continues to recover. I urge my colleagues to vote ''yes'' on the previous question and on the rule.

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

AMENDMENT TO H. RES. 669 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

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

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

The previous question was ordered.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. 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, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

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

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

The Clerk read as follows:

Whereas, on May 25, 2007, U.S. District Court Judge Oliver W. Wanger issued a ruling that directed the Bureau of Reclamation to reduce water exports from the Sacramento-San Joaquin River Delta to protect a three-inch minnow called the Delta smelt;

Whereas, on December 15, 2008, the United States Fish and Wildlife Service, based on the Wanger Ruling, issued a Biological Opinion on the Delta smelt that permanently reduced water export from the Sacramento-San Joaquin River Delta which is traditionally delivered to cities and farms in the San Joaquin Valley and the Los Angeles and San Diego basins;

Whereas according to a University of California at Davis study, based on the water reductions outlined in the Delta smelt Biological Opinion, revenue losses in the San Joaquin Valley of California for 2009 will be $2.2 billion and job losses at 80,000;

Whereas according to the U.S. Bureau of Labor Statistics, the unemployment rate in the San Joaquin Valley has reached the highest level in the Nation;

Whereas region wide unemployment in the San Joaquin Valley of California is nearly 20 percent and some cities have an unemployment rate of 40 percent;

Whereas thousands of people who once relied on employment in the agricultural sector are now unemployed and struggling to meet their most basic needs, such as providing food for their families;

Whereas, on March, 1, 2009, the Sacramento Bee reported thousands of people have been turned away from local food banks as supplies are not ample enough to meet local needs;

Whereas, on April 14, 2009, the Fresno County, California, Board of Supervisors proclaimed that the man-made drought has created an economic crisis;

Whereas on June 4, 2009, despite the ongoing man-made drought in California, the National Marine Fisheries Service issued a new Biological Opinion on the spring-run Chinook salmon, Central Valley steelhead, the southern population of North American green sturgeon, and Southern Resident killer whales which further reduces water supplies to Californians;

Whereas, on June 19, 2009, California's Governor Arnold Schwarzenegger declared a state of emergency for Fresno County, California, and petitioned President Barack Obama to declare the county a Federal disaster area;

Whereas on June 28, 2009, the Secretary of the Interior Ken Salazar visited Fresno, California, and held a town hall meeting in which nearly 1,000 people attended to express their dissatisfaction with the lack of action by the Obama Administration;

Whereas, on July 6, 2009, the Los Angeles Times reported that during Interior Secretary Ken Salazar's town hall meeting on June 28, 2009, the Commissioner of the Bureau of Reclamation, Mike Connor, pledged to provide financial aid to starving families and an audience member replied ''we don't want welfare, we want water'';

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that hundreds of San Joaquin Valley farmers protested outside the Federal Building Plaza in San Francisco which houses Speaker Nancy Pelosi's district office;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported the protestors blamed Speaker Nancy Pelosi and Congressman George Miller for the water shortage in the San Joaquin Valley;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that protestors were holding signs that said ''ESA Puts Fish Ahead of People'', ''Congress Created Drought'', and ''New Endangered Species: The California Farmer'';

Whereas, on July 1, 2009, the Fresno Bee reported that a crowd of 4,000 marched through the streets of Fresno, California, to demand that the Federal Government end the man-made drought;

Whereas, on June 18, 2009, the Democrat leadership held open Roll Call Vote 366 for the purpose of changing the outcome of the vote;

Whereas during this vote, House Democrat leadership was seen on the House floor pressuring Members of Congress to change their Aye vote to a Nay vote in order to defeat the Nunes Amendment which would have helped to relieve the water crisis in California;

Whereas, on July 8, 2009, during the mark-up on the Energy and Water Development and Related Agencies Appropriations Act, 2010, a debate was held on the Calvert Amendment which would have restored water deliveries to Californians;

Whereas during the mark-up, the Chairman of the Appropriations Committee, David Obey, said ''Recognize there are certain actions, that if you take, this bill won't pass, your earmarks in the bill won't become law'';

Whereas Chairman Obey violated Clause 16 of House Rule 23 by linking passage of the Calvert Amendment to loss of earmarks;

Whereas, on July 14, 2009, despite historical tradition of open rules during the appropriations process, the Rules Committee blocked an amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2010 that would have restored water deliveries to Californians;

Whereas, for two years, the House of Representatives has known about the man-made drought in California without taking legislative action to resolve the crisis;

Whereas the lack of action by the House of Representatives has demonstrated that fish are more important than families;

Whereas article 1, section 8 of the United States Constitution enumerates that the Congress shall have the power to provide for the general welfare of the United States;

Whereas the House of Representatives has willfully and knowingly failed to provide for the general welfare of the San Joaquin Valley of California; and

Whereas the failure of the House of Representatives to carry out its duties has subjected the House to public ridicule and damaged the dignity and integrity of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Natural Resources is instructed to discharge H.R.

3105, the Turn on the Pumps Act of 2009, for immediate consideration by the House of Representatives.

□ 1200

The SPEAKER pro tempore. Does the gentleman from California wish to present an argument on why the resolution qualifies as privileged for immediate consideration?

Mr. NUNES. Yes, Madam Speaker.

The SPEAKER pro tempore. The gentlemen from California is recognized.

Mr. NUNES. Under rule IX, questions of the privileges of the House are those that affect its rights collectively, its safety, dignity, and the integrity of its proceedings.

Madam Speaker, this privileged resolution allows us to rectify the problems that the Democrat leadership has created out in California. If we move forward with this today, 40,000 people can go back to work and we can move on and everybody will be fine.

So I urge the passing of this resolution today, and I yield back.

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

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

The Chair finds that the resolution offered by the gentleman from California, by directing action with respect to a bill that is pending before a standing committee, prescribes a rule or order of business. Under a long and well-settled line of precedent presently culminating in the ruling of July 17, 2009, such a resolution cannot qualify as a question of the privileges of the House.

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

Mr. NUNES. Madam Speaker, I appeal the ruling of the Chair.

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

MOTION TO TABLE

Mr. JACKSON of Illinois. Madam Speaker, I move to table the appeal of the ruling of the Chair.

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

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

Mr. NUNES. 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, this 15-minute vote on the motion to lay the appeal on the table will be followed by 5-minute votes on:

Adopting House Resolution 669; and suspending the rules and adopting House Resolution 566 and House Resolution 350.

The vote was taken by electronic device, and there were—yeas 249, nays 179, not voting 5, as follows:

[Roll No. 616]

YEAS—249

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

NAYS—179

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

NOT VOTING—5

Bishop (UT)
Hastings (FL)
McCarthy (NY)
Rangel
Stark

□ 1232

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

Messrs. CONYERS and FOSTER changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 669, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 183, not voting 15, as follows:

[Roll No. 617]

YEAS—235

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

NAYS—183

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

NOT VOTING—15

Bishop (UT)
Blunt
Cantor
Fleming
Gingrey (GA)
Kline (MN)
Lewis (GA)
McCarthy (NY)
Olver
Peterson
Ryan (WI)
Schauer
Speier
Stark
Wittman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1239

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING NBA CHAMPION LOS ANGELES LAKERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 566, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 566.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 8, answered ''present'' 8, not voting 4, as follows:

[Roll No. 618]

YEAS—413

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

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

NAYS—8

Carney
Grayson
Johnson (IL)
Lummis
Paul
Perlmutter
Roe (TN)
Sensenbrenner

ANSWERED ''PRESENT''—8

Bartlett
Courtney
Donnelly (IN)
Hodes
LaTourette
Petri
Poe (TX)
Shea-Porter

NOT VOTING—4

Bishop (UT)
Carnahan
Larsen (WA)
McCarthy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1246

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.

HONORING THE LIFE OF HARRY KALAS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 350, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 350.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 619]

YEAS—426

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

NOT VOTING—7

Bean
Bishop (UT)
Costello
McCarthy (NY)
Mica
Pence
Schrader

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left on this vote.

□ 1253

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OLVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 3288.

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

There was no objection.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 669 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3288.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Iowa (Mr. LATHAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume, and hopefully that will be less than 5 minutes.

Mr. Chairman, it is my privilege and pleasure to present the fiscal year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill to the House. This bill is the product of many hours of hearings and briefings, always with bipartisan input and excellent subcommittee member participation. I especially would like to recognize the important contributions of my ranking member, TOM LATHAM, in putting this bill together. And as with any healthy relationship, we do not always agree, but I greatly appreciate his partnership, and his input has made the bill better.

I also want to take a moment to recognize the hard work of staff, specifically on the minority side, Dena Baron, David Gibbons, Allison Fox and Doug Bobbitt; and on the majority side, Kate Hallahan, Laura Hogshead, Dave Napoliello, Lisa Pena, Alex Gillen, Janine Scianna, Andrew Burton and Blair Anderson. They have spent many late nights putting this bill together, and we would not be here today without their dedication.

There has been close communication and coordination between the minority and the majority staffs throughout this process, and the bill is better for that input.

Recognizing that today may be long, my remarks will be brief. This is a nonpartisan bill, as bills related to transportation and housing should be. It invests in our Nation's infrastructure during a transformational period for both the Department of Transportation and the Department of Housing and Urban Development. The bill provides $123.1 billion in total budgetary resources, $48 million below the President's budget request. Within Housing and Urban Development, this bill recognizes that foreclosure rates remain high and the current economic climate and weak job market have increased demand for affordable housing. To that extent, this bill provides $47.1 billion for HUD and targets most of the $1.6 billion increase over the President's budget to programs that the previous administration repeatedly attempted to reduce or zero out and thus have not kept up with the need.

In contrast, Transportation is a budget in flux, largely covering programs that are in transition with major surface and aviation authorizations pending. The authorizing committees of jurisdiction in both the House and Senate have either passed or begun marking up multi-year legislation to reform and extend these important infrastructure programs. In that regard, the bill includes $75.8 billion in transportation infrastructure investments. That is $1.66 billion below the President's request.

Last, I want to note that in supporting the transformations taking place at each Department, this bill has emphasized investments in five key areas: one, building healthy communities with environmentally sustainable solutions; two, maintaining services in rural communities; three, supporting vulnerable populations; four, investing in the national infrastructure; and, five, ensuring transportation safety.

In conclusion, we worked hard to balance many competing needs to produce a bill that reflects the bipartisan needs of transportation and housing. I'm pleased with the product, and I urge Members to support it.

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	98,248	103,184	102,556	+4,308	-628
Immediate Office of the Secretary	(2,400)	---	(2,631)	(+231)	(+2,631)
Immediate Office of the Deputy Secretary	(759)	---	(986)	(+227)	(+986)
Office of the General Counsel	(19,838)	---	(20,359)	(+521)	(+20,359)
Office of the Under Secretary of Transportation for Policy	(10,107)	---	(11,100)	(+993)	(+11,100)
Office of the Assistant Secretary for Budget and Programs	(10,200)	---	(10,559)	(+359)	(+10,559)
Office of the Assistant Secretary for Governmental Affairs	(2,400)	---	(2,440)	(+40)	(+2,440)
Office of the Assistant Secretary for Administration	(26,000)	---	(25,520)	(-480)	(+25,520)
Office of Public Affairs	(2,020)	---	(2,055)	(+35)	(+2,055)
Office of the Executive Secretariat	(1,595)	---	(1,658)	(+63)	(+1,658)
Office of Small and Disadvantaged Business Utilization	(1,369)	---	(1,433)	(+64)	(+1,433)
Office of Intelligence, Security, and Emergency Response	(8,675)	---	(10,600)	(+1,925)	(+10,600)
Office of the Chief Information Officer	(12,885)	---	(13,215)	(+330)	(+13,215)
Supplemental discretionary grants for national service transportation system (emergency) (P.L. 111-5)	1,500,000	---	---	-1,500,000	---
Financial management capital	5,000	5,000	5,000	---	---
Office of Civil Rights	9,384	9,667	9,667	+283	---
Rescission of excess compensation for air carriers	-848	---	---	+848	---
Transportation planning, research, and development	18,300	10,233	14,733	-3,567	+4,500
Working capital fund	(128,094)	---	(147,596)	(+19,502)	(+147,596)
Minority business resource center program	912	912	912	---	---
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)	---	---
Minority business outreach	3,056	3,074	3,074	+18	---
Payments to air carriers (Airport & Airway Trust Fund)	73,013	125,000	125,000	+51,987	---
Emergency appropriations (P.L. 111-32)	13,200	---	---	-13,200	---
Total, Office of the Secretary	1,720,265	257,070	260,942	-1,459,323	+3,872
Appropriations	(207,913)	(257,070)	(260,942)	(+53,029)	(+3,872)
Rescissions	(-848)	---	---	(+848)	---
Emergency appropriations	(1,513,200)	---	---	(-1,513,200)	---
Federal Aviation Administration					
Operations	9,042,467	9,335,798	9,347,168	+304,701	+11,370
Air traffic organization	(7,098,322)	---	(7,300,739)	(+202,417)	(+7,300,739)
Aviation safety	(1,164,597)	---	(1,231,765)	(+67,168)	(+1,231,765)
Commercial space transportation	(14,094)	---	(14,737)	(+643)	(+14,737)
Financial services	(111,004)	---	(113,681)	(+2,677)	(+113,681)
Human resource management	(96,091)	---	(100,428)	(+4,337)	(+100,428)
Region and center operations	(331,000)	---	(341,977)	(+10,977)	(+341,977)
Staff offices	(180,859)	---	(196,063)	(+15,204)	(+196,063)
Information services	(46,500)	---	(49,778)	(+3,278)	(+49,778)
Facilities & equipment (Airport & Airway Trust Fund)	2,742,095	2,925,202	2,925,202	+183,107	---
Supplemental funding for facilities and equipment (emergency) (P.L. 111-5)	200,000	---	---	-200,000	---
Research, engineering, and development (Airport & Airway Trust Fund	171,000	180,000	195,000	+24,000	+15,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization)	(3,600,000)	(3,000,000)	(3,000,000)	(-600,000)	---
(Limitation on obligations)	(3,514,500)	(3,515,000)	(3,515,000)	(+500)	---
Small community air service development program	(8,000)	---	---	(-8,000)	---
Administration	(87,454)	(93,422)	(93,422)	(+5,968)	---
Airport Cooperative Research Program	(15,000)	(15,000)	(15,000)	---	---
Airport technology research	(19,348)	(22,472)	(22,472)	(+3,124)	---
Rescission of contract authority (BY AIP)	-80,000	---	---	+80,000	---
Rescission of contract authority (P.L. 111-32)	-13,200	---	---	+13,200	---
Subtotal	(3,421,300)	(3,515,000)	(3,515,000)	(+93,700)	---
Supplemental discretionary grants for airport investment (emergency) (P.L. 111-5)	1,100,000	---	---	-1,100,000	---
Total, Federal Aviation Administration	13,162,362	12,441,000	12,467,370	-694,992	+26,370
Appropriations	(11,955,562)	(12,441,000)	(12,467,370)	(+511,808)	(+26,370)
Rescissions of contract authority	(-93,200)	---	---	(+93,200)	---
Emergency appropriations	(1,300,000)	---	---	(-1,300,000)	---
(Limitations on obligations)	(3,514,500)	(3,515,000)	(3,515,000)	(+500)	---
Total budgetary resources less emergencies	(15,376,862)	(15,956,000)	(15,982,370)	(+605,508)	(+26,370)
Federal Highway Administration					
Limitation on administrative expenses	(390,000)	(415,396)	(413,533)	(+23,533)	(-1,863)
Federal-aid highways (Highway Trust Fund):					
(Liquidation of contract authorization)	(41,439,000)	(33,000,000)	(41,846,000)	(+407,000)	(+8,846,000)
(Limitation on obligations)	(40,700,000)	(5,000,000)	(41,107,000)	(+407,000)	(+36,107,000)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
General Fund share	---	36,107,000	---	---	-36,107,000
Appalachian development highway system	9,500	---	---	-9,500	---
Denali Access System	5,700	---	---	-5,700	---
Surface transportation projects	161,327	---	125,700	-35,627	+125,700
Additional TCSP (subject to limitation)	143,031	---	---	-143,031	---
Rescission of contract authority (Highway Trust Fund)	-3,150,000	---	---	+3,150,000	---
Administration (rescission of contract authority)	-33,401	---	---	+33,401	---
Research (rescission of contract authority)	-11,757	---	---	+11,757	---
Highway infrastructure investment (emergency) (P.L. 111-5)	27,500,000	---	---	-27,500,000	---
Total, Federal Highway Administration	24,624,400	36,107,000	125,700	-24,498,700	-35,981,300
Appropriations	(319,558)	(36,107,000)	(125,700)	(-193,858)	(-35,981,300)
Rescissions of contract authority	(-3,195,158)	---	---	(+3,195,158)	---
Emergency appropriations	(27,500,000)	---	---	(-27,500,000)	---
(Limitations on obligations)	(40,700,000)	(5,000,000)	(41,107,000)	(+407,000)	(+36,107,000)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources less emergencies	(37,824,400)	(41,107,000)	(41,232,700)	(+3,408,300)	(+125,700)
Federal Motor Carrier Safety Administration					
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	(234,000)	(234,000)	(239,828)	(+5,828)	(+5,828)
(Limitation on obligations)	(234,000)	(239,828)	(239,828)	(+5,828)	---
Motor carrier safety grants (Highway Trust Fund) (Liquidation of contract authorization)	(307,000)	(289,000)	(310,070)	(+3,070)	(+21,070)
(Limitation on obligations)	(307,000)	(310,070)	(310,070)	(+3,070)	---
National motor carrier safety program (HTF) (rescission of contract authority)	-19,572	---	---	+19,572	---
Motor carrier safety (HTF) (rescission of contract authority)	-2,231	---	---	+2,231	---
Motor carrier safety grants (HTF) (rescission of contract authority)	-6,503	---	---	+6,503	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Motor carrier safety operations and programs (HTF) (rescission of contract authority)	-4,839	---	---	+4,839	---
Total, Federal Motor Carrier Safety Admin	-33,145	---	---	+33,145	---
(Limitations on obligations)	(541,000)	(549,898)	(549,898)	(+8,898)	---
Total budgetary resources	(507,855)	(549,898)	(549,898)	(+42,043)	---
National Highway Traffic Safety Administration					
Operations and research (general fund)	127,000	129,774	131,736	+4,736	+1,962
Operations and research (Highway Trust Fund)					
(Liquidation of contract authorization)	(105,500)	(82,000)	(108,642)	(+3,142)	(+26,642)
(Limitation on obligations)	(105,500)	(107,329)	(108,642)	(+3,142)	(+1,313)
Subtotal, Operations and research	(232,500)	(237,103)	(240,378)	(+7,878)	(+3,275)
National driver register (general fund)	---	---	3,350	+3,350	+3,350
National driver register (Highway Trust Fund)					
(Liquidation of contract authorization)	(4,000)	(4,078)	(4,000)	---	(-78)
(Limitation on obligations)	(4,000)	(4,078)	(4,000)	---	(-78)
Subtotal, National driver register	4,000	4,078	7,350	+3,350	+3,272
Highway traffic safety grants (Highway Trust Fund)					
(Liquidation of contract authorization)	(619,500)	(626,047)	(619,500)	---	(-6,547)
(Limitation on obligations)	(619,500)	(626,047)	(619,500)	---	(-6,547)
Highway safety programs (23 USC 402)	(235,000)	---	(235,000)	---	(+235,000)
Occupant protection incentive grants(23 USC 405)	(25,000)	---	(25,000)	---	(+25,000)
Safety belt performance grants (23 USC 406)	(124,500)	---	(124,500)	---	(+124,500)
State traffic safety information system improvement grants (23 USC 408)	(34,500)	---	(34,500)	---	(+34,500)
Alcohol-impaired driving countermeasures grants (23 USC 410)	(139,000)	---	(139,000)	---	(+139,000)
High visibility enforcement	(29,000)	---	(29,000)	---	(+29,000)
Child safety and booster seat grants	(7,000)	---	(7,000)	---	(+7,000)
Motorcyclist safety	(7,000)	---	(7,000)	---	(+7,000)
Grant administration	(18,500)	---	(18,500)	---	(+18,500)
Operations and research (rescission of contract authority)	-10,900	---	---	+10,900	---
National driver register (rescission of contract authority)	-544	---	---	+544	---
Highway traffic safety grants (rescission of contract authority)	-60,200	---	---	+60,200	---
Subtotal	(551,856)	(630,125)	(626,850)	(+74,994)	(-3,275)
Total, National Highway Traffic Safety Admin	55,356	129,774	135,086	+79,730	+5,312
Appropriations	(127,000)	(129,774)	(135,086)	(+8,086)	(+5,312)
Rescissions of contract authority	(-71,644)	---	---	(+71,644)	---
(Limitations on obligations)	(729,000)	(737,454)	(732,142)	(+3,142)	(-5,312)
Total budgetary resources	(784,356)	(867,228)	(867,228)	(+82,872)	---
Federal Railroad Administration					
Safety and operations	159,445	168,770	172,533	+13,088	+3,763
Railroad research and development	33,950	34,145	34,145	+195	---
Capital assistance to States - Intercity Passenger Rail Service	90,000	---	---	-90,000	---
Capital assistance for high speed rail corridors and intercity passenger rail service	---	1,000,000	4,000,000	+4,000,000	+3,000,000
Emergency appropriations (P.L. 111-5)	8,000,000	---	---	-8,000,000	---
Subtotal	8,000,000	1,000,000	4,000,000	-4,000,000	+3,000,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rail line relocation and improvement program	25,000	---	40,000	+15,000	+40,000
National Railroad Passenger Corporation					
Operating grants to the National Railroad Passenger Corporation	550,000	572,348	553,348	+3,348	-19,000
Office of Inspector General	---	---	19,000	+19,000	+19,000
Capital grants to the National Railroad Passenger Corporation	940,000	929,625	929,625	-10,375	---
Grants to the National Railroad Passenger Corporation (emergency)(P.L. 111-5)	1,300,000	---	---	-1,300,000	---
Efficiency incentive grants to the National Railroad Passenger Corporation (rescission)	-36,834	---	---	+36,834	---
Total, National Railroad Passenger Corporation	2,753,166	1,501,973	1,501,973	-1,251,193	---
Total, Federal Railroad Administration	11,061,561	2,704,888	5,748,651	-5,312,910	+3,043,763
Appropriations	(1,798,395)	(2,704,888)	(5,748,651)	(+3,950,256)	(+3,043,763)
Rescissions	(-36,834)	---	---	(+36,834)	---
Emergency appropriations	(9,300,000)	---	---	(-9,300,000)	---
Federal Transit Administration					
Administrative expenses	94,413	97,478	97,478	+3,065	---
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	(8,670,000)	(8,852,000)	(8,852,000)	(+182,000)	---
(Limitation on obligations)	(8,260,565)	(5,000,000)	(8,343,171)	(+82,606)	(+3,343,171)
General Fund share	---	3,343,171	---	---	-3,343,171
Rescission of current year contract authority	-100,000	---	---	+100,000	---
Subtotal	(8,160,565)	(8,343,171)	(8,343,171)	(+182,606)	---
Research and University Research Centers	67,000	67,670	65,670	-1,330	-2,000
Capital investment grants	1,809,250	1,827,343	1,827,343	+18,093	---
Emergency appropriations (P.L 111-5)	750,000	---	---	-750,000	---
Subtotal	2,559,250	1,827,343	1,827,343	-731,907	---
Washington Metropolitan Area Transit Authority capital and preventive maintenance	---	---	150,000	+150,000	+150,000
Transit capital assistance (emergency) (P.L. 111-5)	6,900,000	---	---	-6,900,000	---
Fixed guideway infrastructure investment (emergency) (P.L. 111-5)	750,000	---	---	-750,000	---
Total, Federal Transit Administration	10,270,663	5,335,662	2,140,491	-8,130,172	-3,195,171
Appropriations	(1,970,663)	(5,335,662)	(2,140,491)	(+169,828)	(-3,195,171)
Rescissions of contract authority	(-100,000)	---	---	(+100,000)	---
Emergency appropriations	(8,400,000)	---	---	(-8,400,000)	---
(Limitations on obligations)	(8,260,565)	(5,000,000)	(8,343,171)	(+82,606)	(+3,343,171)
Total budgetary resources less emergencies	(10,131,228)	(10,335,662)	(10,483,662)	(+352,434)	(+148,000)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance TF)	31,842	32,324	32,324	+482	---
Maritime Administration					
Maritime security program	174,000	174,000	174,000	---	---
Operations and training	123,360	152,900	140,900	+17,540	-12,000
Ship disposal	15,000	15,000	15,000	---	---
Assistance to small shipyards	17,500	---	---	-17,500	---
Emergency appropriations (P.L. 111-5)	100,000	---	---	-100,000	---
Subtotal	117,500	---	---	-117,500	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Maritime Guaranteed Loan (Title XI) Program Account:					
Administrative expenses	3,531	3,630	3,630	+99	---
Ship construction (rescission)	-1,383	---	---	+1,383	---
Total, Maritime Administration	432,008	345,530	333,530	-98,478	-12,000
Appropriations	(333,391)	(345,530)	(333,530)	(+139)	(-12,000)
Rescissions	(-1,383)	---	---	(+1,383)	---
Pipeline and Hazardous Materials Safety Administration					
Hazardous materials safety	32,000	35,500	36,500	+4,500	+1,000
Administrative expenses:					
General Fund	18,491	18,329	19,329	+838	+1,000
Pipeline Safety Fund	639	639	639	---	---
Pipeline Safety information grants to communities	(1,000)	---	(1,000)	---	(+1,000)
Subtotal	(19,130)	(18,968)	(19,968)	(+838)	(+1,000)
Pipeline safety:					
Pipeline Safety Fund	74,481	86,334	86,334	+11,853	---
Oil Spill Liability Trust Fund	18,810	18,905	18,905	+95	---
Subtotal	(93,291)	(105,239)	(105,239)	(+11,948)	---
Emergency preparedness grants:					
Emergency preparedness fund	188	188	188	---	---
Limitation on emergency preparedness fund	(28,318)	(28,318)	(28,318)	---	---
Total, Pipeline and Hazardous Materials Safety Administration	172,927	188,213	190,213	+17,286	+2,000
Research and Innovative Technology Administration					
Research and development	12,900	13,179	12,834	-66	-345
Office of Inspector General					
Salaries and expenses	71,400	74,839	74,839	+3,439	---
Emergency appropriations (P.L. 111-5)	20,000	---	---	-20,000	---
Subtotal	91,400	74,839	74,839	-16,561	---
Surface Transportation Board					
Salaries and expenses	26,847	27,032	29,800	+2,953	+2,768
Offsetting collections	-1,250	-1,250	-1,250	---	---
Total, Surface Transportation Board	25,597	25,782	28,550	+2,953	+2,768
National Infrastructure Bank (legislative proposal)	---	5,000,000	---	---	-5,000,000
Total, title I, Department of Transportation	61,599,818	62,626,943	21,522,212	-40,077,606	-41,104,731
Appropriations	(16,998,830)	(62,626,943)	(21,522,212)	(+4,523,382)	(-41,104,731)
Rescissions	(-39,065)	---	---	(+39,065)	---
Rescission of contract authority	(-3,493,147)	---	---	(+3,493,147)	---
Emergency appropriations	(48,133,200)	---	---	(-48,133,200)	---
(Limitations on obligations)	(53,745,065)	(14,802,352)	(54,247,211)	(+502,146)	(+39,444,859)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources excluding emergencies	(67,211,683)	(77,429,295)	(75,769,423)	(+8,557,740)	(-1,659,872)

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Management and Administration					
Executive direction	23,799	25,969	25,969	+2,170	---
Administration, operations, and management	527,434	537,897	537,897	+10,463	---
Personnel compensation and benefits:					
Public and Indian Housing	190,390	197,074	197,074	+6,684	---
Community Planning and Development	94,234	98,989	98,989	+4,755	---
Housing	363,198	374,887	374,887	+11,689	---
Office of the Government National Mortgage Association	10,000	11,095	11,095	+1,095	---
Policy Development and Research	18,071	21,138	21,138	+3,067	---
Fair Housing and Equal Opportunity	69,021	71,800	71,800	+2,779	---
Office of Heathy Homes and Lead Hazard Control	6,728	7,151	7,151	+423	---
Subtotal	751,642	782,134	782,134	+30,492	---
Total, Management and Administration	1,302,875	1,346,000	1,346,000	+43,125	---
Public and Indian Housing					
Tenant-based rental assistance:					
Renewals	15,200,000	16,189,200	16,387,200	+1,187,200	+198,000
Tenant protection vouchers	150,000	103,000	120,000	-30,000	+17,000
Family self-sufficiency coordinators	---	50,000	60,000	+60,000	+10,000
Administrative fees	1,500,000	1,493,800	1,600,000	+100,000	+106,200
Incremental family unification vouchers	20,000	---	---	-20,000	---
Veterans affairs supportive housing	75,000	---	75,000	---	+75,000
Nonelderly disabled incremental vouchers	30,000	---	---	-30,000	---
Working capital fund (transfer out)	(-7,929)	---	---	(+7,929)	---
Emergency appropriations (P.L. 111-32)	30,000	---	---	-30,000	---
Subtotal	17,005,000	17,836,000	18,242,200	+1,237,200	+406,200
Advance appropriations	4,000,000	4,000,000	4,000,000	---	---
Less appropriations from prior year advances	-4,158,000	-4,000,000	-4,000,000	+158,000	---
Total, Tenant-based rental assistance	16,847,000	17,836,000	18,242,200	+1,395,200	+406,200
Public Housing Capital Fund	2,450,000	2,244,000	2,500,000	+50,000	+256,000
Emergency appropriations (P.L. 111-5)	4,000,000	---	---	-4,000,000	---
Working capital fund (transfer out)	(-14,577)	---	---	(+14,577)	---
Subtotal	6,450,000	2,244,000	2,500,000	-3,950,000	+256,000
Public Housing Operating Fund	4,455,000	4,600,000	4,800,000	+345,000	+200,000
Revitalization of severely distressed public housing	120,000	---	250,000	+130,000	+250,000
Choice neighborhoods	---	250,000	---	---	-250,000
Native American housing block grants	645,000	645,000	750,000	+105,000	+105,000
Emergency appropriations (P.L. 111-5)	510,000	---	---	-510,000	---
Subtotal	1,155,000	645,000	750,000	-405,000	+105,000
Indian housing loan guarantee fund program account	9,000	7,000	7,000	-2,000	---
(Limitation on guaranteed loans)	(420,000)	(919,000)	(919,000)	(+499,000)	---
Native Hawaiian housing block grant	10,000	10,000	12,000	+2,000	+2,000
Native Hawaiian loan guarantee fund program account	1,044	1,044	1,044	---	---
(Limitation on guaranteed loans)	(41,504)	(41,504)	(41,504)	---	---
Total, Public and Indian Housing	29,047,044	25,593,044	26,562,244	-2,484,800	+969,200
Appropriations	(24,507,044)	(25,593,044)	(26,562,244)	(+2,055,200)	(+969,200)
Emergency appropriations	(4,540,000)	---	---	(-4,540,000)	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Community Planning and Development					
Housing opportunities for persons with AIDS	310,000	310,000	350,000	+40,000	+40,000
Working capital fund (transfer out)	(-1,750)	---	---	(+1,750)	---
Rural housing and economic development	26,000	---	---	-26,000	---
Community development fund	3,900,000	4,450,000	4,600,607	+700,607	+150,607
Emergency appropriations (P.L.111-5)	3,000,000	---	---	-3,000,000	---
Working capital fund (transfer out)	(-3,175)	---	---	(+3,175)	---
Subtotal	6,900,000	4,450,000	4,600,607	-2,299,393	+150,607
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(275,000)	(275,000)	(275,000)	---	---
Credit subsidy	6,000	---	6,000	---	+6,000
Brownfields redevelopment	10,000	---	25,000	+15,000	+25,000
HOME investment partnerships program	1,825,000	1,825,000	2,000,000	+175,000	+175,000
Emergency appropriations (P.L.111-5)	2,250,000	---	---	-2,250,000	---
Working capital fund (transfer out)	(-4,200)	---	---	(+4,200)	---
Subtotal	4,075,000	1,825,000	2,000,000	-2,075,000	+175,000
Self-help homeownership opportunity program	64,000	77,000	85,000	+21,000	+8,000
Homeless assistance grants	1,677,000	1,793,715	1,850,000	+173,000	+56,285
Working capital fund (transfer out)	(-2,675)	---	---	(+2,675)	---
Emergency appropriations (P.L.111-5)	1,500,000	---	---	-1,500,000	---
Total, Community Planning and Development	14,568,000	8,455,715	8,916,607	-5,651,393	+460,892
Appropriations	7,818,000	8,455,715	8,916,607	+1,098,607	+460,892
Emergency appropriations	6,750,000	---	---	-6,750,000	---
Housing Programs					
Project-based rental assistance:					
Renewals	6,868,000	7,868,000	8,474,328	+1,606,328	+606,328
Contract administrators	232,000	232,000	232,000	---	---
Working capital fund (transfer out)	(-10,000)	---	---	(+10,000)	---
Subtotal (available this fiscal year)	7,100,000	8,100,000	8,706,328	+1,606,328	+606,328
Advance appropriations	400,000	400,000	393,672	-6,328	-6,328
Less appropriations from prior year advances	---	-400,000	-400,000	-400,000	---
Total, Project-based rental assistance appropriated in this bill	7,500,000	8,100,000	8,700,000	+1,200,000	+600,000
Housing for the elderly	765,000	765,000	1,000,000	+235,000	+235,000
Working capital fund (transfer out)	(-1,600)	---	---	(+1,600)	---
Housing for persons with disabilities	250,000	250,000	350,000	+100,000	+100,000
Working capital fund (transfer out)	(-1,600)	---	---	(+1,600)	---
Housing counseling assistance	65,000	100,000	70,000	+5,000	-30,000
Manufactured housing fees trust fund	16,000	16,000	16,000	---	---
Offsetting collections	-10,600	-7,000	-7,000	+3,600	---
Subtotal	5,400	9,000	9,000	+3,600	---
Green retrofit program for multifamily housing (emergency) (P.L. 111-5)	2,250,000	---	---	-2,250,000	---
Energy Innovation Fund	---	100,000	50,000	+50,000	-50,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rental housing assistance	27,600	40,000	40,000	+12,400	---
Rent supplement (rescission)	-37,600	-27,600	-27,600	+10,000	---
Total, Housing Programs	10,825,400	9,336,400	10,191,400	-634,000	+855,000
Appropriations	(8,623,600)	(9,371,000)	(10,226,000)	(+1,602,400)	(+855,000)
Rescissions	(-37,600)	(-27,600)	(-27,600)	(+10,000)	---
Emergency appropriations	(2,250,000)	---	---	(-2,250,000)	---
Offsetting collections	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(315,000,000)	(400,000,000)	(400,000,000)	(+85,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Offsetting receipts (HECM)	-391,000	---	---	+391,000	---
Positive credit subsidy	---	798,000	---	---	-798,000
Administrative contract expenses	116,000	181,400	181,400	+65,400	---
Additional contract expenses	25,000	14,000	14,000	-11,000	---
Working capital fund (transfer out)	(-46,794)	(-70,794)	(-70,794)	(-24,000)	---
Consumer education and outreach	---	7,500	7,500	+7,500	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(45,000,000)	(15,000,000)	(15,000,000)	(-30,000,000)	---
(Limitation on direct loans)	(50,000)	(20,000)	(20,000)	(-30,000)	---
Offsetting receipts	-140,000	-140,000	-140,000	---	---
Credit subsidy	8,600	8,600	8,600	---	---
Right of first refusal (Sec. 237)	5,000	---	---	-5,000	---
rescission of prior year balances	-5,000	---	---	+5,000	---
Administrative contract expenses	47,871	---	---	-47,871	---
Consumer education and outreach	1,000	---	---	-1,000	---
Total, Federal Housing Administration	-332,529	869,500	71,500	+404,029	-798,000
Government National Mortgage Association (GNMA)					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(300,000,000)	(500,000,000)	(500,000,000)	(+200,000,000)	---
Offsetting receipts	-170,000	-720,000	-720,000	-550,000	---
Additional offsetting receipts	-23,000	---	---	+23,000	---
Additional contract expenses	12,000	---	---	-12,000	---
Total, Gov't National Mortgage Association	-181,000	-720,000	-720,000	-539,000	---
Policy Development and Research					
Research and technology	58,000	50,000	50,000	-8,000	---
Fair Housing and Equal Opportunity					
Fair housing activities	53,500	72,000	72,000	+18,500	---
Office of Lead Hazard Control					
Lead hazard reduction	140,000	140,000	140,000	---	---
Emergency appropriations (P.L. 111-5)	100,000	---	---	-100,000	---
Subtotal	240,000	140,000	140,000	-100,000	---
Management and Administration					
Working capital fund	224,000	200,000	200,000	-24,000	---
(By transfer)	(94,300)	(70,794)	(70,794)	(-23,506)	---
Transformation initiative	---	20,000	20,000	+20,000	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010 (H.R. 3288)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Inspector General	120,000	120,000	120,000	---	---
Emergency appropriations (P.L. 111-5)	15,000	---	---	-15,000	---
Subtotal	135,000	120,000	120,000	-15,000	---
Total, Management and Administration	359,000	340,000	340,000	-19,000	---
Appropriations	(344,000)	(340,000)	(340,000)	(-4,000)	---
Emergency appropriations	(15,000)	---	---	(-15,000)	---
(Grand total, Management and Administration, less emergencies)	(1,646,875)	(1,686,000)	(1,686,000)	(+39,125)	---
GSE conforming loan limits (emergency)(P.L. 111-5)	37,000	---	---	-37,000	---
Extension of GSE conforming loan limits	---	---	80,000	+80,000	+80,000
Rescissions:					
FY08 advance appropriation (rescission)	-750,000	---	---	+750,000	---
Total, title II, Department of Housing and Urban Development	55,227,290	45,482,659	47,049,751	-8,177,539	+1,567,092
Appropriations	(38,662,490)	(41,977,259)	(43,550,679)	(+4,888,189)	(+1,573,420)
Rescissions	(-792,600)	(-27,600)	(-27,600)	(+765,000)	---
Advance appropriations	(4,400,000)	(4,400,000)	(4,393,672)	(-6,328)	(-6,328)
Emergency appropriations	(13,692,000)	---	---	(-13,692,000)	---
Offsetting receipts	(-724,000)	(-860,000)	(-860,000)	(-136,000)	---
Offsetting collections	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
(By transfer)	(94,300)	(70,794)	(70,794)	(-23,506)	---
(Transfer out)	(-94,300)	(-70,794)	(-70,794)	(+23,506)	---
(Limitation on direct loans)	(100,000)	(70,000)	(70,000)	(-30,000)	---
(Limitation on guaranteed loans)	(660,736,504)	(916,235,504)	(916,235,504)	(+255,499,000)	---
(Title II, non-emergency discretionary total)	(41,535,290)	(45,482,659)	(47,049,751)	(+5,514,461)	(+1,567,092)
TITLE III - OTHER INDEPENDENT AGENCIES					
Architectural and Transportation Barriers Compliance Board	6,550	7,000	7,200	+650	+200
Federal Maritime Commission	22,800	24,558	23,712	+912	-846
National Transportation Safety Board:					
Salaries and expenses	91,000	95,400	99,200	+8,200	+3,800
Rescission of unobligated balances	-671	---	---	+671	---
Neighborhood Reinvestment Corporation	181,000	166,800	196,800	+15,800	+30,000
United States Interagency Council on Homelessness	2,333	2,680	2,400	+67	-280
Total, title III, Other Independent Agencies	303,012	296,438	329,312	+26,300	+32,874
Grand total (net)	117,130,120	108,406,040	68,901,275	-48,228,845	-39,504,765
Appropriations	(55,965,003)	(105,300,640)	(65,802,203)	(+9,837,200)	(-39,498,437)
Rescissions	(-831,488)	(-27,600)	(-27,600)	(+803,888)	---
Rescissions of contract authority	(-3,493,147)	---	---	(+3,493,147)	---
Advance appropriations	(4,400,000)	(4,400,000)	(4,393,672)	(-6,328)	(-6,328)
Emergency appropriations	(61,825,200)	---	---	(-61,825,200)	---
Negative subsidy receipts	(-724,000)	(-860,000)	(-860,000)	(-136,000)	---
Offsetting collections	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
(Limitation on obligations)	(53,745,065)	(14,802,352)	(54,247,211)	(+502,146)	(+39,444,859)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources less emergencies	(109,049,985)	(123,208,392)	(123,148,486)	(+14,098,501)	(-59,906)

I reserve the balance of my time.

Mr. LATHAM. I thank the chairman and yield myself such time as I may consume. Mr. Chairman, today is an important day in the House because we are considering a bill that has far-reaching impacts on the transportation infrastructure across all of our districts and on all of our constituents in one way or another.

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For that reason alone, we should be considering this bill under an open rule so that our constituents have some say in how their tax dollars are being spent. Sadly, this is not the case.

Before I go any further, I want to tell the membership that I have really enjoyed working with Chairman OLVER, and look forward to continuing to do so. While, like he said, we don't always agree on everything, and especially the 25 percent increase in the allocation over last year, but that fact does not take away my belief that he is truly a devoted chairman who focuses on the resource needs of the entities under the jurisdiction of this bill, and I very much want to personally thank him for his consideration and kindness and working together. It's been a real pleasure.

I also want to tell both the majority and minority staffs that I sincerely appreciate their work throughout the process and commend them for a job, I think, very well done. And I salute all of your many hours that you put into the process, your forbearance in this often dysfunctional environment. We couldn't do it without you. And again, thank you on both sides of the aisle.

Mr. Chairman, as I said, the funding allocation for this bill for FY 2010 is 25 percent over the FY09 level. That is a huge increase, and one for which we ought to have a number of perfecting amendment votes as part of a serious debate, if for no other reason than to allow our constituents to have some say in how those funds are spent. At some point, it should start dawning on all of us that the reason we're hearing a lot of noise about some of the spending that's going on is that our constituents are waking up to the fact that they don't have a say in these exercises.

Mr. Chairman, as the administration has said about this bill, ''these infrastructure investments will help build a new foundation for long-term economic growth to benefit the American people for years to come.'' And I agree. If we are, indeed, making long-term infrastructure investments, then the investors, or our constituents, should have a say-so on how those investments are made.

One of my biggest concerns in this bill is that we do nothing to address the coming situation with the highway trust fund that runs out of money. At a point, we will have to bail out the fund with general fund resources. I know that's not in our jurisdiction as such, but the hour is getting late, and we should all be looking for the most expeditious ways to make any contribution we can to provide the resources that allow highway infrastructure and other transportation programs to continue with some predictability.

I had an amendment to help the trust fund situation, as I mentioned earlier today, in consideration of the rule. It would have transferred $3 billion from the Rapid Rail appropriation to the trust fund, these funds that will not be spent any time soon, while our highway trust fund screams for additional resources.

The $3 billion are also funds that were not requested by the administration for Rapid Rail, probably because the President knows they could not be spent any time soon. Right now they are ''parked funds,'' at a time when we do not need to be teeing up more resources to be spent on something such as an infrastructure bank which, at this point, is only a vague concept.

In the end, the amendment was not made in order, and I assume for political reasons, unfortunately. Had it been made in order, it would have given me some faith that the majority was serious about having a genuine debate on this bill which, in turn, might have drawn a few more supporters than might otherwise be the case.

I will offer a different amendment to strike the $3 billion, which will take the Rapid Rail funding to the President's request. Let me reiterate, that's the President's request. The $3 billion is over and above that, and I believe the President's request was a reasonable number.

It will also cancel the transfer authority to this unknown infrastructure bank that has not been authorized. Without the absence of any knowledge of where a Rapid Rail program will go or what the bank will look like, or even if any submitted rail projects are feasible, we simply do not need $3 billion of taxpayer money being set aside for simply a concept.

Mr. Chairman, I would be remiss if I did not say that there are some good points in this bill, absent a few billion unneeded dollars, to make it a very attractive legislative product.

With respect to HUD, I only want to say that this bill fully meets the government's obligation to renew all rental assistance, support the homeless, increase support for low-income elderly and the disabled, and provide additional rental assistance for veterans. But we cannot continue to put forth resources that cannot be deployed in the near term. We simply don't have the money.

And at this point, I thank you, and I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD) for a colloquy.

Ms. ROYBAL-ALLARD. Chairman OLVER, I am honored to serve as a member of the Transportation-Housing Subcommittee, and I thank the gentleman for his leadership on the many housing and transportation challenges facing our Nation.

I understand that among the elements of the Olver amendment is additional funding for railroad research and development. As the chairman is aware, our Los Angeles community suffered a tragic rail accident when a commuter passenger train collided head on with a freight train last year. It is widely believed that this accident could have been averted and 25 lives saved had positive train control technology been in operation on the system.

I would like to clarify that it is your intention that positive train control is one of the technologies that is funded under the research and development account.

Mr. OLVER. I thank the Congresswoman from California, and I share her concern about the terrible accident in Los Angeles, as well as her resolve to help prevent further accidents.

It is, in fact, my intention that the funding provided for railroad research and development be available for positive train control research and demonstration projects. I believe PTC is a necessary addition to our national railroad system, and I thank the Congresswoman for her leadership on this issue and keeping it in our attention.

Ms. ROYBAL-ALLARD. I thank the chairman for this clarification, and I look forward to working with the gentleman on this and other issues as the bill moves forward and we continue to address safety in all modes of transportation. I appreciate the gentleman's tireless work and that of the subcommittee staff on the many complex issues under this bill's jurisdiction.

Mr. LATHAM. Mr. Chairman, I would like to yield 5 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE), who has brought a lot of knowledge and insight to the committee.

Mr. LATOURETTE. I want to thank my good friend the chairman, and I want to thank my good friend Mr. LATHAM from Iowa, a classmate from 1994.

I want to commend the chairman of the subcommittee, Mr. OLVER, and our ranking member, Mr. LATHAM, for putting together a good bill, both on the transportation and the HUD side. There will be some criticism on the floor today about how much money it spends, and let me just tell you, as someone who spent 14 years on the Transportation and Infrastructure Committee, as a Nation, we need to be embarrassed about what we spend on transportation in this country.

If you look at the American Society of Civil Engineers, their report that they come out with on an annual basis, a scorecard in terms of how we're doing, if more Americans read that scorecard, they wouldn't put their families in the minivan and take them on vacation and drive over some of the bridges in this country.

The difficulty is going to occur later this year, and I have to say I guess I'm disappointed in the administration saying that they're going to kick the highway authorization bill down the road for 18 months, which, coincidentally falls after the next midterm election.

But I have to tell you that it is, in fact, infrastructure which creates jobs, and it's infrastructure which employs people in this country. And as a Republican, I can tell you, if it hadn't been for Dwight Eisenhower's vision on the national highway system, we would not have been the envy of the world we are today.

But sadly, now we begrudgingly, in the 6-year reauthorization, carp about spending $35 billion a year for the entire country. And the need, I would suggest, Mr. Chairman, is far greater than that. And so, while this bill does, in fact, spend more money, and some people may not like the price tag, I think it's important.

I want to talk about two other things relative to the bill. The one is passenger rail service. You know, I had the privilege of being the chairman of the Railroad Subcommittee on Transportation, and we always seemed to give Amtrak just enough money to fail.

And if you look at Amtrak, when they took over the passenger rail service from Conrail, and we didn't want to be in the business anymore and the freight lines didn't want to be in the business anymore, they got bad track, bad rolling stock, bad management. And we sort of limp along.

And I've had friends on my side of the aisle say, well, we can't give them a billion dollars, what a big handout that is. Well, a billion dollars is a lot of money, but the fact of the matter is that if this country is ever going to move and restore passenger rail in this country, it's going to have a price. And anybody that thinks that passenger rail, as a societal prerogative, doesn't have to be subsidized is nuts.

I mean, you go over and you look at the world-class systems in Europe and in Asia. All of those countries have said for trips of 400 miles or less, we want passenger rail to be competitive with travel by car. We want passenger rail to be competitive with air travel, and they made the significant investments to make that happen.

Anybody who has, and I've had the pleasure to travel with the distinguished chairman of the Transportation and Infrastructure Committee in Europe on trains like the TGV and the Chunnel and in Japan on their high-speed rail. It goes over 200 miles an hour. The fact that we have ignored that as a mode of transportation in this country should be an embarrassment to the greatest country on Earth, and this bill begins to make significant investments in that.

The stimulus package had $8 billion for high-speed rail. This bill has an additional $4 billion. And I'll just tell you, I don't represent a person in the Cleveland area that wouldn't say, if I could go 150, 180, 200 miles an hour from Cleveland to Chicago that I would, in fact, do that.

And you want to talk about climate change. You know, the way to get money around here this year is, if you put green in any legislation, they give you money. But if you want to talk about climate change, I believe the last time I checked, the statistic is 1 gallon of diesel fuel can take 1 ton of cargo from Washington, D.C., to Boston, Massachusetts. I don't know another mode of transportation that is that fuel efficient. You get cars off the road, you get trucks off the road, and you don't create the greenhouse gases that everybody is, in fact, worried about.

Mr. OBERSTAR. Will the gentleman yield?

Mr. LATOURETTE. I would be happy to yield to the chairman.

Mr. OBERSTAR. I thank the gentleman for yielding, Mr. Chairman, to compliment the gentleman on his statement. I fully subscribe to the wise words that he has expressed and to the history he's unveiled of the evolution of passenger rail in this country. And the gentleman from Florida (Mr. MICA), my partner on the Committee on Transportation and Infrastructure—

The CHAIR. The gentleman's time has expired.

Mr. LATHAM. I would yield to the gentleman from Ohio 2 more minutes.

Mr. LATOURETTE. I yield to the gentleman.

Mr. OBERSTAR. And we worked together with the gentleman from Ohio to craft an Amtrak authorization bill that opens the door to private sector investment, that creates a sustainable path for the future of surface high-speed intercity passenger rail in this country, and with the gentleman's leadership now, Mr. Chairman, on the Appropriations Committee, we're going to advance that cause.

So I thank him for that forthright statement and am delighted that he's continuing to be such a strong advocate, and I also take this opportunity to thank my colleague on the committee, the gentleman from Florida, for the partnership we've had in advancing the cause of high-speed intercity passenger rail.

Mr. LATOURETTE. I thank the chairman very much. And I would say that if you really want to know about transportation, you talk to JIM OBERSTAR of Minnesota. The man has written most of the books, and I've learned so much of what I've learned in this Congress from sitting on the other side of the aisle from him.

□ 1315

I would only say the gentleman is going to be disappointed now because I spent 14 years on his committee, on the authorizing committee, and we always chafed at the appropriators who authorized on appropriations measures. I've now gone over to the dark side, and I think it's the most wonderful system in the world.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN) for a colloquy.

Mr. LEVIN. Mr. Chairman, section 412 of the bill provides that no funds appropriated pursuant to this act may be expended by an ''entity'' unless that entity agrees to comply with the Buy American Act.

The Buy American Act is part of a longstanding U.S. trade policy. That policy requires reciprocity in Federal Government procurement. Since 1979, the U.S. has agreed to open its procurement market to countries that agree to open their procurement markets to U.S. suppliers. That same policy requires the United States to not grant access to countries that are unwilling to agree to open their procurement markets to U.S. suppliers.

I believe that the intent of section 412 is to be consistent with that policy. Its intent is not to expand the scope of the Buy American Act, such as to cover businesses or other ''entities'' that may receive funding under this appropriations bill and that are not currently subject to the act. I also understand that section 412 is not intended to create an inconsistency with our international obligations, including our obligations under the WTO Agreement on Government Procurement.

If I might, I will now yield to the chairman for clarification.

Mr. OLVER. The gentleman is correct. Section 412 will help to ensure compliance with the Buy American Act. Because the intention is not to apply the Buy American Act to new entities, it is consistent with our international obligations.

Mr. LEVIN. I thank the chairman.

Mr. LATHAM. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Thank you so much for the time, for the introduction and for the opportunity to speak on this important Transportation and HUD funding bill.

Mr. Chairman, first of all, I want to compliment Mr. OLVER and Mr. LATHAM, the two leaders of the appropriations subcommittee, on the great job that they have done and for their efforts and for the efforts of both staffs in addressing the transportation and infrastructure needs of the Nation.

This is one of the most important bills that we will pass because this job will actually put people to work. I can tell you—and my colleagues and every one of you knows the statistics—that the national unemployment is at 9.5 percent. In my State of Florida, we're at 10.5 percent. I have some counties in my district that are at 15 percent. We have a problem. One of the ways to get people working and into jobs is by building infrastructure, and we'll actually have something tangible when we get done.

I do want to raise an issue that I have with the bill, but it is not something that is the responsibility of the

authors of this legislation, Mr. OLVER or Mr. LATHAM. They have been most cooperative. We've had a great working relationship, myself as an authorizer and the two of them as appropriators.

From time to time and in the past, there have been great battles—I've seen some of them—about authorizing on an appropriations bill. Now, I went to the Rules Committee, and I didn't get a chance to speak on the rule, so I voted against its passage. I asked the Rules Committee to pass an amendment that would have sped up the process by which we could get these dollars out so that we could actually get people working sooner rather than later. I know people have asked me for bigger government programs and for more bailouts, but now they have asked for an opportunity to work, and nothing has been harder hit than transportation projects.

I've got one little quote here from the Secretary of Transportation in Pennsylvania, who says that the unemployment rate for construction workers there is 21 percent.

It's high all over the Nation, but we can get people to work. The Rules Committee ruled out of order my amendment that would have sped up the process for the consideration of transportation projects, both for stimulus and also for this type of funding legislation.

Actually, I had my staff go through, and they just tabbed one section of this, of legislating on appropriations bills. All of these tabs represent legislating on an appropriations measure, but I don't raise any questions about these. Some of this is probably fine. We've talked together, and we agree on it.

What I'm concerned about is that the Rules Committee took the bill as it stood, but failed to take my proposed amendment. They said I was legislating on appropriations. My measure, again, would have sped up the process. Don't think we can't do that. I stood here with Mr. OBERSTAR the day that the bridge collapsed over the Mississippi River in Minneapolis. We rebuilt that bridge in 437 days. Normally, the process to rebuild that, if you went through all the normal hoops and red tape and Federal requirements, would take 6–7 years. We can do the same thing because we have a national emergency now, and we need to get this transportation money that this good, well-intended and very effective subcommittee is bringing forth. It's a good measure. They work together in a bipartisan fashion.

What I'm saying is we need to get that money, the stimulus money, out. We're having the same problem with our stimulus money, getting it out. There is $48 billion under the Department of Transportation's responsibility. So far, we have $771 million. Let me say the State Transportation Departments across the country are doing their level best. They're doing a great job getting that money out, but that's less than $1 billion of $48 billion out.

There is a reason it's caught up in red tape. Let me take, not what a Republican Governor said, but what, I believe, North Carolina Governor Perdue said, which is that there is so much red tape that it's discombobulating.

Now, just for the record—and I will give the Clerks the proper spelling of ''discombobulating'' for the RECORD of the House—he said it's irritating. That's Perdue.

Here is a little engineer in a county in Indiana. He said, ''I've got an engineer full time, and just 'bout all he's doing is red tape every day.''

The CHAIR. The time of the gentleman has expired.

Mr. LATHAM. I yield the gentleman from Florida 2 additional minutes.

Mr. MICA. Again, I want to take not just the Governor or the Secretary of Transportation in Pennsylvania or the Governor of North Carolina. Here is a county engineer in Elkhart County, Indiana who says, I've got an engineer full time, and that's just 'bout all he's doing is red tape every day, filling out forms, filling out forms.

So my proposal, had the Rules Committee accepted it, would have sped up the process. I didn't come here to say we should roll over any environmental requirements or regulations. What I said is we should condense the process because this, my fellow Members of Congress, is a national emergency. If you don't think it's a national emergency, go back to your office, and find some of those letters from folks who are pleading with Congress to help them find a job, to get people employed in their families so they can pay their mortgages, so they can build their dreams like we all want to do, but they're not able to do that, and we're not able to get the money out because of the red tape and constraints.

So, again, I regret that the Rules Committee rejected my proposal. I'll be back here again.

Mr. OLVER. Will the gentleman yield?

Mr. MICA. Yes, I will always yield to the chairman.

Mr. OLVER. I thank the gentleman for yielding.

To finish this and to allow him to respond in some kind of way, I would give the gentleman additional time, Mr. Chairman.

I just wanted to say that I can remember—and probably, if you think about it a little bit, you can remember, too, because my memory is probably a lot poorer than yours—times when this bill was brought to the floor, and point of order after point of order to the level of practically stripping half the bill away were made by your committee. Well, maybe you weren't the chairman at that particular time, but a few years ago, that sort of thing did happen.

The CHAIR. The time of the gentleman from Florida has again expired.

Mr. LATHAM. I yield the gentleman an additional 2 minutes.

Mr. OLVER. Furthermore, I would just simply say, of the $47 billion, more than $21 billion has been obligated. Those expenditures are going on. That's more than the amount that was intended to be obligated by the end of the 2009 fiscal year. We're already obligating the money into 2010, so it's getting out there pretty quickly. Though, I do have great sympathy for the position that you're taking in that it takes far too long, and I hope the authorizing will take care of that in a new event.

Mr. MICA. I know what went on in the past with my committee and its calling points of order on authorizing on an appropriations measure.

Let me say that I did not come to burn Rome. I came to help you build Rome. I have no objection to these, and I did not object on any, but I did object to my one. Here is 45 not being considered by the Rules Committee, and your committee is not the Rules Committee.

Let me say this, too: We have obligated money, but you know, I can't go back to my office and say, Mr. So-and-so or Madam So-and-so Constituent, we've obligated money. It's not out there, so there isn't that hope for a job. All I'm trying to do is get the money expedited so we can get jobs going again.

Finally, let me tell you why it's important to get that money out there now, folks. Listen to this. This is one American dollar. I can tell you that, right now, you will get the best deal ever to do infrastructure projects in the country.

The CHAIR. The time of the gentleman has again expired.

Mr. LATHAM. I yield the gentleman 1 additional minute.

Mr. MICA. My district secretary told me that bids are coming in 25 to 30 percent lower. Do you see this three-quarters of a dollar? I can get a dollar's worth of construction now for three-quarters of a dollar. We have American infrastructure on sale wholesale, and we should be getting that money out in the interest of taxpayers and building that.

Heaven forbid, you know, it's not like some of these other programs or like the bailouts. I didn't come here asking for a bailout. All I'm asking for is something tangible, and that's what your subcommittee provides so well for our Nation is something tangible—roads, bridges, highways, transit systems—all of which we need across this land from sea to shining sea. We're drowning in congestion. We don't have high-speed rail systems like the Europeans, Asians and other people around the world. So I don't mind spending it.

My dad used to say, ''It's not how much you spend, Son. It's how you spend it.''

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), who is a member of the subcommittee.

Mr. RODRIGUEZ. Mr. Chairman, I rise today in strong support of H.R. 3288, the 2010 Transportation-HUD appropriations spending bill. In particular, I want to express my support

for the passage of the rail funding within the bill that amounts to about $4 billion.

I want to thank Chairman OLVER for his leadership, and I want to thank the Appropriations Committee for demonstrating their commitment to passenger and high-speed rail by providing funding in this bill that will enable urban, suburban and rural communities in America to be connected by a system that will deliver safe, swift, efficient, and economical travel across our Nation. The $4 billion provided in this bill will support a competitive grant process. The Federal Railroad Administration will oversee the grant application and award process.

For those who have concerns about the funding, I want to stress that current demand for passenger rail exceeds available funds in the pre-application process for passenger rail funding. Texas, for example, has requested $3.1 billion; California has requested $21.6 billion; Nevada has requested $12.5 billion. Overall, 40 locations throughout America have requested in excess of $104 billion.

The fact of the matter is that $4 billion is only a small down payment of investment in passenger rail. Texas desperately needs the passenger and high-speed rail. Funding for high-speed rail will reduce congestion and pollution. It will create jobs, and it will connect America's communities. The San Antonio-Austin area is booming, and the highways are congested. America's passenger rail system is terribly underdeveloped and underfunded when compared to other nations, such as France, Italy, China, and Japan.

□ 1330

My colleagues in south Texas have joined me in supporting this bill, and I ask for the support of this piece of legislation.

Mr. LATHAM. I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY) for a colloquy.

Ms. WOOLSEY. I thank the chairman for all of your hard work on this bill.

As the chairman knows, there is a project in my district named the Sonoma-Marin Area Rail Transit project. We call it SMART. When fully up and running, SMART will be a 70-mile passenger rail system that connects 14 stations and runs right through the heart of my district.

This project is vital because it eases congestion on the major transportation artery, Highway 101, by providing an alternative mode of transportation. This is a very popular project, and actually, last November, voters in my district passed a quarter-cent sales tax measure by over two-thirds majority to raise money for SMART. So it has the support of the community when a simple majority votes on a tax measure like that.

Not only is SMART a train, but the project also includes 70 miles of bike and pedestrian paths to run alongside the tracks, which revolutionizes transportation in my district.

Unfortunately, while SMART received nearly $2 million in last year's Transportation-HUD bill, there are no funds in this bill this year, and it is my hope that as SMART moves into the New Starts process that the chairman will work with me to support this important transportation project.

Mr. OLVER. I thank the gentlewoman for bringing this matter to my attention. This is a good project. I support it, and I will be glad to work with the gentlewoman from California on this as it moves into the New Starts process.

Ms. WOOLSEY. I thank the chairman.

Mr. LATHAM. I continue to reserve.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, thank you for your hard work on this legislation and also your support for Indian country in Oklahoma for many years.

I would like to bring to the gentleman's attention an inequity and an inefficiency that currently exists within the Federal programs that assist local transit agencies with their capital projects such as buses and garages. Specifically, for alternative fuel transit buses, the Federal share is 80 percent of the capital cost of a standard diesel, plus 90 percent for the cost of vehicle-related compliance with the Clean Air Act, often referred to as the incremental cost.

In short, blending the percentages, grantees may apply for an 83 percent Federal share of the total vehicle cost. This was based on the policy that such buses contribute generally to cleaner air and maintaining compliance with the Federal air quality standards.

I would like to ask the gentleman if I'm correct in stating that this bill includes a provision that allows a 90 percent Federal share for the entire cost of a biodiesel bus?

Mr. OLVER. Mr. Chairman, the gentleman from Oklahoma is correct. Section 164 of this bill allows that.

Mr. BOREN. I understand that this biodiesel provision was included in this and several past Transportation appropriations bills for air quality and petroleum displacement reasons. However, I would like to suggest to the chairman, there is no reason not to extend the same 90 percent of the total vehicle cost benefits offered to a biodiesel bus to a natural gas bus. Natural gas-powered buses produce 22 percent less greenhouse gases than comparable standard diesel buses, and they have a proven track record of displacing imported petroleum.

It is my hope that the gentleman would be willing to work with me on this issue to provide 90 percent of the total vehicle cost to natural gas buses.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield the gentleman 1 additional minute.

Mr. BOREN. That would help transit agencies accelerate the replacement of existing diesel buses with new, fuel-efficient, alternative fueled ones. This change would make a significant contribution in America's strategy for energy independence and global climate change.

Simultaneously, it would ensure clean air and the health of our citizens, and contribute to the growth of our economy.

Mr. OLVER. I appreciate the gentleman's attention to this issue. I understand that the House authorizing committee is examining this in the context of their multiyear surface transportation reauthorization bill. In the meantime, I will be happy to work with the gentleman from Oklahoma to address this issue as we move forward in this process and conference this bill with the Senate.

Mr. BOREN. I thank the chairman for his willingness to work with me on this issue.

Mr. LATHAM. I continue to reserve.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman very much and the ranking member.

I rise to support the rule that has already passed and the underlying bill.

Mr. Chairman, this is a very important step forward for the infrastructure of America, covering transportation and housing, and housing is part of infrastructure. It creates a holistic neighborhood.

I want to thank the committee for the Federal Transit Administration $10.48 billion, which will impact the growing metro system as a New Start. I am hoping as we move forward and metro in Houston is defined as a New Start, we will also be able to use and continue to use those stimulus dollars because we are in the process of creating jobs as we speak.

I believe it is very important to support the high-speed, inner city passenger rail grants. We in Texas are working very much on high speed and believe that that is part of the transportation system of tomorrow.

I am also grateful for the airport modernization, safety and efficiency grant of $3.5 billion representing Houston Intercontinental Airport, one of the largest airports in the Nation, modernizing air traffic control. Just recently, we met with our air traffic controllers, and I would hope as we make our way through this particular legislation we'll also focus on encouraging the FAA to be able to work on the negotiations with the air traffic controllers for a better quality of life, better work conditions.

I am grateful as well for the number of dollars being put in for vouchers for homeless veterans, $75 million for homeless veterans; 10,000 of those veterans will be served, $1.3 million for low-income housing. In addition, I'm delighted that we're working for more

affordable housing. We in the City of Houston are in great need, and I've been working on affordable housing for a long time.

I hope in the dollars that are going to our communities we also will be using them for what we call senior housing repair. In many of our cities, our housing stock is enormously old. It impacts our seniors, and they're in great need.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield 15 seconds to the gentlewoman.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much.

I have a large population of public housing—we call it housing development—and I'm very grateful that $4.8 billion has been implemented or used for that, $200 million above the President, $345 million above 2009 for maintenance and crime prevention and energy costs, two very important aspects.

Let me just say by concluding I thank the gentleman for his work and for his housing efforts.

Mr. LATHAM. I continue to reserve.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN) for a colloquy.

Mr. BERMAN. I thank the chairman of the subcommittee, Mr. OLVER, for yielding to me to engage in a colloquy about the importance of ensuring the fairness and objectivity of the FAA's curfew application process.

I am pleased to be joined by my good friend Mr. SCHIFF who, like me, has many constituents who are greatly affected by nighttime operations at Burbank airport.

Both Burbank Bob Hope Airport and Van Nuys Airport have been actively studying nighttime flight curfews on Stage III aircraft. The Burbank-Glendale-Pasadena Airport Authority has already submitted its completed Part 161 application to the FAA requesting a nighttime curfew.

As both Mr. SCHIFF and I know, the FAA has been all-too-willing to simply disregard the impact that nighttime flight operations have on communities living by these airports. I have constituents whose sleep is routinely disturbed by aircraft taking off or landing at all hours of the night from Burbank and Van Nuys airports.

I look forward to working with the gentleman and the authorizing committee in the future to ensure that the FAA gives fair consideration to the concerns of those who must live with airport noise day in and out.

I yield, if I may, to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman from California for yielding.

I am pleased that for the first time in 17 years the FAA has deemed the Part 161 nighttime curfew application officially complete. This is a big step in the right direction and shouldn't be overlooked.

I strongly believe that Bob Hope Airport in Burbank, California, has met the criteria for a curfew set by law and that a curfew would impact a relatively small number of diverted flights while delivering significant reductions in both the noise impact to surrounding communities and the cost associated with sound mitigation.

However, I share my colleague's concern that the FAA has not been serious about moving forward with mandatory curfews, despite congressional intent when Part 161 was signed into law. I look forward to working with Chairman Olver and the authorizing committee to ensure that Part 161 has the meaning and credibility and that the process is real and can lead to results.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield the gentleman 1 additional minute, and would the gentleman yield?

Mr. BERMAN. I certainly yield to the chairman.

Mr. OLVER. I appreciate the remarks of the two gentlemen about the effects of airport noise on local communities and agree that the FAA has a responsibility to adequately and objectively weigh the concerns of those adversely impacted by nighttime takeoff and landings.

While I can't comment as to the specifics of the Burbank and Van Nuys curfew studies, I agree that the Part 161 process must serve as a credible and objective avenue for evaluating the merits of noise and access restrictions.

Mr. BERMAN. Reclaiming my time, I thank the chairman very much.

Mr. LATHAM. I continue to reserve, please.

Mr. OLVER. Could I inquire how much time there is available?

The CHAIR. The gentleman from Massachusetts has 10½ minutes remaining. The gentleman from Iowa has 8½ minutes remaining.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BRALEY) for the purposes of a colloquy.

Mr. BRALEY of Iowa. Mr. Chair, first let me thank the gentleman from Massachusetts for his hard work and dedication to moving our Nation forward in the area of transportation and all the other issues he tackles each and every day, including those he tackles with my colleague from Iowa. This bill is going to help millions of Americans, and I am pleased to support it.

I rise today in strong support of the Olver amendment to the Transportation-HUD Appropriations Act. I'm pleased to have helped secure an increase of $3 million in this amendment for the Federal Railroad Administration's railroad research and development account. This additional money could be used for any number of research projects, including a biolubricants research study that was authorized in the Rail Safety Improvement Act of 2008, as well as other authorized activities.

The widespread use of biolubricants in the rail industry will help us reduce our dependency on foreign oil and reduce our national addiction to petroleum imports. If all industrial lubricants used annually in the United States could be replaced with biobased versions, over 2 billion gallons of petroleum per year would be replaced.

□ 1345

I look forward to seeing the FRA workup with ag-based lubricant testing facilities to see that this study is carried out.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield myself 1 minute. I assure the gentleman from Iowa that we will work together with the Federal Rail Administration to implement the 2008 Authorization Act.

Mr. LATHAM. I have no additional speakers and, again, I want to personally thank the chairman for his consideration and again say thank you to the great staff that we have on both sides of the aisle. It's been a real pleasure working with you. I appreciate it.

I yield back the balance of my time.

Mr. OLVER. I thank the gentleman from Iowa for his kindness and for his hard work and I certainly, again, join him in thanking the very fine staff who worked together very well in crafting this legislation.

It is a good bill. I believe it is a bill that deserves the support of the vast majority of the Members of the Congress.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I want to thank the leadership of the Transportation Appropriations Subcommittee for their work on this bill.

Our Nation's transportation system is at a crossroads. Now is not the time to scale back funding efforts to address our country's deteriorating infrastructure, worsening traffic congestion, poor air quality, energy use, and investments in high speed rail. These issues are all interrelated and will impact our economy, global competitiveness, and sustainability. The appropriations bill before us today is a good one; however, it represents a mere down payment towards addressing the critical infrastructure needs of this country. In my state, these needs are readily apparent.

The State of Texas has one of the most extensive surface transportation networks in the world. Texas has more than ten thousand miles of railtrack; more than three hundred thousand miles of roadway; and more than fifty-thousand bridges—more than any other state in the nation. Financing challenges, coupled with exploding population and trade growth, are creating a perfect storm that is pushing Texas' transportation network to its breaking point. In the absence of increased funding and innovative policies, the weight of these particular challenges will adversely impact the quality of life for my constituents and citizens throughout the state.

It is imperative that we as a body focus our attention on investing in a truly national transportation system in order to address the impending infrastructure crisis. Our ports are not able to handle the volume of freight entering the United States, railroads and highways are overwhelmed with freight and delayed by bottlenecks, and intermodal facilities need to be improved to facilitate greater efficiency. With

projected increases in imports over the next several decades, we have but a small window to make infrastructure improvements to ensure America is able to sustain its global competitiveness.

As I close, I would like to thank the subcommittee for including funding in the bill for Dallas Area Rapid Transit (DART) and the Interstate–30 Bridge Project in my congressional district. This funding will help advance these noteworthy projects and improve mobility for my constituents. I also want to thank the subcommittee for their inclusion of high speed rail funding. Relative to other developed nations, the United States ranks dead last with regards to developed high speed rail corridors. The demand in Texas for high speed rail is great, and the funding included in the bill will greatly aid high speed rail efforts in my state.

Just last week, the Texas Department of Transportation announced project requests to the U.S. Department of Transportation totaling $1.9 billion dollars under the American Recovery and Reinvestment Act (ARRA). The high speed rail funding reflected in the bill is warranted and it is my intent to oppose the amendment offered by the gentleman from Iowa, Mr. Latham, aimed at reducing funding for this account.

I support H.R. 3288.

Mr. BLUMENAUER. Mr. Chair, the Department of Transportation estimates that the Highway Trust Fund will run short of funds this August, and that Congress will have to transfer $5–7 billion to it to avoid a shortfall. This shortfall is occurring because the gas tax is becoming obsolete. As vehicles become more fuel efficient, they increase the demand on our transportation system, without contributing as much to its maintenance. The current revenue system has lost 33% of its purchasing power during the last 15 years, today generating only two-thirds of the revenues needed to maintain current levels of investment. Until we tie our transportation revenues to our transportation demands, this situation will worsen.

Failure to adequately fund transportation infrastructure imposes huge costs on American citizens and businesses:

Congestion costs urban Americans 4.2 billion hours and 2.8 billion unnecessary gallons of fuel each year; expressed in dollar terms this is $87.2 billion, or $757 per traveler.

Roughly 40,000 people every year are killed on our streets and highways, with 2.5 million more injured, at a staggering annual economic cost to society.

Higher transportation costs and higher inventory carrying costs—partially attributable to an unreliable transportation system—have pushed logistics costs to nearly 10% of GDP.

Failure to act puts America on hold, when we should be putting America to work.

It is time we sought out innovative solutions to this challenging problem. The Oregon Department of Transportation successfully tested a model where they charged drivers for the number of miles they traveled rather than the fuel they consumed. The test was convenient for drivers, protected personal privacy, and proved easily administrable. This concept was also highlighted by two blue ribbon commissions established in the prior transportation authorization. The National Surface Transportation Policy and Revenue Study Commission noted that a vehicle miles traveled charge is "the most promising alternative revenue measure" to our existing gas tax, while the National Surface Transportation Infrastructure Financing Commission reported that "a charge for each mile driven . . . has emerged as the consensus choice for the future." Both commissions found that this system was efficient at raising revenue, closely linked system demand to revenues, and could win broad public support.

My legislation calls on the Department of the Treasury to study the viability of this revenue source in every State. While evaluating mileage based revenue sources, Treasury will ensure the system protects privacy and is simple to administer. It will also convene working groups to address the most complex aspects of this transition, including road use, demand management and climate change, and technological needs. Finally, the bill creates a grant program to ensure the necessary technology is available.

The condition of our national highway and transit systems and the maintenance of our infrastructure, and the investments that we make in these systems, touch the life of every American, strengthen our economy, and protect our environment. I look forward to working with my colleagues to pass this important legislation.

Mr. HOYER. Mr. Chair, I rise in strong support of the Fiscal 2010 Transportation, Housing, and Urban Development Appropriations Act. This bill takes great strides to help the neediest Americans secure shelter in trying economic times. It also makes important investments in strong and user-friendly transportation systems, including our highways, airports, passenger rail lines, and transit networks.

But I particularly want to thank Chairmen OBEY and OLVER for including in this bill $150 million to fund vitally needed capital and preventive maintenance improvements for the Washington Area Metropolitan Transit Authority, in accordance with legislation we passed last year authorizing $1.5 billion for WMATA over the next 10 years. It has long been clear that America's Subway deserves a strong federal commitment. After all, it serves the millions of visitors who come to visit our nation's capital, and it is the primary public transportation system servicing the federal employees who keep our government running. But with a ridership that continues to grow, WMATA's General Manager made it clear that the system requires more than $11 billion in capital improvements from 2011 to 2020 to keep running. Without those funds, the system's aging infrastructure will continue to deteriorate.

The bill includes language directing WMATA to use the funds to first address immediate safety shortfalls identified by the National Transportation Safety Board, which include, but are not limited to, the improved crashworthiness of the agency's rail car fleet and the maintenance and modernization of WMATA's signal and automatic train control systems. The importance of those systems was vividly and painfully demonstrated in last month's Metro crash, which took the lives of nine commuters. For the sake of all those who rely on Metro, we must ensure that its safety meets the highest standard.

I urge my colleagues to support this strong appropriations bill and make clear our commitment to the efficiency and safety of America's Subway.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in strong support of this bill that provides important funding for national priorities, as well as regional projects including major projects in Harris County, TX we have been working on for years. The bill makes needed investments in transportation projects, housing projects, foreclosure prevention, and numerous other priorities.

One of the most significant projects that was included because of the benefits it will provide our district and the surrounding area is the funding for Houston METRO. This was funding our office requested, was in the President's requests, and was funded at $75 million each for the North and Southeast Corridor Projects. FY2010 activities include final design, land acquisition, and construction for the first segments on these two lines.

Also included in the bill was $400,000 for the flyover connecting HWY 146 and Spur 330. While this is a fraction of what I requested, it should allow additional design and planning on the project to begin. Our district encompasses a significant portion of the hurricane-threatened Gulf Coast of Texas. The State-mandated evacuation plan calls for the 70,000 residents of Baytown to travel south on Highway 146 to Spur 330 and to turn north for travel to Interstate 10. There is a direct connector from Spur 330 to I–10 westbound, however there is a major pinch point at the intersection of Highway 146 and Spur 330. All the evacuating residents must exit the main lanes and travel through three signalized intersections before reconnecting with a limited access highway.

Not only do these intersections create a bottleneck for evacuees, they also make it difficult for local emergency personnel to cross while preparing for and responding to an approaching emergency. All areas south of Highway 146 are in the storm surge zone, making evacuation mandatory, not voluntary. Our district also encompasses the entire Houston Ship Channel area and the resulting threats associated with these vital energy complexes. In addition to the evacuation criticality of this flyover, the efficient and safe movement of hazardous materials by the elimination of local traffic interaction will benefit a large portion of the District. I look forward to working with the Chairman in the future to ensure this critical project receives additional funding.

There was also $200,000 included to acquire property along Buffalo Bayou's East Sector to create park land for continued development of the Buffalo Bayou greenway. The Buffalo Bayou Greenway Initiative promotes the economic development of Houston's innercity. The project has a major quality of life impact on not only the East End but on the entire Houston region, and I am pleased the Committee continued to provide federal funding to progress this ongoing effort. The project is taking abandoned property that is no longer viable for industrial use and transforming it into park space that is providing residents with recreational and environmental education opportunities.

Mr. Chair, I fully support this bill that provides increased resources for our nation's transportation needs, as well as strengthening social safety nets for those most in need. I urge all my colleagues to join me in supporting the passage of H.R. 3288.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 160, line 6.

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

H.R. 3288

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

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $102,556,000, of which not to exceed $2,631,000, shall be available for the immediate Office of the Secretary; not to exceed $986,000, shall be available for the immediate Office of the Deputy Secretary; not to exceed $20,359,000, shall be available for the Office of the General Counsel; not to exceed $11,100,000, shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,559,000, shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,440,000, shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,520,000, shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,055,000, shall be available for the Office of Public Affairs; not to exceed $1,658,000, shall be available for the Office of the Executive Secretariat; not to exceed $1,433,000, shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,600,000, shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed $13,215,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000, shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000, in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems, and reengineering business processes, $5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,667,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $14,733,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $147,569,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans for short-term working capital, $342,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,074,000, to remain available until September 30, 2011: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the Essential Air Service Program pursuant to 49 U.S.C. 41731 through 41742, $125,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the Essential Air Service Program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the Essential Air Service Program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,347,168,000, of which $5,190,798,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,300,739,000 shall be available for air traffic organization activities; not to exceed $1,231,765,000 shall be available for aviation safety activities; not to exceed $14,737,000 shall be available for commercial space transportation activities; not to exceed $113,681,000 shall be available for financial services activities; not to exceed $100,428,000 shall be available for human resources program activities; not to exceed $341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed $190,063,000 shall be available for staff offices; and not to exceed $49,778,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than $17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United

States Code, other than those authorized by Section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That of the funds available under this heading not to exceed $500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and not to exceed $120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of National Airspace Systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,925,202,000, of which $2,455,202,000 shall remain available until September 30, 2012, and of which $470,000,000 shall remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $195,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $93,422,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $22,472,000 shall be for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended—

(1) by striking ''September 30, 2009,'' and inserting ''September 30, 2010,''; and

(2) by striking ''December 31, 2009,'' and inserting ''December 31, 2010,''.

(b) Section 44303(b) of such title is amended by striking ''December 31, 2009,'' and inserting ''December 31, 2010,''.

SEC. 115. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 117. None of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 118. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $413,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed $285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: *Provided*, That within the $41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title

5 of Public Law 109–59) for fiscal year 2010: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

SURFACE TRANSPORTATION PRIORITIES

For the necessary expenses of certain highway and surface transportation projects, $125,700,000, to remain available until expended: *Provided*, That the amount provided under this heading shall be made available for the eligible programs, projects, and activities identified under this heading in the report accompanying this Act: *Provided further*, That a project is an eligible project under this heading if the project is eligible for assistance under title 23 or chapter 53 of title 49, United States Code: *Provided further*, That funds provided under this heading shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and the Federal share payable on account of any program, project, or activity carried out with funds made available under this heading shall be determined in accordance with section 120(b) of title 23, United States Code: *Provided further*, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available under this heading to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2010, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the day before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 123. (a) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to ''Route 5 Overpass and River Center, St. Mary's County, MD'' in the table of projects for such section 129 is deemed to be amended by striking '' 'Route 5 Overpass and River Center, St. Mary's County, MD'' and inserting ''Safety Improvements and Traffic Calming Measures along Route 5 at St. Mary's County, MD''.

(b) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''US 422 River Crossing Complex Project, King of Prussia, PA'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''US 422 River Crossing Complex Project, King of Prussia, PA'' and inserting ''For closed loop signal control system and other improvements for Trooper Road in Lower Providence and West Norriton Townships, Montgomery County, PA''.

(c) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Improving the West Bank River Front, IL'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Improving the West Bank River Front, IL'' and inserting ''East Bank River Front and Bikeway Improvements, IL''.

(d) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110–161 (121 Stat. 2406), as amended by section 129(d) of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL'' and inserting ''Intersection Improvements on Crawford Avenue and 203rd Street in the Village of Olympia Fields, IL''.

(e) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to ''Study Improvements to 109th Avenue, Winfield, IN'' in the table of projects for such section 129 is deemed to be amended by striking ''Winfield, IN'' and inserting ''Town of Winfield, City of Crown Point, Lake County, IN''.

(f) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Ronald Reagan Parkway (Middle and Southern segments), Boone County, IN'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Boone County'' and inserting ''Hendricks County''.

(g) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Onville Road Intersection and Road-Widening Project, Prince William County, VA'' in the table of projects under the heading ''Federal Lands'' is deemed to be amended by striking ''Prince William'' and inserting ''Stafford''.

(h) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''U.S. 59/Alabama Grade Separation Project, St. Joseph, MO'' in the table of projects under the heading ''Interstate Maintenance Discretionary'' is deemed to be amended by striking ''U.S. 59/Alabama Grade Separation Project, St. Joseph, MO'' and inserting ''I-29 Interchange Reconstruction in St. Joseph, MO''.

(i) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV'' in the table of projects under the heading ''Interstate Maintenance Discretionary'' is deemed to be amended by striking ''Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV'' and inserting ''General Interstate Maintenance, WV''.

(j) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to ''Wapsi Great Western Line Trail, Mitchell County, IA'' is deemed to be amended by striking ''Mitchell County'' and inserting ''Mitchell and Howard Counties''.

(k) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to ''Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA'' is deemed to be amended by striking ''Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA'' and inserting ''Construction, Humboldt and Webster Counties, IA''.

(l) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to ''Highway 53 Interchanges, WI'' is deemed to be amended by striking ''Interchanges'' and inserting ''Intersections''.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $239,828,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $239,828,000, for ''Motor Carrier Safety Operations and Programs'', of which $8,500,000, is for the research and technology program to remain available for obligation until September 30, 2011, and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2010, and September 30, 2010, on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United

States Code, and sections 4126 and 4128 of Public Law 109–59, $310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $310,070,000, for ''Motor Carrier Safety Grants''; of which $212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000, shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000, shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000, shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000, shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000, shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000, shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $29,000,000, shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $131,736,000, of which $32,045,000 shall remain available until September 30, 2011: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $108,642,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $108,642,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the $108,642,000 obligation limitation for operations and research, $26,908,000 shall remain available until September 30, 2011 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER

For an additional amount for the ''National Driver Register'' as authorized by chapter 303 of title 49, United States Code, $3,350,000, to remain available through September 30, 2011: *Provided*, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $18,500,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $172,533,000, of which $15,300,000 shall remain available until September 30, 2011.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $34,145,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, $40,000,000, to remain available until expended.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make passenger rail grants for capital projects as authorized under sections 26106 and 24406 of title 49, United States Code; the acquisition of new rolling stock; and to enter into cooperative agreements for these purposes, $4,000,000,000, to remain available until September 30, 2015: *Provided*, That $50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight of financial assistance made under this paragraph: *Provided further*, That up to $30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of passenger rail service that is expected to maintain an average speed of 110 miles per hour or is reasonably expected to reach speeds of at least 150

miles per hour, including the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to $50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary shall issue regulations covering application procedures and grant criteria for the passenger rail grants provided under this paragraph: *Provided further*, That the Federal share payable of the costs for which financial assistance is made under this paragraph shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to the passenger rail programs funded under this paragraph, sections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this paragraph: *Provided further*, That a project need not be in a state rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That up to $5,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of implementing section 24316 of title 49, United States Code: *Provided further*, That if legislation authorizing a national infrastructure bank is enacted prior to September 30, 2010, beginning on October 1, 2010, the Secretary of Transportation may use up to $2,000,000,000, of the amount appropriated in this paragraph to carry out such legislation including by transferring funds to the appropriate Federal agency to carry out the national infrastructure bank: *Provided further*, That if legislation enacting a national infrastructure bank is not enacted by September 30, 2010, the Secretary may use an additional $20,000,000 of the funds available under this paragraph for the award and oversight of financial assistance made under this paragraph; *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101(a) of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432), $553,348,000, to remain available until September 30, 2010: *Provided*, That the amounts available under this heading shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Secretary may retain up to one-half of one percent of the funds provided under this heading to implement the Operating Grants to the National Railroad Passenger Corporation in fiscal year 2010: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning 3 months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That the Inspector General of the Department of Transportation shall provide a report recommending to the House and Senate Committees on Appropriations 180 days after the date of the enactment of this Act on possible operational reforms that could be instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations its Fiscal Year 2011 plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year 2009 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That the National Railroad Passenger Corporation shall submit, in electronic format, to the House and Senate Committees on Appropriations, a budget, business plan and a 5-Year Financial Plan beginning with fiscal year 2010, consistent with the provisions of section 204 of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432): *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall also include a separate accounting of targets for the Northeast Corridor; commuter service; long distance Amtrak service; state-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That, these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the Corporation shall provide monthly reports in electronic format regarding the budget, business plan, and 5-Year Financial Plan, which shall describe the work completed to date, any changes to any plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF THE INSPECTOR GENERAL

To enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation Office of the Inspector General for auditing the operations and capital expenditures of the National Railroad Passenger Corporation, as authorized by section 101(b) of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432), $19,000,000.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for capital grants supporting intercity passenger services as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432), $929,625,000, to remain available until September 30, 2010, of which not to exceed $264,000,000 shall be for debt service obligations as authorized by section 102 of that Act: *Provided*, That in addition to the project management oversight funds authorized under section 101(d) of that Act, the Secretary may retain up to an additional one-half of one percent of the funds provided under this heading to fund expenses associated with implementing sections 208 and 212 of that Act, including the amendments made by section 212 to section 24905 of title 49, United States Code: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection

cars and equipment in connection with the automated track inspection program.

SEC. 154. The Administrator of the Federal Railroad Administration shall submit a report on April 1, 2010, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 155. In the Explanatory Statement referenced in division I of Public Law 111–8 under the heading Railroad Research and Development the item relating to ''San Gabriel trench grade separation project, Alameda Corridor, CA'' is deemed to be amended by inserting ''Alameda Corridor East Construction Authority Grade Separations, CA.''.

SEC. 156. In the Explanatory Statement referenced in division K of Public Law 110–161 under the heading Rail Line Relocation and Improvement Program the item relating to ''Mt. Vernon railroad cut, NY'' is deemed to be amended by inserting ''Rail Line and Station Improvement and Rehabilitation, Mount Vernon, NY.''.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $97,478,000: *Provided*, That of the funds available under this heading, not to exceed $1,809,000 shall be available for travel: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the amounts made available under this heading not to exceed $75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: *Provided further*, That upon submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $8,852,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,670,000, to remain available until expended: *Provided*, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $44,370,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,827,343,000, to remain available until expended, of which not to exceed $200,000,000 is for section 5309(e) of such title: *Provided*, That $2,000,000, shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out section 601 of Division B of Public Law 110-432, $150,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under ''Federal Transit Administration, Capital Investment Grants'' and for bus and bus facilities under ''Federal Transit Administration, Formula and Bus Grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital investment grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2010, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

SEC. 165. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. (a) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110-161 (121 Stat. 2406), the item relating to ''Broward County Southwest Transit Facility'' in the table of projects under the heading ''Bus and Bus Facilities'' is deemed to be amended by striking ''Southwest'' and inserting ''Ravenswood''.

(b) The explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 for ''Alternatives analysis'' under ''Federal Transit Administration–Formula and Bus Grants'' is deemed to be amended by striking ''Hudson–Bergen Light Rail Extension Route 440, North Bergen, NJ'' and inserting ''Hudson–Bergen Light Rail Extension Route 440, Jersey City, NJ''.

(c) Funds made available for the Phoenix Heavy Maintenance Facility, Phoenix Dial-a-Ride facility, and the Phoenix Regional Heavy Bus Maintenance Facility in Arizona through the Department of Transportation Appropriations Acts for Fiscal Years 2005 and 2008 that remain unobligated or unexpended shall be made available to the East Baseline Park-and-Ride Facility in Phoenix, Arizona.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a United States flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $140,900,000, of which $31,677,000 shall remain avaialble until September 30, 2010, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State maritime academies.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $15,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $3,630,000, which shall be transferred to and merged with the appropriation for ''Operations and Training'', Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration may furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under the control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end ''Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.''.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $19,968,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $36,500,000, of which $2,699,000 shall remain available until September 30, 2012: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from states, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $105,239,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which $86,334,000 shall be derived from the Pipeline Safety Fund, of which $47,332,000 shall remain available until September 30, 2012.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $12,834,000, of which $6,036,000 shall remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $74,839,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $29,800,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than $28,550,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the explanatory statement accompanying this Act for ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Delta Region Transportation Development Program'', ''Rail Line Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Alternatives analysis'', and ''Bus and bus facilities''.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant or cooperative agreement from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the

House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

This title may be cited as the ''Department of Transportation Appropriations Act, 2010''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $25,969,000, of which not to exceed $4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed $778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $3,110,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following written notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $537,897,000, of which not to exceed $76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $11,277,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed $2,520,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed $249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $197,074,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $98,989,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $374,887,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $21,138,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $71,800,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $7,151,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $14,242,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $16,387,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Nonelderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

(2) $120,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject to the availability of funds.

(3) $1,600,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than $1,550,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities.

(4) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

(5) $60,000,000 shall be for family self-sufficiency coordinators under section 23 of the Act.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,500,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters, excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.), occurring

in fiscal year 2010: *Provided further*, That of the total amount provided under this heading, $50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to $8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,800,000,000.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), $250,000,000, to remain available until September 30, 2011, of which the Secretary of Housing and Urban Development shall use $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $750,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $18,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $12,000,000, to remain available until expended: *Provided*, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $7,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $919,000,000: *Provided further*, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $350,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,600,607,000, to remain available until September 30, 2012, unless otherwise specified: *Provided*, That of the total amount provided, $4,166,607,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $151,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $18,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of the managers under this heading ''Community Planning and Development'' in title II of division K of Public Law 110–161 is deemed to be amended by striking ''Custer County, ID for acquisition of an unused middle school building'' and inserting ''Custer County, ID, to construct a community center''.

The referenced statement of the managers under this heading ''Community Planning and Development'' in title II of division I of Public Law 111–8 is deemed to be amended by striking ''Custer County, ID, to purchase a middle school building'' and inserting ''Custer County, ID, to construct a community center''.

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to stimulate improved regional planning efforts that integrate housing and transportation decisions, and to challenge communities to reform zoning and land use ordinances: *Provided*, That $100,000,000 shall be for Regional Planning Grants to support the linking of transportation and land use planning: *Provided further*, That $40,000,000 shall be for Metropolitan Challenge Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Planning Grants and Metropolitan Challenge Grants programs: *Provided further*, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the amounts made available under this heading, $25,000,000 shall be made available for the University Community Fund for grants to assist universities in revitalizing their surrounding communities, with special attention to Historically

Black Colleges and Universities, Tribal Colleges and Universities, Alaska Native/Native Hawaiian Institutions, and Hispanic-Serving Institutions: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds including, but not limited to, eligibility criteria, minimum grant amounts, and performance metrics.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2011, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2011: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), $2,000,000,000, to remain available until September 30, 2012: *Provided*, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended (42 U.S.C. 12805 note), $85,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That $53,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $10,000,000 may be made available for rural capacity building activities: *Provided further*, That $5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,850,000,000, of which $1,845,000,000 shall remain available until September 30, 2012, and of which $5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $8,306,328,000, to remain available until expended, shall be available on October 1, 2009, and $393,672,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) Up to $8,474,328,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $232,000,000 but not to exceed $258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $1,000,000,000, to remain available until September 30, 2013, of which up to $872,000,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That up to $2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for

the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $350,000,000, of which up to $214,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013: *Provided further*, That, of the amount provided under this heading, $87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(x)), $70,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2011: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, $50,000,000, to remain available until September 30, 2013: *Provided*, That $25,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: *Provided further*, That $25,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $40,000,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $27,600,000 are rescinded.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, of which $7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of $400,000,000,000: *Provided*, That for new loans guaranteed pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z–20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate, except that no principal limit factor may be reduced below 60: *Provided further*, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided further*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $188,900,000, of which up to $70,794,000 may be transferred to the Working Capital Fund, and of which up to $7,500,000 shall be for education and outreach of FHA single family loan products: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2010, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed $15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2011.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $50,000,000, to remain available until September 30, 2011.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000, to remain available until September 30, 2011, of which $42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2011, of which not less than $20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $200,000,000, to remain available until September 30, 2011: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $120,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

For necessary expenses for combating mortgage fraud, $20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2012, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: ''Public Housing Capital Fund,'' ''Energy Innovation Fund,'' ''Native American Housing Block Grants,'' ''Native Hawaiian Housing Block Grants,'' ''Revitalization of Severely Distressed Public Housing,'' ''Brownfields Redevelopment,'' ''Section 108 Loan Guarantees,'' ''Housing Opportunities for Persons With AIDS,'' ''Community Development Fund,'' ''HOME Investment Partnerships Program,'' ''Self-Help and Assisted Homeownership Opportunity Program,'' ''Homeless Assistance Grants,'' ''Housing for the Elderly,'' ''Housing for Persons With Disabilities,'' ''Housing Counseling Assistance,'' ''Payment to Manufactured Housing Fees Trust Fund,'' ''Mutual Mortgage Insurance Program Account,'' ''General and Special Risk Program Account,'' ''Research and Technology,'' ''Lead Hazard Reduction,'' ''Rental Housing Assistance,'' and ''Fair Housing Activities'': *Provided*, That the Secretary shall fund each of the four general purposes specified above at not less than 10 percent, and not more than 50 percent, of the aggregate transferred amount.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the

limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2010, the Secretary shall transmit this information to the Committees by November 15, 2009 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The President's formal budget request for fiscal year 2010, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 212. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 213. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 214. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 215. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 216. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 217. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z—20(g)), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z—20).

SEC. 218. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 219. During fiscal year 2010, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 220. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 221. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q—z) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 222. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 223. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''fiscal year'' and all that follows through the period at the end and inserting ''fiscal year 2010.''; and

(2) in subsection (o), by striking ''September'' and all that follows through the period at the end and inserting ''September 30, 2010.''.

SEC. 224. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 225. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, however, that a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 226. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, there is a trained allotment holder for each HUD subaccount under the headings ''Executive Direction'' and ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

SEC. 229. Prepayment and Refinancing.

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the

Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 230. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fund-raising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal year 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 231. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading ''Personnel Compensation and Benefits'' to any other account under this title under the heading ''Personnel Compensation and Benefits'' only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided*, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 232. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 233. FHA Loan Limits for fiscal year 2010. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS- For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008. (b) Discretionary Authority for Sub-Areas- Notwithstanding any other provision of law, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 234. GSE Conforming Loan Limits for fiscal year 2010. (a) Loan Limit Floor Based on 2008 Levels- For mortgages originated during fiscal year 2010, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)), respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008. (b) Discretionary Authority for Sub-Areas- Notwithstanding any other provision of law, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

SEC. 235. FHA Reverse Mortgage Loan Limits for fiscal year 2010. For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2010''.

TITLE III
RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,200,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $23,712,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $99,200,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $133,000,000: *Provided*, That Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104(a)) is amended by adding at the end of the first sentence, prior to the period, '', except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule'': *Provided further*, That in addition, $63,800,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at-risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,400,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this

Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111–219, not to exceed seven of the amendments printed in part B of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; not to exceed two of the amendments printed in part C of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment may be offered only in the order printed in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

The proponent of any such amendment may modify its amendatory instructions before the question is put thereon.

After disposition of the amendments specified in the first section of House Resolution 669, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

PART A AMENDMENT NO. 1 OFFERED BY MR. OLVER

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111–219.

Mr. OLVER. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. OLVER:

Page 2, line 13, after the first dollar amount, insert ''(reduced by $250,000)''.

Page 4, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 8, line 9, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 8, line 16, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 38, line 7, after the first dollar amount, insert ''(increased by $250,000)''.

Page 43, line 3, after the dollar amount, insert ''(increased by $3,000,000)''.

Page 92, line 5, strike ''$4,600,607,000'' and insert ''$4,598,607,000''.

Page 93, line 12, strike ''$18,000,000'' and insert ''$16,000,000''.

Page 93, line 22, before the period insert the following: '': *Provided further*, That none of the funds made available under this heading may be used for the construction and facility buildout of a multi-purpose complex at Indiana University of Pennsylvania''.

Page 109, lines 3 and 4, strike '', except that no principal limit factor may be reduced below 60''.

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

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, this is a good amendment that makes a handful of modest changes to the bill. It adds $250,000 for the National Highway Traffic Safety Administration to develop safety standards for the incorporation of alternative fuel technologies in vehicles.

It increases the Federal Rail Administration's Railroad Research and Development account by $3 million, which will allow the FRA to perform multiple studies that were authorized in last year's rail safety bill. It provides $1 million for the Federal Aviation Administration to support commercial space activities.

This amendment includes two provisions championed by Representative CUELLAR from Texas and included in previous appropriations bills, one that requires the use of energy-efficient bulbs in Federal buildings; and the second, which precludes Federal employees from flying first class.

Last, we have included a technical change to a provision that my ranking member, Mr. LATHAM, has championed in order to ensure that the Home Equity Conversion Mortgage program can be implemented without Federal subsidy.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I would ask for the time in opposition, although I will not oppose his amendment.

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

There was no objection.

Mr. LATHAM. Let me just express my frustration in this amendment, and they're all good projects. There are five amendments, all Democrat amendments, all of substance, that we could have agreed on. But also, looking through the list here: We have another four or five amendments that we could have agreed on, of substance, and we will agree on.

Again, I go back to the fact that the Rules Committee, the process is just totally out of whack, and the fact that while I don't oppose these—actually, one of the projects that Mr. BRALEY referred to is something that I started several years ago and has been very, very successful as far as using soybean grease as far as lubricants on railroads. It's been in practice now for several years.

It's the frustration I have that we couldn't have substantive amendments made in order. We have five Democratic amendments put in here, of substance, while we were denied that option. I think it is extremely unfair and really brings shame upon this body and the process that should be in place for all of our constituents to have their Representatives here to decide and vote on amendments which would be of importance to their districts and to the Members' constituents.

I just, again, express my total frustration with the Rules Committee. I don't blame the chairman at all, but it's just the process has totally fallen apart.

With that, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding. Mr. Chairman, I come before you today to protest this restrictive process.

Mr. Chairman, I have submitted a handful of very simple, straightforward, and commonsense amendments to this body. This arbitrary process of choosing which amendments are allowed to be considered on the floor is unworthy of this institution and has damaged the democratic process.

Is the majority leadership so afraid of making their Members vote against such commonsense measures as cutting this bill by half a percent that they wouldn't even allow debate?

I also submitted an amendment that would have prohibited any money in this bill to be spent on bike paths. Mr. Chairman, maintaining bike paths is clearly not a function of the Federal Government, and especially in these tough economic times and an era of large deficits.

This is not an appropriate use of Federal funds and taxpayers' dollars. At a time when our Federal Government is hemorrhaging money and selling bonds to foreign countries like China just to be able to keep the lights on, building bike paths is certainly a frivolous expense that should be cut out of this bill. Unfortunately, this amendment was not allowed to be debated.

The distinguished chairman of the Appropriations Committee has made it known that he is conducting the appropriations process in this restrictive manner in the interest of time. But, Mr. Chairman, that argument does not make any sense.

The Constitution has mandated this body with a finite number of basic responsibilities. Chief among those is allocating Federal dollars. If we cannot spend more than 1 hour debating appropriation bills that allocate hundreds of billions of dollars, then I would suggest that our priorities, the ones that deserve time on this very floor, are misplaced.

I urge my colleagues to vote ''no'' on this legislation and for the majority party to turn the legislative process back to regular order.

Mr. OLVER. Could I inquire how much time there is remaining.

The CHAIR. The gentleman from Massachusetts has 3½ minutes. The gentleman from Iowa has 2 minutes.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I speak in favor of the manager's amendment. This is a very important bill putting America back to work and working on infrastructure and transportation systems that are so important to America's economic vitality and growth. But also, rail transportation is important. Rail is important in many ways, both in a commercial way and in a passenger way.

This particular manager's amendment puts an additional $3 million into the Federal Railroad Administration's Research and Development account. It's certainly the hope of many Members that this will allow for studies of high-speed rail, one of which will go from Little Rock to Memphis, and other studies, so that we can have more high-speed rail and less use of automobiles safe with the environment, and make passenger traffic more available to more people at a more reasonable cost.

Mr. LATHAM. Again, I just want to reiterate, these are good, substantive amendments. All have merit. The frustration I have is that all five are Democrat amendments, never even an opportunity. And there will be several more Republican amendments here that we'll probably agree on. I don't know why we couldn't do this. But it's frustration I have with the process, and it's very concerning to me.

Mr. BRALEY of Iowa. Mr. Chair, I rise today in strong support of the Manager's Amendment to the Transportation HUD Appropriations Act. I'm pleased to have secured an increase of $3 million in this amendment for the Federal Railroad Administration's (FRA's) Railroad Research and Development Account. This additional money for FRA's Railroad Research and Development Account could fund the Biodegradable Lubricants study authorized in Division B: Section 405 of the Railroad Safety Enhancement Act of 2008 as well as other feasibility studies authorized in that bill, and I believe that a portion of this funding should go towards the Biodegradable Lubricants study. This study will help reduce our dependence on foreign oil and reduce our national addiction to petroleum imports. If all industrial lubricants used annually in the U.S. could be replaced with biobased versions, over 2 billion gallons of petroleum per year would be replaced.

In performing this study, the National Ag-Based Lubricants Center (NABL) at the University of Northern Iowa would be a perfect partner for the Federal Railroad Administration. NABL's expertise and resources in biobased lubricants is unmatched, and it is the only entity whose primary mission is the research and testing of agricultural-based lubricants. I thank the Chairman for including $3 million in additional funding for the FRA's Railroad Research and Development account and I look forward to seeing the Transportation HUD Appropriations Act signed into law.

Mr. LATHAM. I will support the gentleman's amendment, and I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I believe this is a good amendment, and I would ask for its passage, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was agreed to.

PART A AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111–219.

Mr. HENSARLING. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. HENSARLING:

Strike line 20 on page 87 and all that follows through page 88, line 12.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. By any possible measurement whatsoever, spending is out of control in the Nation's Capital. Already, this Democratic-controlled Congress has spent $1.1 trillion on a government stimulus plan costing every American household $9,810. That included $100 million for an after-school snack program, $10 million for urban canals. The list goes on.

This Democratic majority in Congress has also passed an omnibus bill costing $410 billion, weighing in at roughly $3,500 per American household. That one included $150,000 for lobster research in Maine and $143,000 to develop and expand a comprehensive online encyclopedia.

Now we know, once again, after the President's press conference last evening, he and the Democrats in Congress will go forward on a government-controlled health care plan that even the Congressional Budget Office, appointed by Democrats, says will cost a minimum of a trillion dollars. Again, costing every American household roughly $9,000.

And what do we have for all this, Mr. Chairman? What do we have?

We now have the single largest Federal deficit that we have ever had in our Nation's history. It crossed the trillion-dollar mark. There was a time not too long ago we always talked in terms of billions; and now it's trillions are rolling off the tips of our tongues.

The Federal debt, the Federal debt under this spending program will triple, triple in the next 10 years. This Congress is on a trajectory to create more debt in the next 10 years than in the previous 220. We're borrowing forty-six cents on the dollar, mainly from the Chinese, and sending the bill to our children and grandchildren.

Mr. Chairman, it is crushing not only to the next generation; it's crushing job growth. Since the President has come into office, an additional 2.6 million Americans have lost their jobs. At 9.5 percent, we're looking at the largest unemployment that we've seen in a quarter of a century. Enough is enough.

And so I want to take the President up on a challenge that he issued to Congress just a couple of months ago. He said, ''If we're going to rebuild our economy on a solid foundation, we need to change the way we do business in Washington. We need to spend money wisely.''

The President went on to say, ''That starts with the painstaking work of examining every program, every entitlement, every dollar of government spending and asking ourselves: Is this program really essential? Are the taxpayers getting their money's worth?'' Those are the words of our President, Mr. Chairman.

□ 1400

Mr. Chairman, today I just want to focus on one program, one program out of an estimated 10,000 programs. It's called HOPE VI. Well, according to OMB—and you can look at their Web site—this is the program that has already accomplished its original objective. According to OMB, HOPE VI ''has completed its goal of contributing to the demolition of 100,000 severely distressed public housing units.''

Now, since achieving its original objective, OMB goes on to further say, The program is more costly than other programs that serve the same population. The program has accomplished its stated mission. And furthermore, I am told—and I hope that the distinguished chairman can shed some light on this. I'm told the program is sitting on almost $1 billion of unexpended balances.

I mean, we're shoving more money their way, Mr. Chairman, and they can't even spend the money that they already have. It's time for us to lead by example, terminate one program, and quit borrowing the money from the Chinese and sending the bill to our children and grandchildren.

I reserve the balance of my time.

Mr. OLVER. I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I rise in opposition to the amendment. The HOPE VI program was launched in 1992 to allow the replacement of affordable housing that had deteriorated and was determined to be uninhabitable. The annual appropriations for about 10 years after that point were $500 million per year or thereabouts.

During that time, 25 to 30 applications were awarded each year, and some of those programs went forward very expeditiously and some of them did not move forward as expeditiously. But in at least the last 5 years, under the previous administration, each year the administration attempted to rescind the appropriation that had been made the previous year and then zero out the program for the year that we were appropriating for, attempting not just to cripple but to terminate the program.

Congress refused, because many communities still had projects for the program, so we still had five or six projects per year, because the appropriation was for several years, at least 5 years, was frozen around $100 million or thereabouts per year. Now, it is my understanding, at least, that what are—typically programs and projects that had been afforded money under the program of HOPE VI took from 3 to 7 years and that would be used to complete. Some took longer.

During the past year, we have been able to get the Department of Housing and Urban Development to spend special time, special effort, through technical assistance and working with the organizations that had the applications in, to go back and make certain that those that had been awarded in 2002 and 2003 were moving forward. They made some serious progress on that, but there is still need for this program.

At this point I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK), who is the chairman of the Authorizing Committee, because so great is the need that the Authorizing Committee has been working on that.

Mr. FRANK of Massachusetts. I thank my colleague who does an excellent job in chairing the subcommittee.

While the author of this amendment and myself both serve on the Financial Services Committee, I think I can say that on a bipartisan basis over the years, the Financial Services Committee has shown a lot of support for this program and for improving it.

The gentleman cites some unexpended balances, but here's the problem. There's kind of a catch-22 here. If program money is spent too rapidly and it is then spent inefficiently, there is criticism. What has happened with HOPE VI is that in response to some legitimate criticism, some controls were proposed to slow things down. This money ultimately gets spent, but it gets spent in a way that is less likely to be abused.

It is also the case that there is a kind of ''you lose either way'' argument made against public housing. Often the criticism is in that public housing warehouses people in large projects that do not have the capacity to provide a decent living environment. HOPE VI is an effort to preserve the units, because we do have a shortfall for family public housing in many parts in the country, not in all, but by redoing the projects to remove the stigma that has attached. And if you get rid of the HOPE VI program, you then abandon the notion that you are going to go to existing public housing to try to make it more livable and less concentrated.

Now, that's not an easy thing to do. We've been working, again, in a bipartisan way on ways to improve that, to bring in other services, to coordinate how you do it. But to simply shut the program off is, I think, to say to the people who live in the public housing that was built inappropriately—the residents didn't build it, society built it and put them there.

It would say, We are abandoning any effort to improve the liveability of where you are, and also then make them more vulnerable to criticism and build opposition to the whole notion, when the alternative is to make the living conditions better for the people in the surrounding communities.

Mr. OLVER. I reserve the balance of my time.

The CHAIR. The gentleman from Texas has 1 minute remaining, and the gentleman from Massachusetts has the option of closing.

Mr. HENSARLING. Thank you, Mr. Chairman.

Again, the President of the United States says, Start the painstaking work of examining every program. Mr. Chairman, we have a program that, number one, has achieved its mission; number two, it is now effective; number three, it is duplicative of another program; number four, it has at least 5 years of appropriations in the pipeline; number five, we are looking at the single-largest deficit in the entire history of the United States of America. We have the largest unemployment rate in 25 years.

Mr. Chairman, out of 10,000 Federal programs, if you won't terminate one to quit borrowing money from the Chinese and sending the bill to our children and grandchildren, if you won't terminate this program, I mean, please, which one will you? Is there ever a point where you say, Enough debt is enough? Is there ever a point where you finally conclude that the

best housing program in America is a job? Let's create the jobs. Let's not destroy the jobs. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, just last fall this House passed reauthorization legislation for HOPE VI and authorized for the first year of that $750 million. The work of HOPE VI simply is not done. That represents how much the demand is on the part of the membership of the House.

Basically, what I would say here is that this work needs to continue. There is much need for affordable housing in this country. The HOPE VI program is not duplicated by anything else that I know of, and I would urge that the amendment be defeated.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

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

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

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

PART A AMENDMENT NO. 3 OFFERED BY MR. LATHAM

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111–219.

Mr. LATHAM. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. LATHAM:

Page 44, line 8, after the dollar amount, insert ''(reduced by $3,000,000,000)''.

Page 45, line 21, strike ''*Provided further*,'' and all that follows through the semicolon on page 46, line 8.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. I thank the chairman very much. This really is a very simple amendment. I seek to bring the funding level for high-speed rail back down to the President's request of $1 billion and strike the transfer authority for the National Infrastructure Bank.

When the stimulus deal was announced by the President and the Democrat leadership, we were told that the plan was to provide $8 billion for high-speed rail in the stimulus and another $1 billion a year for the next 5 years. My amendment meets the President's goals and his plans. We are just now embarking on this high-speed rail initiative. The stimulus funds are still in the Treasury. They haven't been spent, and there is little reason to dump another $3 billion on top of an unspent $8 billion since the committee hasn't even had the time to do any oversight at all in this area.

I know the chairman is going to reference that there is pent-up demand for high-speed rail, and he is going to mention $100 billion in grant applications. Are we really ready to embark on a $100 billion endeavor on top of the million-, billion- and trillion-dollar endeavors already under consideration? We don't even know if those grant applications have any feasibility at all.

Second, this amendment would strike the transfer to the National Infrastructure Bank. The administration requested $5 billion for a bank in their budget requests, but it didn't include any authorizing language at all. I know there are a few bills out there that would authorize this, and those proposals should be considered in the regular authorizing process. However, there is no bank today. There is no authorized bank in which to put this money. I'm not opposed to the bank idea, but I believe we should know what the activities and programs are that we are paying for up front.

The bill before us gives authority to transfer $2 billion to the bank on October 1, 2010, should the bank ever be authorized by that date. Now, October 1, 2010, is actually in the 2011 fiscal year, and this committee will have the opportunity to consider funding that bank within the budget priorities for fiscal year 2011 under that 2011 allocation. There is absolutely no reason to do that now.

I did have an amendment to transfer the $3 billion to the highway trust fund, but the Rules Committee was probably too worried that the amendment may pass. However, without the transfer, this is still a good amendment. Cutting an extra unrequested $3 billion from this account still meets the President's request, his commitment, and would give me good reason to support this otherwise pretty good bill.

I urge the adoption of my amendment. Again, I just want to make sure people know that this is $3 billion on top of the $1 billion the President requested, $2 billion of which is set aside—people talk about this money going to high-speed rail. It's not going to go there. This is set aside in a fund basically to be held so that just in case this infrastructure bank is authorized, the money will go there. This has nothing to do with high-speed rail. It has everything to do with making this a bill that people can support.

I reserve the balance of my time.

Mr. OLVER. I rise to claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. First of all, I want to say that this high-speed rail, the program for combined high-speed and intercity passenger rail, that is the most important transportation initiative since the Eisenhower Interstate Highway System, the National Defense Highway System of 50 years ago, which took a generation, basically, to build. It's not going to happen quickly. It's going to take a period of time, there is no question, but it is the most important initiative. There is pent-up demand. There is a huge demand.

The first preapplication period for this bill brought in $100 billion of applications for $8 billion that was in place there. If we do not add significantly to that, as this bill does do, by adding $4 billion to the $8 billion that is already there, then people will lose faith or wonder, Are we in this seriously? Are we going to do high-speed and intercity passenger rail, as had been proposed and put forward in the recovery bill earlier or aren't we intending to do that?

□ 1415

I think we must keep this momentum going, for if we lose it, then that would be a very bad thing to have happen. There are applications for more than 40 States in the union totaling a hundred billion dollars. Some of those are going to be in construction later this year or early next year. The actual final applications are due for the smaller projects within a month. And within 2 months after that, they are supposed to be in awards. So they are expected to be providing jobs next year.

So I think that that is a very appropriate way to keep our public momentum going toward passenger and intercity rail, high speed and intercity passenger rail.

I reserve the balance of my time.

Mr. LATHAM. I will reserve at this time.

Mr. OLVER. How much time is left now?

The CHAIR. The gentleman from Massachusetts has 3 minutes. The gentleman from Iowa has 1 minute. The gentleman from Massachusetts has the right to close.

Mr. OLVER. I yield 1½ minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Today I rise to encourage my colleagues to vote ''no'' on this amendment that would cut funds for high-speed and passenger rail funding. Just 1 week ago, the Department of Transportation announced that it received 278 preapplications for high-speed and intercity passenger rail funds totaling $102 billion. Northeastern States submitted 79 applications totaling $35 billion; the South and Southeastern States 44 applications totaling $66 billion; Northwestern States submitted 47 applications totaling $13 billion; and the Western States submitted 108 preapplications totaling $38 billion.

Clearly, there is an increased demand for high-speed rail for the future and transportation of America. It will provide more efficient travel, increase U.S. jobs, reduce hydrostatic carbon emissions from all transportation sources, increase economic competitiveness, and reduce the dependence on foreign oil. And prove that freight lines

will also offer more effective freight service. But the $8 billion provided in the American Recovery Act is just the beginning.

I urge my colleagues to vote ''no'' on this amendment.

Mr. LATHAM. I will reserve at this time.

Mr. OLVER. I yield 1¼ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in strong opposition to this amendment. It eliminates $3 billion in high-speed rail funding for 2010, including the $2 billion that could go to capitalize a much-needed infrastructure bank if authorized. We need to look to improve our way of life, create jobs, foster long-term economic growth, which we can do through an infrastructure bank which is an independent entity, would consider a broad range of infrastructure projects objectively, leverage hundreds of billions of dollars in private capital to put toward rebuilding America.

This is not a partisan issue. This past week the bipartisan National Governors Association endorsed the concept of an infrastructure bank by resolution. The U.S. Chamber of Commerce, labor groups strongly support this effort. President Bush's transportation secretary, Mary Peters, said there are upwards of $400 billion in private capital available through pension funds, sovereign wealth funds.

To invest in our Nation's infrastructure, we need to harvest the power of that private capital and in a smart way and in an effective way in order for us to remain competitive in the 21st century.

I urge my colleagues to reject this amendment.

Mr. LATHAM. I yield myself the remainder of the time.

I will have to say I'm a little bit confused. First they're saying that this is a cut to high-speed rail, and then the last speaker got up here and said, Well, no, that money is not for high-speed rail, it's for some program that hasn't even been authorized yet. I'm not quite sure where we are here, because we're talking about spending the same money two or three times. I would suggest to the gentlewoman from Connecticut that there is no authorized bank. And by the language in this bill, those dollars could not be transferred until the next fiscal year, which means that the whole next year's cycle, if this bank is authorized, if that money is needed, we can do that next year.

But to have this money sit in a slush fund basically and do nothing—and everyone knows it's not going to go out the door, and the gentleman from Massachusetts knows—my chairman, who I love dearly—but he knows that I made this statement in committee. I'm not against high-speed rail. As a matter of fact, I made the statement on two different occasions that I think the $787 billion of stimulus money could have had actually been well spent and we could have a national high-speed rail system and actually accomplish something if we would have spent all of that money in the stimulus just on high-speed rail. We would have the Eisenhower Interstate Project. I'm not against it, but I'm just saying to have this money sit here and do nothing when we've got a critical issue, as far as the highway trust fund that needs funding immediately, is simply wrong.

Let's save the money, let's make the bill acceptable to a lot more people who can support it on a bipartisan basis.

I yield back the balance of my time.

Mr. OLVER. As the gentleman understands, the $4 billion is available in this fiscal year for which we're appropriating only for high-speed rail. And I hope that it will remain there.

I urge the defeat of the amendment so that we will keep the momentum up and keep the building, the development of high-speed rail moving forward as fast as possible.

Mr. HARE. Mr. Chair, I rise in strong opposition to this amendment.

I thank Chairman OBEY and OLVER for including $4 billion in this bill to create a 21st Century passenger rail system that will strengthen the economy by creating jobs, reducing congestion and improving mobility on our nation's highways.

For every $1 billion invested in transportation, 35,000 jobs are created. With our economy suffering from one of the worst recessions in memory, this is the type of growth we should be promoting.

This money will help fund projects like the Chicago-Quad Cities-Iowa City passenger rail line near my home town. This plan will benefit businesses, leisure, and commuter travel, as well as positively impact regional commerce. In the Quad Cities alone, this project is estimated to create nearly 825 jobs and increase household income by almost $16 million.

The amendment before us slashes funding for high-speed and intercity passenger rail and prohibits the transfer of monies to a National Infrastructure Bank to fund the future modernization of our nation's road and rail systems. This will thwart economic growth by killing future jobs.

I strongly urge my colleagues to reject this amendment, and instead, support growing our economy, improving mobility, and protecting the environment.

Mr. BRALEY of Iowa. Mr. Chair, I rise today in opposition to the Latham amendment, which could seriously jeopardize Iowa's effort to bring passenger rail to the State. For the last two and a half years, I've been a strong advocate for bringing rail service from Chicago to Iowa, and this amendment cuts the very funds that will help make this rail service a reality. This amendment could lead to a loss of Iowa jobs, as well as reduced economic development opportunities throughout the state.

Two new passenger rail routes that will provide significant public and economic benefit are the lines from Chicago to the Quad Cities and Chicago to Dubuque, Iowa. Both routes would open up large parts of rural Illinois and eastern Iowa to huge economic growth and prosperity. These routes would also provide vacation spots for residents of Chicago in scenic Dubuque and Davenport, Iowa. The availability of passenger rail heading west from Chicago could also help eliminate congestion at O'Hare airport as many airline passengers fly regionally to the Quad Cities, Dubuque and Des Moines. Bringing rail service to Iowa would bring the opportunity to extend these Amtrak routes to Iowa City, Des Moines, Waterloo, and other cities. Many travelers would then be able to choose a train ride over the stress of the airport. Expanded passenger rail service would help reduce our dependence on foreign oil by encouraging the use of rail for travelers and decreasing the use of gasoline. Both of these routes would provide new passenger transportation through the heart of the country, bringing new opportunities to many Midwestern cities, creating jobs, and providing new transportation options for families and businesses. I can't support a proposal that could put the future of these projects in doubt.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

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

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

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

PART A AMENDMENT NO. 4 OFFERED BY MR. MCHENRY

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111–219.

Mr. MCHENRY. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. MCHENRY:

Page 46, line 21, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 50, line 15, after the dollar amount insert ''(increased by $1,000,000)''.

The CHAIR. Pursuant to House Resolution 669, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, the Office of Inspectors General throughout our government do a yeoman's task at providing oversight of Federal spending, and I think it's important that these matters be brought before the House.

Mr. Chairman, at a time when Congress is burning through unprecedented amounts of taxpayer dollars, oversight and accountability are of greatest importance. We need to know who's getting the money and what it's being used for. As of the end of June, this Congress has already spent $2.6 trillion, and we're on pace to have a $1.8 trillion deficit this year—the largest in our Nation's history. The American people know we're spending a lot of money in Washington. Whether they like it or not is another question. But we need to make sure that we're getting value for our dollar. Amtrak has recently benefited from this unprecedented funding

by taking in $1.3 billion from the so-called stimulus bill in addition to their annual appropriations of $1.4 billion.

This makes it all the more troubling to find out that in the course of conducting his oversight activities, Amtrak's former inspector general, Fred Weiderhold, was being misinformed, deceived, and circumnavigated by lawyers and bureaucrats within his agency in his effort to track down stimulus money. And the same day that a report came out highlighting the ways in which Amtrak officials were interfering with his job, Mr. Chairman, Inspector General Weiderhold unexpectedly resigned. This raises many questions about the sudden departure of a career official, particularly where there is political pressure from the current administration for him to step down.

The Oversight and Government Reform Committee—of which I am a member—is launching currently an investigation into this matter, which occurred last month, and I look forward to seeing what comes out of this investigation. The reason why I bring it before the House is so that Members know what's happening with inspectors general across the government.

However, it doesn't just stop with the Amtrak inspector general. His resignation is only one of what seems to be a larger pattern of inspector general purges throughout the Obama administration. Gerald Walpin, the long-time inspector general for the Corporation of National and Community Service, which overseas AmeriCorps, was fired in June after his investigation into the use of grant funds for political purposes turned up some disturbing information.

Judith Gwynne, the acting inspector general for the International Trade Commission, was also fired last month, coincidentally right after Senator GRASSLEY of Iowa expressed concerns in a letter to the International Trade Commission chairwoman about the potential agency obstruction of Ms. Gwynne's investigations of contractors' activities.

Even Neil Barofsky, who is a special inspector general for the TARP—or the bailouts—has expressed worry after Treasury Department officials informed him that the Department had legal authority over his office.

We need to make sure that we have proper oversight and accountability of the funds that we're spending in this government. The American people deserve comprehensive, around-the-clock oversight of spending. That's why we have inspectors general. The administration's pattern of undermining and removing oversight when it becomes politically inconvenient makes this all more important to be brought to the attention of the House.

And the reason why I rise today is under these limited rules that we have on appropriations bills, it's very difficult to bring issues before the whole House. And so that's why I speak today to make sure that we have inspectors general throughout the government, not just in Amtrak, that are able to do their job without political interference from any administration or any outside forces.

So that's why I rise today, to make sure that I have this opportunity to bring it before the House of Representatives and its Members.

I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

PART A AMENDMENT NO. 5 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111–219.

Mr. SCHOCK. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. SCHOCK:

Page 96, line 19, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 105, line 19, after the first dollar amount, insert ''(increased by $5,000,000)''.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I yield myself as much time as I may consume.

Our country continues to see a significant increase in foreclosures, which are up 18 percent this January over last. Those figures continued to rise the first quarter of 2009, with an additional 616,000 homeowners filing foreclosures. Over 25,000 of those foreclosure were in my home State of Illinois alone. And now the percentage of subprime loans in foreclosure has, for the first time ever, eclipsed 14 percent.

We have all heard about these ridiculous loans: ballooning adjustable rates, reverse amortization, and interest-only mortgages which never actually provide home ownership. These vehicles of financial ruin usually have only one possible result for the homeowner: foreclosure.

And while it would be much too simplistic to place the blame for the housing crisis at the feet of these irresponsible loans, they are certainly the chief culprits. And while many programs have been enacted to help victims who have fallen victim to these deceptive practices, little has been done to ensure that this crisis does not happen again, that future homeowners are not lured by irresponsible mortgages. It is time we take some preventative action to make certain homeowners have access to professionals which will assist them in understanding what they are getting into, and hopefully not only delinquency but ultimately foreclosure.

The amendment I am offering today is a simple transfer of funds, yet will go great lengths to ensure that the American people have access to additional necessary resources before purchasing a home.

Mr. OLVER. Will the gentleman yield?

Mr. SCHOCK. I will.

Mr. OLVER. I thank the gentleman for yielding.

I think the gentleman has found a very appropriate amendment. It takes a small amount of money from a very large program to put into a program that we have supported and I have supported strongly. I am perfectly willing to accept the gentleman's amendment.

□ 1430

Mr. LATHAM. I will join the chairman, and we will certainly be glad to accept the amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

PART A AMENDMENT NO. 6 OFFERED BY MR. CAO

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111–219.

Mr. CAO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. CAO:

Page 152, line 17, strike ''bi-annually'' and insert ''quarterly''.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. Mr. Chairman, I rise today in support of amendment No. 6 to the appropriations bill. I thank Chairman OLVER and Ranking Member LATHAM for their support and assistance.

Mr. Chairman, this amendment will require the Neighborhood Reinvestment Corporation, also known as Neighborworks, to report to Congress on a quarterly rather than biannual basis on their efforts to mitigate mortgage defaults. Given the current concerns over the state of the housing and financial markets and the outlay of taxpayer dollars, it is imperative that we pass this amendment to strengthen congressional oversight of this agency.

I'm not criticizing the good work that Neighborworks has done. In fact, I appreciate their service to several projects in my district, including a soft-second mortgage program and the Hoops for Homes partnership with the New Orleans Hornets. However, given the size of the corporation and the scope of its financial work, Neighborworks should report to Congress more frequently to help us understand and facilitate its efforts. The Constitution allows Congress to delegate its ''power of the purse'' as it

pleases. However, we must do so with care and deliberation, no matter how well-meaning the project. Congress needs to be balanced in its commitment to repairing the housing market. Just as we are keeping close watch over the expenditure of taxpayer funds in bailout money, we need to keep the same watch over other Federal programs.

I encourage a ''yes'' vote on this amendment.

I reserve my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition, but I am not opposed.

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

There was no objection.

Mr. OLVER. In fact, I am willing to accept the gentleman's amendment.

Mr. LATOURETTE. Will the chairman yield?

Mr. OLVER. I'm happy to yield.

Mr. LATOURETTE. I thank the distinguished chairman. We are also pleased with the gentleman's amendment and are willing to accept it.

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

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAO).

The amendment was agreed to.

PART A AMENDMENT NO. 7 OFFERED BY MR. FRELINGHUYSEN

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111–219.

Mr. FRELINGHUYSEN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. FRELINGHUYSEN:

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

SEC. ____. None of the funds made available under this Act may be used by the Federal Aviation Administration to implement the New York/New Jersey/Philadelphia Airspace Redesign project.

The CHAIR. Pursuant to House Resolution 669, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself 1 minute.

I rise today to offer an amendment, along with my colleagues LEONARD LANCE and RUSH HOLT of New Jersey and ELIOT ENGEL of New York, that would force the FAA to halt the implementation of its redesign of the New York/New Jersey/Philadelphia airspace unless they immediately address the issue of aircraft noise over our area. While the safety of passengers, their travel time, and the needs of the airline industry's survival is paramount, so is the right of the people on the ground, not all of whom are air travelers themselves, who have a right to a quality of life with a minimum exposure to aircraft noise overhead.

The FAA has never adequately addressed the issue of aircraft noise, despite repeated congressional requests and statutory requirements to do so, not only for our part of the country, but across the Nation, as we have heard from various colloquies today. There were 13 lawsuits seeking to block this redesign because of noise and other environmental concerns. Members of Congress have proposed several studies that have sought to find other solutions to improve the airspace. So, clearly, there is support for putting this redesign on hold.

The CHAIR. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. I yield myself another 30 seconds, Mr. Chairman.

Members of Congress have proposed several studies that have sought to find other solutions to improve the airspace, so it is clear their support for putting this redesign on hold. Mr. Chairman, despite the fact that appropriations bills over many years that fund the FAA have directed the FAA to address the issue of aircraft noise, the FAA has turned a deaf ear to this issue. Maybe they will hear us this time.

And I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the amendment that has been offered prohibits the implementation of the New York airspace design which FAA has worked on now for about 10 years, and it would appear from the gentleman's language that it is on the basis of airport noise, not the overhead noise, but rather the ground noise. Well, with airplanes nowadays, each new sequence of airplanes is quieter than they were in the past, at all levels and more efficient at all levels, whether they're flying high or low or on the ground than had been previously the case. But that is only one point here.

Many parts of this country have completed the redesign of the airspace in their regions over the last several years. And why is that important? Well, it is important because the national airspace is now carrying 750 million passengers per year and is expected to be increasing by 50 percent between now and 2025. Today, already, 40 percent of all flight delays in the national airspace system are part of the New York area flights, both incoming and outgoing, which then causes backups all over the country.

We know we are approaching gridlock in our air traffic control system, which is based on a ground-based sight by radar system which is technologically a half century old. It is really old technology. We know we need to switch to a network satellite-based system for traffic control much more quickly than the present estimate of the year 2025.

To do that, we must finish airspace redesign all over the Nation, but particularly because of the congestion, the extensive congestion in the New York area, particularly in the New York area. So the space design and modern satellite-based traffic control allows planes to fly closer together, higher up, on a direct path, save energy in the process, run quieter because they can stay higher longer and be on the ground less than previously was the case.

The added capacity is absolutely necessary and will finally reduce delays in this most congested area by allowing the redesign benefits to accrue from environmental purposes, reducing emissions. Benefits are provided to the controllers because the new technology increases the flexibility in routing and helps balance their workload, and this amendment would delay the removal of congestion. It would prolong the use of outdated, inefficient technology. It would put noise reduction that is in the design process at bay, and it would delay the safe expansion of our air traffic travel capacity.

We have to move on in this 21st century and develop the fully new technology. This amendment should be defeated.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 1 minute to my colleague from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my colleague, Mr. FRELINGHUYSEN, for yielding time to me. I certainly support what the chairman has done in this bill, and I commend him for it. I'm not opposed to redesign of our airspace, but I am opposed to FAA's current redesign plan. The FAA developed and implemented the redesign without consulting key stakeholders, for example, the National Air Traffic Controllers Association, who are the primary users of these procedures.

Last year the FAA changed what is known as the ''dispersal headings'' for Newark and Philadelphia airports despite insufficient testing, unpublished procedures and failing to train the pilots and controllers. This led to frequent miscommunication between pilots and controllers, planes steering off course and near-collisions.

This amendment would strike the funding for continuing the New York/New Jersey/Philadelphia metropolitan airspace design to allow time for the FAA, the National Air Traffic Controllers and other parties to work together to develop a comprehensive, multilateral approach to improving the system. Funding this project, going ahead as it is, is putting the safety of our constituents at risk, not dealing properly with noise or the efficiency of air travel. I urge my colleagues to support the amendment.

Mr. FRELINGHUYSEN. I would like to yield time to Mr. ELIOT ENGEL from New York.

Mr. ENGEL. Mr. Chairman, I rise today in strong support of the gentleman from New Jersey's amendment to restrict funding for the FAA's ill-conceived New York/New Jersey/Philadelphia airspace redesign plan. This plan was jammed down our throats with zero input from the residents it harms the most. It would put an additional 200 to 400 flights a day over my constituents in Rockland County, New York, with lots and lots of overhead noise, and the FAA won't even tell us how much. They tried to do it without any kind of public hearing. They tried to sneak it. They have been a bad player and have acted in bad faith. There was no notification to myself or other elected officials whose districts are affected. The residents have not had ample opportunities to have their concerns and comments heard.

Landing at Newark Airport right over my communities is totally unacceptable. The noise level will be increased and, again, FAA doesn't tell us how much. I have let President Obama, Secretary LaHood and FAA Administrator Babbitt know that I am totally opposed to this. I commend the gentleman from New Jersey for this amendment. This plan must be defeated. It is not going to serve anyone, certainly not our country.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. COSTELLO) who is the chairman of the Aviation Subcommittee of Transportation and Infrastructure.

Mr. COSTELLO. Mr. Chairman, I thank you for yielding.

Mr. Chairman, I rise in opposition to the amendment offered by my friend from New Jersey. The amendment would prevent the FAA from funding the implementation of the New York/New Jersey/Philadelphia metropolitan airspace redesign. The FAA's airspace redesign efforts will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing and ultimately saving money for the airlines and airspace users in fuel costs.

After 9 years of evaluation and a cost of over $53 million to the taxpayers, the FAA announced that it would implement a new airspace structure for the five major airports and several regional airports serving the New York/New Jersey/Philadelphia metropolitan area in September 2007.

Congestion and delays in this region ripple through the entire aviation system and cause delays all throughout our entire national airspace system. The FAA did extensive analysis and held more than 120 public meetings in five States throughout the environmental process. Delay benefits are estimated to reach 20 percent by the year 2011 compared to the amount of delays the air traffic system would have without the changes.

According to the FAA, one-half million fewer people will be exposed to noise under this plan compared to no change at all. In July 2008, the GAO issued a report on the airspace redesign and concluded the FAA's methodology to assess operational and noise impacts was reasonable.

Mr. Chairman, we must not delay the redesign project. We must modernize our airspace and move forward with the NextGen Air Transportation System.

Mr. FRELINGHUYSEN. Mr. Chairman, in closing, let me thank both Chairman OLVER and Mr. LATHAM, the ranking member, for a good bill. We are just trying to perfect it. And let me just say to Mr. COSTELLO, and I thank him for his leadership on these issues, I got the $53 billion through the appropriations process. And you would think that they could at least recognize the high incidence of aircraft noise over New York and New Jersey. This is a wake-up call to the FAA. We are not the only States where redesign is about to happen. I do think people on the ground have a right to let the FAA know, as they proceed with their redesign plans, that aircraft noise does affect the quality of life for Americans all around the Nation.

Mr. GARRETT of New Jersey. Mr. Chair, I rise in strong support for the amendment offered by the gentleman from New Jersey, Mr. FRELINGHUYSEN, to require that the FAA restrict the use of any funding for the implementation of the New York/New Jersey/Philadelphia metropolitan area airspace redesign.

I have no issue with improving the quality of air travel; I agree that flight delays are a serious problem, particularly at New York-area airports. I simply want to ensure that a fair and appropriate balance is reached between the quality of flight in the air and the quality of life on the ground.

For many years now, I have fought the FAA on its current plan to redraw the airspace over New York, New Jersey, and Connecticut. It would redirect thousands of flights per year over the houses of many of my constituents. This increased aircraft noise affects peoples daily lives in many ways. It is more than a nuisance. Aircraft noise can adversely affect children in schools; the elderly in nursing facilities; and families in their homes. Additionally, these homes may decrease in value as a result of this aircraft noise.

Proponents of the airspace redesign have long maintained that it is necessary to redesign the airspace because a significant portion of the delays in our national airspace derive from the tri-state area. We have long maintained that redesigning the airspace in the way the FAA is proposing would have very little effect on delays but would adversely affect the lives of thousands of people.

There is still time for the FAA to achieve a balance in this process between the needs of those in the air and those on the ground. This amendment would force the FAA to delay implementation of the redesign plan and find an alternative that would achieve a better balance between competing interests. I strongly support the gentleman's amendment, and urge its adoption.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

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

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

PART A AMENDMENT NO. 8 OFFERED BY MRS. BLACKBURN

The CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 111–219.

Mrs. BLACKBURN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by Mrs. BLACKBURN:

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

TITLE V—FIVE PERCENT REDUCTION

SEC. 501. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 669 the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

□ 1445

Mrs. BLACKBURN. Mr. Chairman, as I have said so often this year, I rise in defense of the American taxpayer. And once again, we find ourselves on the floor considering still more Federal spending. That spending hasn't brought back the millions of lost jobs. Our constituents are still asking, Where are the jobs? And as my colleagues have promised me, they're going to continue to ask that question.

It hasn't promoted the economic growth that is so desperately needed. What it has done, it has produced a deficit that will likely top $2 trillion this year. It has contributed to the largest Federal debt this Nation has ever known. That is the debt that my grandchildren will have to pay in missed opportunities and needless sacrifices.

Mr. Chairman, my amendment applies a 5 percent cut to this appropriations bill. That is a 5 percent cut to programs whose spending has increased by 146 percent over the last 3 years. That is 146 percent over the last 3 years. That is a 5 percent cut to programs that have already gotten $62 billion this year from the stimulus.

Mr. Chairman, I will shortly yield my time, but before I do, let me preview what I am sure my distinguished colleague will say in objecting to my amendment. He is likely to suggest that across-the-board cuts are bad because they do all the careful bipartisan work that is necessary to produce a good bill. And we know that everyone works hard on this legislation. We appreciate that. But we know there is

more work that can be done in perfecting these bills.

He'll tell us that this bill has made tough choices already this year, and respectfully, I disagree. How many hard choices have we really made as a body when we have seen spending more than $14 billion than was spent last year?

My esteemed colleagues may go through a litany of vital programs that would be destroyed by a 5 percent across-the-board cut. What my colleagues don't many times mention is that a 5 percent cut would allow each of the programs to still grow by 11 percent from last year's funding. And probably what we will hear is that this committee isn't really spending that much more, if you don't count the stimulus spending.

Now, all of these are things that we have heard this year during these 5 percent debates, but, Mr. Chairman, I will say I do count that stimulus spending. I count every penny we're spending because, indeed, it is my grandchildren who are some day going to have to pay this money back.

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

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the gentlewoman from Tennessee is quite correct. I will claim that an across-the-board cut of the sort that has been proposed in this amendment is the worst possible way that one can do this sort of thing.

In my opening remarks, I pointed out that this legislation has some $47 billion of appropriation for housing programs and that it's above the President's request in that area because we are trying to fill the gap for what has happened over the last 8 years of cuts in so many of the housing investment programs. And let me just give you an example of this.

One of the points I made in the opening was that one of the things we were particularly trying to do in the very good housing parts of this legislation was to support vulnerable populations. And so in replacement of several years, 5 years in a row of cuts in elder housing and in disabled housing, in tenant- and project-based assistance in our PHA's major programs, we didn't always allow the cuts that the administration had applied and had requested, and we usually, in fact, didn't do that because people in here are concerned about what's going on in the matter of people's lives. However, the cuts were made.

And I would like to just point out that if you go back to the year 2001 and use a 1 percent, a 1 percent per year inflationary factor to each of those housing program investments that we would make, that would bring you to a point $1.5 billion above where the present legislation proposes in this bill.

So what I'm saying there is that an across-the-board cut of the sort that has been suggested by the gentlewoman from Tennessee simply cuts those places that we particularly wanted to put money into in order to fill the gap that has been growing over a period of years, and it's the wrong thing to do.

It would hurt our elders. It would hurt our people who are in affordable housing in either the tenant- or the project-based systems. It would cut Hope VI. It would cut the program for housing for people with AIDS, the elder and disabled housing and CDBG. All of those were programs that were deliberately reduced year after year or recommendations made for a reduction, and, in fact, over time had been reduced substantially compared with the '01 appropriation.

So this has particularly bad effects on those programs, particularly the housing programs that have been well-funded in the bill that we have before us.

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, I will simply point out that we have to realize that this is taxpayer money, not government money, and what we are hearing from the taxpayers of this great Nation is that spending is out of control. A $1 trillion deficit is too much. A Federal debt that is at record levels is too much spending. And taxpayers are telling us they are tired of us spending money on programs they don't want. And it's, as one of my constituents has said, that we are spending money she hasn't made on programs that she doesn't want. And they are right to speak out to us about this.

I will also point out that our States, which function under balanced budget amendments, are great labs of experimentation in State budgeting. Our States make across-the-board cuts. In making an across-the-board cut in this appropriations bill, you would still have 11 percent growth in these programs. And that is significant because in the last 3 years, as I said, this funding has increased 146 percent.

You have programs in this bill that received 62 billion additional dollars through the stimulus, and a 5 percent cut would save the American taxpayer $3.44 billion. That would be the savings that is there.

We all know as we budget at the Federal level we use baseline budgeting, and a good thing about making across-the-board cuts is that it helps reset that baseline. And what we have seen with our Federal budget, as we have had the additional spending with our stimulus, with these additional appropriations, is those numbers are rising. And yes, indeed, the taxpayers are reminding us they are going through the roof and they are tired of that. They want the spending, the out-of-control spending to stop.

Every year, taxpayers sit down and they write out their check to Uncle Sam, and when they send that check in, they know they're delaying their priorities.

I urge support of the amendment.

Mr. OLVER. I would just reiterate that while I'm not in favor of cutting the bill that we have put forward, I think it is a good bill, that this is by far the worst way that you could possibly do that, and I would urge the defeat of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

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

PART A AMENDMENT NO. 9 OFFERED BY MR. BURTON OF INDIANA

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111–219.

Mr. BURTON of Indiana. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. BURTON of Indiana:

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

SEC. ____. None of the funds made available in this Act may be used by Amtrak to provide free alcohol.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Well, first of all, I want to thank the Rules Committee for making this amendment in order, and I don't think it's controversial. I hope my colleague agrees with that.

Back in the summer of 2007, Amtrak was trying to get more passengers on their luxury line, and so they decided that they would give people a $100 coupon to get free alcohol on the trip. It was a way to try to encourage ridership. Well, unfortunately, that didn't work, and 1 year later the GrandLuxe line on Amtrak shut down, and they no longer have used the $100 incentive by giving people $100 worth of alcohol to ride the train.

And so what my amendment does is—very simply says that that will not be included in any future Amtrak legislation, that we will no longer be giving free alcohol as an incentive for people to ride the train. And I might add, with all of the rail accidents we've had recently, it's probably a darn good idea.

I reserve the balance of my time.

Mr. OLVER. I claim the time in opposition, though I am not opposed to it and I will not oppose it.

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

There was no objection.

Mr. LATHAM. Does the gentleman yield?

Mr. OLVER. I will yield.

Mr. LATHAM. I rise in support of the amendment also.

Mr. BURTON of Indiana. Well, thank you very much.

You know, I learned one thing a long time ago, Mr. Chairman. When you've got everything going the right way, you shut up. So with that, I yield back the balance of my time.

Mr. OLVER. I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

PART A AMENDMENT NO. 10 OFFERED BY MR. JORDAN OF OHIO

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111–219.

Mr. JORDAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. JORDAN of Ohio:

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

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $20,050,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, let me first say I appreciate the work of the chairman and our ranking member. But what I also appreciate is the fact that last week, for the first time in American history, our deficit reached $1 trillion, and we are not through the fiscal year yet, and some estimate that this could go as high as $2 trillion. So what I bring before the body today is a very straightforward amendment.

It says let's take that first step in trying to get our fiscal house in order. Let's take that, what I will call, modest first step. Let's go back to where we were just 9½ months ago, before the stimulus, before the omnibus, before all this ridiculous spending got ahold of Congress. Let's go back to where we were just 9½ months ago and let's live on that amount of money in this appropriation bill. After all, there are all kinds of families, all kind of small business owners, all kinds of American taxpayers who are doing just that.

□ 1500

Now, just like in the amendment a little while ago that my colleague from Tennessee offered, I am sure that the gentleman from Massachusetts will be opposed to this one, and will stand up and say, Well, we can't have this cut.

Again, remember, this is not a cut. This is taking us back to where we were less than a year ago before we had done the stimulus and the omnibus spending. As I indicated, it is exactly where a lot of families—and maybe more importantly—a lot of small business owners are functioning right now.

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

Mr. OLVER. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Well, it sounds so simple, only 9½ months ago, but in fact, of course, the funding level that has been proposed here would take this bill back to the appropriated level for the fiscal year 2008. We're talking about the year 2010. We're talking about a year starting several months from now and going forward a year, and he's talking about 9½ months ago being the end of that fiscal year, the end of the 2008 fiscal year, and that was funding the year prior to that. So it is really taking a step backward 2 years in the funding level.

As everybody knows, while we have had a bad economy, the inflation level has stayed relatively low—that's true—but this kind of a funding level, taking $20 billion out of this appropriation, then has the effect of cutting a huge number of programs by an average of 16 percent for the next fiscal year. It is an unsustainable number for the kinds of efforts that one needs to have in housing. As I've indicated, for housing, there is growth in this. I agree there is growth in this bill.

On the transportation side, the major point of growth is in the high-speed rail program. The high-speed rail program is putting forward money that actually will extend out over a series of years. It doesn't all happen in the first year by any means at all. We all know that. It creates jobs over a period of time in the building of that infrastructure.

In the case of housing, again, if one tries to cut the housing programs, it will be particularly bad for vulnerable populations, and we should not do that.

I oppose the amendment, and I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I would just ask the question: How bad does it have to get? Do we have to get to a $2 trillion deficit? Do we have to get to a $3 trillion deficit? How bad does it have to get before we can simply say this: Let's just hold the line. Let's just quit making the problem worse. How bad does it have to get before we can do something that every single family has had to do at some point in their lives and that every single small business owner has had to do at some point? How bad does it have to get before we can take the first step—again, that modest first step?

Think about where we're heading. Over the next 10 years, with the pace of spending we're at right now, the Federal debt is going to go to $23 trillion. Now think about what it takes to pay that off. You first have to balance the budget. Then you have to run a $1 trillion surplus for 23 straight years, and that doesn't even count the interest, which is now approaching $1 billion a day.

I offered a balanced budget. A few months ago, we voted on the budget, which sets the context for this. I offered a balanced budget, and we reviewed it. Our budget didn't balance until the last year, until the 10th year of the budget window. We didn't balance until the last year, and we were viewed as the radicals.

I go back home and talk to folks. In my district, they look at me, and they say, JORDAN, you big sissy. Balance it in 4 or 5 years. What are you doing taking 10 years? That's the perspective the American people have. Yet, here in Washington, we continue to spend and spend and spend, and we can't even take that simple, modest first step of saying, You know what? Let's just live on what we were living on 9 months ago. Let's start to get our fiscal house in order. Let's start to do what the American people have to do all the time. That's all this amendment does.

Mr. Chairman, I would yield back the balance of my time, and I would urge a ''yes'' vote.

Mr. OLVER. There is no direction in the amendment, itself. It merely says cut the total expenditure by $20 billion, which is one-sixth of the sum total of the legislation. All I can do is say, if one were to do that by one-sixth of the appropriation for affordable housing, for our tenant- and project-based systems, we would be putting out 400,000 families. Yes, it's bad, but it's those low-income families who are probably in the worst shape and in the most needy shape of all. I'm not sure that we want to do that. I certainly don't want to see that happen, and I hope the majority will not want to see that happen.

Let me just close by urging a ''no'' vote on this amendment. It is a slash-and-burn kind of an amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

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

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

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

PART A AMENDMENT NO. 11 OFFERED BY MR. NEUGEBAUER

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111–219.

Mr. NEUGEBAUER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mr. NEUGEBAUER:

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

TITLE IV

ADDITIONAL GENERAL PROVISIONS

SEC. 414. Appropriations made in this Act are hereby reduced in the amount of $13,553,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I rise today on a simple mission: to help get some of the taxpayers' money back.

We passed an historic spending bill back in February, saddling our children and our grandchildren with mountains of debt. We were told that these funds would go towards projects that were targeted, temporary and, most importantly, timely—referred to as ''shovel-ready.'' Well, guess what, Mr. Chairman?

According to the White House's own Web site, recovery.gov, just 11 projects have been awarded by the Department of Transportation so far. Just 11 projects. So we rushed out to spend $20-plus billion. We were told we can't wait until we get through the normal appropriations process. We've got to go spend this money right now so we can get it out and so we can create the jobs. Let me tell you how reliable this recovery.gov is.

Just this week, a military installation in my district was featured on the Drudge Report for what appeared to be excessive amounts of stimulus spending. It turns out that an error was, in fact, made by—you guessed it, Mr. Chairman—the operators of recovery.gov. They couldn't even enter a contract award correctly onto the Web site, which is supposed to be the model of government transparency. This is just one more example of how flawed this recovery process has been.

One of the things that astounds me is that we said we had to go out and spend all of this money and that it was going to create jobs. Well, the question is: Where are the jobs, Mr. Chairman? What we've seen since we passed this recovery package is that people have lost their jobs. Today, 14 million people are out of work; 9.5 percent of Americans don't have jobs. Do you know what we're helping them do now? We're saying, You know what? We know you don't have a job, and we know you're having a hard time getting by. Do you know what we're going to do? We're going to pile up mounds and mounds and mounds of debt so that your children and grandchildren will have to work 25 hours a day just to pay the debt.

Mr. Chairman, what this simple amendment does is say, You know what? We were wrong. We thought we could spend this $21 billion. We needed to get it out immediately. We found out we can't, so we're going to give part of that money back. We're going to give $13 billion of it back.

Let me tell you the logic of what this bill does today. We said we had to rush to get this $21 billion spent. What we're saying and what we know is that now 13 projects and less than $1 billion of contracts have been awarded. Do you know what we're going to reward the government to do? We're going to say, Y'all did such a bad job of not spending the $21 billion we gave you back in the spring that we're going to reward you. We're going to give you another $21 billion of the taxpayers' money. By the way, Mr. Chairman, it's $21 billion we don't have. It's $21 billion we don't have.

So what we're going to have to do is not only give them another $21 billion, but we're going to have to borrow $21 billion from China or from Japan or from some other country. It just doesn't make sense to keep going down this path. Mr. Chairman, we have to stop that.

I reserve the balance of my time.

Mr. OLVER. I claim time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, this amendment is $13 billion. Therefore, compared with what I call ''slash and burn,'' this is slash and burn a little bit less than the previous one. Generally, there is no direction as to how one might do it, and I'm left with the question of what kinds of impacts this one might have.

I would point out that it would have an impact of now, not the 16 percent but only an 11 or 12 percent cut—roughly 11, I guess it would be—on all of our transit programs, on the public transportation programs that we fund and that move people around in as efficient a way as they possibly can. It would have a similar effect on all of our air traffic safety programs, on all of the efforts that we have to make in order to have our airports and our air traffic controller systems function appropriately. All of those things come from this kind of an amendment. This would take us back to a freeze of the '09 levels, not the '08 levels, which was the previous one, but it would be a freeze at the '09 levels.

I oppose the amendment. I urge defeat of the amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. I dare to disagree with the gentleman. What we're stopping from happening here is what we call in Texas ''double dipping,'' because we gave them $21 billion from some of these same programs less than 6 months ago. They've only spent 11 percent of it, so I don't think we're cutting anything.

What we're saying is we're going to cut out the monkey business here. We're not going to allow them to double dip, and we're going to give that money back to the American people, Mr. Chairman. They're not even going to spend this $21 billion probably in the next fiscal year. They've spent only 11 percent since the inception of this bill. So we're not cutting anything. We're just saying, Hey, you're having trouble spending the first $21 billion. We'd like this $21 billion back. If you want to bring it back in another appropriations bill, we'll allow you to do that, but the problem is that we are accumulating this huge debt. Our national debt is at $11.7 trillion. That's $37,000 for every American in this country.

In just a few months, I'm going to have my third grandchild. Do you know what? I'm going to give that child a present or, I guess, the government is going to give that child a present. I'm going to write a letter and say, Your granddaddy was here to inform you that, on your birthday, you owe $37,000 right out of the chute.

The American people are fed up with it. They want their money back. We cannot allow these government agencies to double dip. They're not spending the American taxpayers' money wisely. They're not creating jobs, and they're sick and tired of it. They're fed up. If you really want to make a mark in this Congress, vote for this amendment, and give the American people their money back.

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

Mr. OLVER. Mr. Chairman, the gentleman has just made an argument and continues to make an argument about the level of debt.

In 1980, when President Carter left office, the national debt of the country was about $1 trillion. Twelve years later, the debt of the country had reached $4 trillion. It had quadrupled. It had quadrupled in those 12 years. In the following 8 years, the debt went up again by another $1.4 trillion, so that at the end of President Clinton's term, the debt had gone up about one-third more, just slightly more than one-third more. Then during the Presidency of the previous President, we saw the debt go from $5.4 trillion to $10.5 trillion as he left office. Then it went up almost double in just an 8-year period.

Now there is concern since we have been in a recession for more than a year now, the first five quarters of which were clearly in the previous administration with the housing crisis, a deep recession with severe losses of jobs throughout the last year. They're continuing. This is a deep recession, but this is not a time to be cutting our most vulnerable people through this sort of action. This action is the wrong action to take. We will grow out of this over time. I urge defeat of the amendment.

□ 1515

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

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

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

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from Texas will be postponed.

PART A AMENDMENT NO. 12 OFFERED BY MR. STEARNS

The CHAIR. It is now in order to consider amendment No. 12 printed in part A of House Report 111–219.

Mr. STEARNS. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. STEARNS:

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

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 25 percent.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, my amendment is a little bit like Mr. NEUGEBAUER's, pretty much straightforward. It freezes the transportation spending in the Transportation-HUD appropriations bill just simply at last year's level. Obviously with the economy contracting and unemployment rising, it's not responsible to drastically increase spending by almost $14 billion, and this represents a 25 percent increase over our current levels. This funding obviously does not even include the $62 billion that came from the stimulus act.

So if the stimulus act funding is taken into account, even with the 25 percent reduction that I am proposing, funding for the Department of Transportation and the Department of Housing and Urban Development would receive an increase of $48 billion over last year. And that's, of course, with the stimulus package.

So think about this. You have this bill. You have the stimulus package, which adds additional money. So in a sense we're asking just to freeze the spending level at 2009-fiscal year level.

You know, when you take a look at all the appropriations spending combined, funding for programs within this bill will have increased 146 percent since the Democrats took over in the year 2007. This level of spending is simply unsustainable in the light of the Nation's growing deficits and the debt.

Now, there's a lot of good programs in this bill that I strongly support, but increasing all these programs by 25 percent at a time when we're drowning in debt and experiencing the worst economic crisis in decades is simply unwise. For example, discretionary spending for the Department of Transportation is increased by $4.5 billion, or 27 percent, including a 25 percent increase for the Office of the Secretary and a whopping 1,384 percent increase for the Federal Railroad Administration.

The Department of Housing and Urban Development also receives an increase of $1.6 billion, or 3 percent, in discretionary spending, including a 100 percent funding increase for the HOPE VI program. The HOPE VI program, President Obama proposed that program to eliminate it.

So approving this huge increase without doing anything about the budget disaster looming on the horizon obviously is only going to magnify the problems for this country. Families across my congressional district and across the country are having trouble. They are tightening their belts during this tough economic time. They don't have the luxury of an unlimited government credit card that allows them to simply throw borrowed money at every single problem they face. Instead, they have to set priorities and make tough spending decisions.

So I don't think it is too much to ask Congress to do the same thing, and I say to my colleagues on that side, are your constituents getting a 25 percent increase over the last year? I don't think so.

This Congress and President Obama continue to ignore the fact that this reckless spending will bury our children and our grandchildren under a mountain of debt. In fact, in a recent report, the nonpartisan Congressional Budget Office warned that excessive spending proposed by this administration and the Democrat leadership in Congress such as contained in this bill, as a good example, will drive the Department-to-GDP ratio from 41 percent to a staggering 71 percent. You know, we're just doubling the national debt in 5 years. So we must hold the line, attempt to hold the line on spending and make sound budget choices that are sustainable and that do not rely on continued deficits and borrowing.

Obviously, there's plenty of blame to go around, but here at this point we have an opportunity to stand up. We have a lot of work to do. I think this is a good amendment. I think we should start forward by simply passing my amendment, by saying that we should hold the line here and keep the spending under control.

I urge my colleagues to support this.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I thank the gentleman for his amendment. The gentleman's amendment is actually slash-and-burn sort of squared, essentially, because it puts the whole pressure of the reduction—it's not as large a dollar reduction—but it is all focused deliberately and directly upon discretionary expenditure.

And of course, when the gentleman points out that he is strongly in favor of a lot of the programs here, I'm sure that there are a few of those programs that are discretionary programs, perhaps not all of them, though I suspect that there are a fair number of programs that he doesn't particularly like and that are mandatory programs as well.

So, again, we have here a very large cut in the budget that is proposed by taking 25 percent out of the discretionary programs, and the arguments would only be repetitious, and I don't mean to take people's time.

I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from Florida has 1 minute.

Mr. STEARNS. I would say to my colleague from western Massachusetts, the beautiful country up there, you have in this bill, there's a 25 percent increase for the Office of Secretary.

I would ask my colleagues, are his constituents getting a 25 percent raise in western Massachusetts, you know, running from Springfield up to Deerfield across from Hatfield over to Amherst. I don't think they're getting a 25 percent increase.

And if you look at the Federal Railroad Administration, it has a whopping 1,384 percent increase. So I would ask my colleague to address those two questions. Does he support a 25 percent increase for the Office of Secretary, and does he support a whopping 1,384 percent increase for the Federal Railroad Administration?

I reserve the balance of my time.

Mr. OLVER. We have in this legislation and in the Recovery Act earlier this year, we have added enormous additional responsibilities to both the Secretary of Transportation, our good former colleague, very popular former colleague, now-Secretary Ray LaHood, in order to administer those properly and do what they are told to do under the Recovery Act, to get all of those moneys out and moving. For instance, they have gotten some 300 applications thereabouts for the high-speed rail moneys, the high-speed rail and inner city passenger rail programs. You've got to have people to look at those programs, to assess them, to decide which ones are the better ones, to move the paperwork so that we will be able to actually have those projects out where they're going to get people to work as quickly as it's possible to do.

And the same thing is true for the Federal Rail Administration. The Secretary's office has certain key responsibilities added to his. It is not nearly as much as the increase of responsibilities that has been given to the Federal Rail Administration, which is really where the first monitoring and the first assessment and grading of all of the projects that have come in is. It's an enormous program that is there, but it is part of what was expected to have to happen in order to make the high-speed rail and inner city passenger rail programs work.

So I have no apology whatsoever for additional administrative assistance for making those things happen. If we

hadn't done that, we would have been killing the programs before they even could even get started, and that was not the purpose of the American Recovery Act in the first place.

And again, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I think the gentleman hasn't answered the question: Why a 1,384 percent increase for the Federal Railroad Administration?

Another question he hasn't answered is, why is he increasing 100 percent funding for the HOPE VI program, which the President of the United States, your President, said he proposed to eliminate?

I reserve the balance of my time.

The CHAIR. The gentleman's time has expired.

Mr. OLVER. How much time do I have?

The CHAIR. The gentleman from Massachusetts has 1½ minutes.

Mr. OLVER. Well, I will simply say on that one that the President actually proposed a totally new program which had not been authorized at the $250 million level. We, instead, decided because it was not authorized that we would leave it to authorization, and it was somewhat similar. It was in some ways an expansion of the HOPE VI program and alteration of the HOPE VI program, he would say quite significant alteration of that program, for a $250 million program.

Instead, we put that money that he had requested into the HOPE VI, which we had in this Chamber, perhaps without the gentleman's vote, we had reauthorized last fall but hadn't been acted upon by the Senate. It will be, again, acted upon by the House later this year, and there will be a reauthorization, I would guess, within this year for the HOPE VI program, and that's where the money has been placed.

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

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

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

PART A AMENDMENT NO. 13 OFFERED BY MR. TURNER

The CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 111–219.

Mr. TURNER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mr. TURNER:

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

SEC. ____. None of the funds made available in this Act may be used to establish, issue, implement, adminster, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. Mr. Chairman, this amendment is a pro-veteran amendment that would prohibit HUD funds from going toward enforcing regulations against a veteran's preference in HUD financing or HUD-financed housing that is built on a VA campus or is using a VA-enhanced use lease.

This issue came to light in the Third District of Ohio because of a conflict between HUD rules and regulations and VA rules and regulations. In Dayton, Ohio, the St. Mary's Neighborhood Development Corporation has been attempting for several years to construct senior housing on the campus of the Dayton VA Medical Center.

St. Mary's was able to obtain an enhanced-use lease from the VA to construct the housing on the Dayton VA campus. They were also able to obtain HUD section 202 funding that would allow for the financing of the construction for low-income senior housing. So we have VA providing the land and HUD providing funding, both VA and HUD agreeing that this would be an excellent project to help us respond to homeless veterans, to provide low-income housing for veterans, and also to respond to the needs of seniors in the community.

However, HUD has previously asserted that St. Mary's may not be able to use these critical dollars if the VA lease requires a specific preference for veterans to occupy the proposed facility on the VA grounds. HUD has prohibited a preference given to veterans housing in this facility on the Dayton VA campus. The VA rules and regulations require that the VA assert and request a preference for that housing to be built on their campus.

This amendment seeks to solve this issue by prohibiting funds in the bill to allow HUD to enforce their restriction against a preference for veterans. This is good for seniors, and this is good for veterans.

I reserve the balance of my time.

□ 1530

Mr. OLVER. Mr. Chairman, I claim time in opposition, though I am not opposed.

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

There was no objection.

Mr. LATHAM. Would the gentleman yield?

Mr. OLVER. I would yield to the gentleman.

Mr. LATHAM. I certainly would support the gentleman's amendment also.

Mr. TURNER. I appreciate their support.

I'm happy to yield back the balance of my time.

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

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

PART A AMENDMENT NO. 14 OFFERED BY MR. RANGEL

The CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 111–219.

Mr. RANGEL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mr. RANGEL:

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

SEC. ____. None of the funds made available in this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c); relating to community service).

The CHAIR. Pursuant to House Resolution 669, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I'm joined in this amendment by Mr. FRANK of Massachusetts, Ms. WATERS of California, Mr. WATT of North Carolina; and what it actually does is to prohibit the implementation of the Public Housing Community Service requirement that those people who live in public housing are required to put in a certain number of community service hours.

Nowhere do we have where people who find themselves in public housing have to be mandated to do certain hours of volunteer work. Indeed, there's no funds available to enforce this mandate.

The housing authority in the city of New York and other housing authorities around the country think this is a worthless addition and vindictive that is put into the bill.

It does not require section 8 and other people who are recipients of public housing to do this. We have been successful in having it delayed. It should be repealed. We just have not got around to reviewing the entire legislation.

It's not effective. It's not working. It's really an insult to people who donated so much to their country and their community who find themselves in need of housing subsidy, to be mandated, more or less, to provide public service when those people who are able to do volunteer work are doing it anyway.

So I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. The purpose of the service commitment was sound at the time, and it still is. Residents were asked to participate in making their community better, improve the social interaction, and provide services for their communities including day care, education, after-school monitoring, and facility management.

No one that is unable to participate is penalized, whether elderly, students, working parents, or any other of a long list of exemptions that are allowable under the law.

The intent is not to make people work for their money. It's to ensure that those who live in the community participate in keeping it safe, sanitary, affordable, and a vibrant community. This is what we ask of ourselves and our neighbors.

For those who do participate, flexibility is the centerpiece of the requirement. Residents have great flexibility over what service is provided and when it's provided. Every attempt is made to ensure that the services of the parent can be made to benefit the children or the elderly citizens living in the authority.

Keep in mind, we're only talking about 8 hours a month. Eight hours a month. This is not a hardship.

It has provided a great benefit to each housing authority where it's been actively implemented. If this requirement is removed, those services will be lost because every indication from the housing authority leadership indicates that there are no funds to replace the services now being provided by those residents.

One of the arguments I've heard is that it's hard on the PHAs to administer the program. This is just ridiculous. Authorities receive millions in Federal funds each year to administer Federal requirements, and if the service is lost, I don't see anyone proposing to reduce the administrative funds provided in this bill. PHAs receive funds for federally required activities, and they should use them for those purposes.

Frankly, I think it's a requirement that should stay in place and is no more than what we all require of ourselves and our communities. When I go home it would be pretty hard to explain to my voters that 8 hours a month is just too great a burden to ask in order to ensure that their investment in the well being of the people and property is sustained.

I reserve the balance of my time.

Mr. RANGEL. How much time do I have remaining?

The CHAIR. The gentleman has 3½ minutes remaining.

Mr. RANGEL. I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the chairman of the Ways and Means Committee for his leadership on this issue, which has been sustained.

The question is not whether or not we should be working to see that public housing residents require the skills, et cetera, that will help them, but how to do it.

The community service requirement is a slapdash, honored in the breach. It's a mandate resisted and resented by the people who have to administer it. We have in the bill that we voted out of committee today by a large vote, bipartisan vote, the reform of the voucher system, which both the public housing and for vouchers includes the Moving to Work program, which is a sophisticated and balanced way to do this and provides funding for it.

Those who administer public housing want to do that. They want to help people do this. But imposing on them the requirement to do work, imposing on people who are already underfunded the obligation to mandate whether every public housing resident is doing 8 hours of leaf raking and snow shoveling doesn't help anybody. It advances nothing. And it gets in the way of efficient administration.

We will do this the right way. And this is the wrong way, according to everyone who has been involved in a serious way with it.

Mr. LATHAM. I would yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the chairman and I thank Mr. LATHAM for yielding. I rise in opposition to this amendment. I was glad to hear the chairman of the full Financial Services Committee address this issue, because I was on that committee for 12 years. We've had this debate, and it's lasted hours and hours and hours.

And I will just indicate I'm glad he's moving new legislation, but I would note that two of the cosponsors of this amendment, the full committee chairman and the subcommittee chairman in charge of this particular issue, and if there's a problem with the service requirement, I hope they're going to fix it. He said he has.

Secondly, on March 31 of this year, we passed the Edward M. Kennedy Serve America Act, H.R. 1388. The President believes in community service. I assume anybody that voted for the act believes in community service. I know I did. And we are going to encourage community service.

As Mr. LATHAM indicated, this is 2 hours a week, 8 hours a month. I would accept the argument that some have made on the other side that this is taking a slap at people who are in a position to require public assistance for housing; but I would suggest that when we are just bailing everybody out, when we give billions of dollars to people on Wall Street, over my objection, for horrible business decisions in the subprime market and the securitization of mortgages, when we have given billions of dollars to car executives, automobile executives who have not reformed their business practices in 30 years and now find themselves to be bankrupt, when we have bailed out people that purchased homes they had no business purchasing because they could never afford it based upon their means, I would suggest we go in the direction not of removing this requirement, but let's put community service on the Wall Street bankers.

Let's put it on the guys that run General Motors and Chrysler. Let's put it on the people that have purchased homes and have thrust this Nation into debt.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. LATOURETTE. I'm happy to yield.

Mr. FRANK of Massachusetts. I must have misplaced the bill. Should I look for a number that I hadn't seen? If the gentleman wants to do it, why haven't you?

Mr. LATOURETTE. I appreciate the gentleman's question. I would just say since the majority resumed this 111th Congress, almost every rule that's come to the floor has been closed.

Mr. FRANK. Would the gentleman yield again?

Mr. LATOURETTE. I'd be happy to yield.

Mr. FRANK of Massachusetts. The gentleman offered a resolution to the committee I chair. We passed it out unanimously. The gentleman knows he has always gotten a fair hearing in our committee. But I can't listen to what he doesn't say.

Mr. LATHAM. May I inquire as to how much time remains.

The CHAIR. The gentleman has 30 seconds remaining.

Mr. LATHAM. I would yield 30 seconds to the gentleman from Ohio.

Mr. LATOURETTE. I would just say to the gentleman, I praised the gentleman on the floor for voting that Resolution of Inquiry out 63–0. I would also note that the distinguished majority leader of the House, although you took that action more than 3 weeks ago, has yet to schedule that bill for activity on the floor.

Mr. FRANK of Massachusetts. Would the gentleman yield? He wouldn't be in charge of the other one. You and I can work it out. So come to me about Wall Street and we'll make a deal.

Mr. RANGEL. I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, this isn't about community service. Community service is something you do voluntarily, something you sign up for. Indentured servitude is when you are told this is what you will do because you are getting something from the government.

Now, if that's what you want to do, that's fine with me. I like the idea of Wall Street people doing it. I also like the idea of little children who are getting free lunches, let's get them to work. And don't forget the senior citizens in senior housing. Let's get them

to work. They can do a lot. And let's not forget the farmers who get agricultural subsidies to the tune of hundreds of thousands dollars. Let's get them to work.

Not ask them, not encourage them. Let's demand it. And let's do it on the basis of how much they earn. Because my guess is if you're talking about poor people in public housing—first of all, I wouldn't vote for 8 hours a month, 8 hours a year, or 8 minutes in a year. It's indentured servitude no matter how you slice it.

Now, I know early America was built on the back of indentured servitude. I know that. Most of the ancestors of the people in room were indentured. At one time in this country, about two-thirds of the people in America were.

It's wrong. We stopped it. We can't let it go on today.

Mr. RANGEL. Mr. Speaker, I say this to my Republican friends that I sincerely wish we had a better balance of parties in this House and in this country. I sincerely wish that the things that we were debating would not be the rich against the poor, but it would be what we could do collectively to make this a stronger country, better educated, better health care, things that we can do to secure us.

It would seem to me that when issues like this come up, that America—you can bet your life—that the minority party, if it concerns the poor, if it concerns people that need some help, if it concerns health, if it concerns education, we can almost depend that they would be walking lock-stock in opposition.

Some of the reasons that they give would appear to be meritorious. But why is it that we always find the opposing party wanting to penalize, wanting to punish, and wanting to show that they have no compassion for those Americans who are less fortunate than themselves?

I do hope that we can find some middle ground, not just to punish the Wall Street activists, which clearly that's rhetorical; but that we can find some way that we can offer something so that the Republican Party would be able to get rid of this terrible stigma they have somehow thrust on them, that if it means compassion, if it means energy, if it means giving a hand out and a hand up, that we can depend on their support.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The amendment was agreed to.

The CHAIR. It is now in order to consider amendments printed in part B of House Report 111–219.

PART B AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 1 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. FLAKE:

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

SEC. ____. None of the funds in this Act under the heading ''Federal Aviation Administration—Grants-in-Aid for Airports'' shall be available for the Terminal Replacement project at Grand Forks International Airport in Grand Forks, North Dakota, and the amount in the first proviso under such heading is hereby reduced by $500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would prohibit $500,000 from going to the Grand Forks International Airport in Grand Forks, North Dakota, and would reduce the overall cost of the bill by a commensurate amount.

This is money going to an airport terminal. Yet we're told that the funds that are being earmarked from this Airport Improvement Program account of the bill, this is a widely used competitive grant program that others can apply for grants from. The Competitive Grant Program stipulates later that the funds can't generally be used for terminals or terminal improvements.

So the biggest question here, I guess, is why in the world we're designating money from this account that is an account for competitive grants to be received by applicants, why we're designating it as an earmark to an airport terminal that typically falls outside of the purview of the funds in this account.

I hope the sponsor can illuminate on that subject.

And I reserve the balance of my time.

□ 1545

Mr. POMEROY. Mr. Chair, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from North Dakota is recognized for 5 minutes.

Mr. POMEROY. I salute my colleague Mr. FLAKE for, once again, his vigor in trying to raise questions relative to spending. Certainly, these are public assets we're talking about, and it's a fine thing to have a discussion in the full light of day here in the House of Representatives for each and every line item, including a $500,000 issue that has been raised relative to the Grand Forks airport terminal. I, as a Representative of Grand Forks, am proud to give the details relative to what is an extremely important project for North Dakota.

Airport improvement moneys in North Dakota typically run through the North Dakota Aeronautics Commission. I would submit into the RECORD a letter from the North Dakota Aeronautics Commission relative to their support of this project as the first priority.

Mr. FLAKE has raised the question in terms of whether airport improvement money raised is used for terminals. Most of it isn't, some of it is. I have a chart here that shows about 12 percent, nearly 13 percent is used for terminals, and I would wager that nearly every Member of the Chamber has some evidence of airport improvement grant money being used for terminals.

Now, why would it be used for terminals when principally its direction is elsewhere? Because each of us is encountering, in our districts, situations where the terminals, frankly, get beyond repair and must be attended to on a priority basis for the needs of the general public. The conditions of this airport are truly, deeply problematic. They involve issues of safety.

Under the present layout of the airport terminal relative to the tower, a line of sight is actually blocked by virtue of how they're forced to use the terminal. Believe it or not, the Grand Forks International Airport is the 22nd busiest airport in the country. You might think, How can that possibly be? Well, we're proud to host the University of North Dakota pilot training programs under the John Odegard School, one of the truly elite university-based pilot training programs in the country, with enrollment well over 1,000 students. They place a tremendous traffic burden on what would otherwise be a small airport facility.

So safety issues really matter, especially considering the fact that you have got a lot of inexperienced pilots doing their training at this particular facility.

We have issues of public safety. Severe inundation of basement areas resulting in everything from mold to threatened mechanical equipment, sump pumps running around the clock. Again, for a fairly substantial major facility, these are pitiful problems for a facility that desperately need to be addressed.

We have security issues by the TSA screening equipment linked to equipment in this basement area. We have ADA code deficiencies. One might ask, Well, is there a cheaper thing you can do than build a new terminal? A major renovation triggers addressing all of the ADA deficiencies in the building. That involves a massive amount of money.

The Aeronautics Commission, the experts in North Dakota on this, believed it was essential to address in this fashion. Passenger load this year up 11 percent over '08. It is an airport that continues to grow. It is a facility that needs to be done.

So I thank Mr. FLAKE, my friend, for giving me the chance to explain these aspects of it. I stand here prepared to answer any questions the gentleman may have.

NORTH DAKOTA AERONAUTIC COMMISSION,
Bismarck, ND, Apr. 3, 2009.

Congressman EARL POMEROY,
U.S. Senate,
Washington, DC.

DEAR HONORABLE CONGRESSMAN POMEROY: The North Dakota Aeronautics Commission has reviewed the 2010 FAA Airports Improvement Program. In priority order, we ask that

the following airports be given strong consideration of FAA's Discretionary Grants:

1. Grand Forks International Airport—Construct a two level air passenger terminal capable of boarding jet and regional aircraft. The building is designed for energy efficiency, improved circulation of safety and security screening, and future expansion if necessary. Total cost in 2010 is $11,840,632 with FAA share at $9,264,744. The state share is estimated at $500,000 and local share at $791,499.

2. Devils Lake Regional Airport—Construct Runway 13 extension, improve safety area, relocate perimeter road, relocate Rwy 31 ILS system, and construct parallel taxiway. In 2010, the total cost is $6,000,000 with FAA share at $5,700,000. State and local share is $150,000 each.

3. Minot International Airport—Reconstruct Taxiway C and purchase Snow Removal Equipment. In 2010, the total cost is $2,152,631 with FAA share at $2,045,000. The state and local share is $53,816 each.

4. Wahpeton Harry Stern Airport—Reconstruct Runway 15/33, taxiways, apron and lighting system including safety area improvements. In 2010, the total cost is $7,368,421 with FAA share is $7,000,000. The state and local share is $184,421 each.

These projects are ready to be constructed with the FAA 2010 allocations. We appreciate your support of FAA funding for enhancing safety with these proposed improvements at these North Dakota airports.

Sincerely,

MARK HOLZER,
Interim Director.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman for the explanation. I hope the reason the airport is so busy is that so many people from North Dakota are coming to Arizona in the wintertime at least, but, unfortunately, they go back in the summertime.

I'm not questioning the need for renovations to the terminal. In the research we did, we found there—they said, The terminal has serious mold problems and other things that are a danger to employees and to travelers. That is not what is the question here.

The question is—and we have this question with virtually every appropriations bill that we now deal with—is that we appropriate money to the various agencies, and we'll instruct them to establish a competitive grant program to distribute the moneys to worthy recipients. Then the folks at home in the municipal airports or States or whatever district they're in will decide that they want to apply for these funds, increasingly over the last couple of decades.

I'm not blaming Democrats. Republicans are just as guilty of this, but we have earmarked those accounts that we have told the agencies to establish. In this particular case, this earmark is taken from an account that is supposed to be competitively offered, and grants are to be awarded on a competitive basis on the basis of merit.

But what happens—and we talked about this a few weeks ago with another big grant program, this one with regard to flood chrome districts in the Homeland Security bill. The problem is the folks at home in all of our districts want to apply for these moneys, and when they apply for these moneys, they find that sometimes half of them or 75 percent or all of the moneys in that account are gone because particular Members, largely on the Appropriations Committee or other powerful Members, have gotten earmarks to take those funds before anybody can apply for them.

Now, I would submit that if we don't like the way the agencies are distributing this money, let's change it. Let's not grant them that money. Let's do it differently. But let's not set up a competitive grant program, an account at an agency, or instruct them to, and then circumvent it ourselves. That, unfortunately, is what we see all too much of, and that's what we have, it seems to me, an example of here.

I reserve the balance of my time.

Mr. POMEROY. The gentleman has stated his case well, but he's shooting at the wrong target this time. I'm not going to stand here and say every dollar in the appropriations process is perfectly directed. Nothing is perfect. I believe that the steps that we have made—certainly to address some of the concerns raised by my friend from Arizona—have helped bring transparency to this process where all this business is conducted in the full light of day.

I've got a problem with the appropriation at issue. It's not nearly big enough. We saw $2 million. We have got $500,000 for a project that is going to cost $22 million.

The CHAIR. The time of the gentleman from North Dakota has expired. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I thank the Chair.

Like I said, I don't think the appropriations process—you can never have a perfect process anywhere you go, but I would submit that when you have literally thousands and thousands and thousands of congressional earmarks, many of which are earmarking programs that we have instructed the agencies—earmarking moneys that we've instructed them to establish a competitive grant program for, then we have a problem. If we don't like the way the agencies do it, let's change that. We control it because we control the purse. But let's not run a parallel program that turns into really a spoils system.

With that, I urge adoption of the amendment.

I yield back the balance of my time.

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

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

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

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

PART B AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 4 of part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' shall be available for the Murphy Theatre building renovation project of the Murphy Theatre Community Center, Inc., in Wilmington, Ohio, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by $250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This amendment would prohibit $250,000 in funding for the Murphy Theatre Community Center, Inc. for building renovation, and it would reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, funding would go to the complete renovation of the Murphy Theatre. The theater is a focal point of downtown Wilmington, Ohio. It's 90 years old and has been in constant use since it opened. It's now in need of major rehabilitation.

According to the Murphy Theatre Web site, the theater was built by the shrewd Chicago Cubs owner Charles Webb Murphy in 1918, and ''When he built the Murphy, he owned his hometown,'' it says. Mr. Murphy has his name painted on the theater's rear large wall, enough to be seen from the railroad tracks, and when the town druggist questioned the town's financial viability, he was quoted as saying, ''Dan, that's not an investment, that's a monument.'' That sounds like a great theater.

I think many districts and towns across this country have something similar. The question here is, should the Federal taxpayers' moneys, should the taxpayers in the State of Washington or Wisconsin or Arizona or Alaska or elsewhere be sending their hard-earned tax dollars to Washington to be earmarked to renovate a theater in Ohio?

With that, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chairman, I want to yield as much time as he may consume to my good friend and colleague from Dayton, Ohio, MIKE TURNER, the sponsor of this particular provision in the law, to answer the gentleman from Arizona's question.

Mr. TURNER. Thank you, Mr. LATOURETTE. I appreciate you yielding time to me.

Wilmington, Ohio, is in my congressional district, and it has seen a number of challenges over recent years. Of course, all across the country we are all experiencing the economic downturn, but specifically, in Wilmington, Ohio, they are experiencing the closure of DHL's North American hub, which was located there. The closure of DHL's operations will result in the loss of approximately 8,000 jobs, mainly in Clinton and Highland Counties in my district.

As a result, the Ohio delegation has sought increased Federal assistance to help the community as they recover from this economic emergency. The Ohio delegation has been successful in acquiring Federal dollars to help retrain former DHL employees and also help to create an economic development plan to move the community forward with possession of the Wilmington Airpark. Additionally, I have sought congressional earmarked funding for Wilmington projects which are needed, especially given their special economic circumstances.

The 91-year-old Murphy Theatre in Wilmington, Ohio, is both a local landmark and a community center that still hosts a wide range of events. The Murphy Theatre, which opened in 1918, was placed on the National Register in 1982, and the Murphy Theatre soon became the actual, as well as symbolic, heart of the downtown. The Murphy even hosted a John Philip Sousa concert. Today the Murphy Theatre hosts an average of 35 events a year, serving approximately 6,000 adults and 4,000 children.

Funding for this project will provide critical infrastructure assistance to ensure the viability of this local landmark. In addition to air conditioning and heating replacement, the Murphy Theatre needs roof repair, new auditorium seating, and interior plasterwork repairs from damage sustained from the leaky roof.

Wilmington hasn't the funds to perform even basic repairs to stabilize the condition of this American landmark. This funding request is vital to protect a historic treasure and also to ensure that it continues to meet strong local demand as a community center for entertainment and town activities.

Mr. Chair, I submit for the RECORD copies of letters in support of the project from David Raizk, the mayor of Wilmington; Randy Riley, a Clinton County commissioner; and Donny Mongold, the president of the Murphy board of trustees.

THE CITY OF WILMINGTON,
Wilmington, Ohio, July 22, 2009.

Re Murphy Theatre Restoration Assistance—$250,000.

Hon. MICHAEL TURNER,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN TURNER: I am writing today in support of a federal appropriation for $250,000 for the Murphy Theatre in Wilmington, Ohio. For many years the historic Murphy Theatre has struggled with the need to replace the HVAC system and restore the building to modern standards. The Murphy Theatre Board has done an excellent job at maintaining the facility but are now at a point where major renovations must occur. In the heart of the downtown business district, the Murphy Theatre is one of our anchor businesses. This funding will make it possible for the Murphy to serve that key role for many generations to come and will help keep the heart of downtown Wilmington vibrant for our citizens, visitors, and other businesses.

Sincerely yours,

DAVID L. RAIZK,
Mayor.

CLINTON COUNTY COMMISSIONER,
Wilmington, Ohio, July 22, 2009.

Hon. MICHAEL TURNER,
Longworth House Office Building,
Washington, DC.

CONGRESSMAN TURNER: Thank you for all you do for our community and especially for the work you are doing to obtain funding for the Murphy Theatre in downtown Wilmington.

As you are aware, this classic old theatre is a central fixture in our community. We see the Murphy Theatre as the centerpiece in the redevelopment of our downtown core.

Unfortunately, because of the lack of air conditioning it is often impossible to use the theatre in the summer and, with the old system, it is very expensive to heat the building in the winter.

With your help and with the assistance of others in congress, we can solve this problem by allocating funds to fix the heating and air conditioning system in this beautiful, old theatre.

Preserving this historical theatre and improving it for continued community use is a very appropriate use of the $250,000 appropriation.

As always, please do not hesitate to contact me for more information on this outstanding project.

Sincerely,

RANDY RILEY,
Commissioner.

THE MURPHY THEATRE,
Wilmington, Ohio, July 22, 2009.

Mr. JOE HEATON,
Washington, DC.

DEAR MR. HEATON: The Murphy Theatre has been a historic icon of our City since being built in 1918. Many decades of folks have visited our theatre to watch movies, catch a live stage performance, hold an important community meeting, watch or participate in our annual Murphy community Christmas show or watch a county school musical performance.

This beautiful Murphy Theatre is a vital part of our community. We would like for future generations to enjoy the theatre as well as the history which accompanies it.

The boiler system which heats the Murphy is some fifty plus years old. It is old and unreliable, not to mention the high cost to operate and maintain this worn out system. We are in need of a new efficient updated heating and air system. Our survival depends on replacing this boiler as well as needing other capital improvements (i.e.; roof repair).

I respectfully request and highly support funding to help us keep this vital historic icon alive and well in our community for decades to come.

Thank you,

Sincerely,

DANNY W. MONGOLD,
President, Murphy Board of Trustees.

Mr. Chair, this amendment by Mr. FLAKE will not save one Federal dime. This community will lose important funding to support a local landmark while they recover from the loss of over 8,000 jobs.

Mr. LATOURETTE. I reserve the balance of my time.

Mr. FLAKE. I thank the Chair. I thank the gentleman for that explanation. That sounds like a wonderful theater. As I mentioned, I think we all have them in our districts.

My own hometown of Mesa a few years ago decided to construct a theater, and it was a hard-fought process to get the local residents to tax themselves to build this particular theater. That's as it should be. If the community feels that it needs a theater and it needs to renovate a theater, I think it falls on the local residents to decide, because they are the ones, frankly, that benefit from that.

But we can't have a policy at the Federal level where we renovate every theater across the country, particularly while we're running a deficit that could hit $2 trillion this year. How many theaters out there are in need of repair? How many districts are experiencing high unemployment? I can tell you mine is. All of them out there are.

□ 1600

At some point I think we have to decide that perhaps we can't fully fund this account, which is for economic development initiatives. Now, I won't make the case at all that this theater doesn't fall within the purview of this program. There is nothing that could possibly not fall under the purview of economic development initiatives. Whenever you spend money anywhere, there is some economic benefit, if only fleeting. So it fits well within the program, but I think it behooves us now to say you know, maybe we ought to forego that. Maybe we ought to decide we ought to change the 301(b)s and the 302(a)s and all of the numbers so we do save money on this, so we do actually spend less this year than we did last year, perhaps, because we're spending it elsewhere.

We cannot continue to spend money as we're spending money, and I would submit this is a good place to start to say let's not fund some of these renovations of theaters under the guise of economic development that clearly anything could fall under and virtually every district around the country could claim that they need. But we just can't decide here in Congress we're going to fund that one and that one but not that one. It doesn't make sense to do it that way.

Mr. LATOURETTE. Can I ask how much time I have?

The CHAIR. The gentleman from Ohio has 2½ minutes remaining.

Mr. LATOURETTE. Let me just say, the gentleman from Arizona, his amendment in this case is misguided and it, in my mind, exercises judgment that I hope not many in this House agree with.

Mr. TURNER has stated the case. You know, this business about the local

residents taxing themselves to build the theater. The local residents of Wilmington, Ohio, don't have jobs anymore. DHL pulled out in a town of, I think, 15,000; 8,000 of them lost their jobs. What are they supposed to tax?

And also, if we are supposed to be elected—each of us represented by the 700,000 people, well, then what are we doing here? Why don't we just hand off the entire Federal budget and all of the decisions to the President of the United States and his functionaries? Why do we have a legislative branch? We have a legislative branch because we do have the power of the purse, and we are local representatives closest to the people that get put on the ballot every 2 years, the shortest term in the United States Constitution, so people could keep an eye on us, and if they don't like us, throw us out.

Well, MIKE TURNER is supposed to stand up for the people in Wilmington, and the biggest need that he's found in Wilmington to fit this bill is to renovate this theater, which he has described as the heart and soul of Wilmington, Ohio, which has had its guts ripped out by this economy. High school graduations take place in this theater. It is a meeting place. The center of town. And if the duly elected representative to the United States House of Representatives from that area says that this is a need in this district, then by God, he should do it and the Constitution authorizes it.

I urge a defeat of the amendment.

I yield back.

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

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

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

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

PART B AMENDMENT NO. 7 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 7 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' shall be available for the construction of the Triangle Building by Alianza Dominicana, Inc., in New York, New York, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by $250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

Let me just comment on the last amendment that was offered. The gentleman mentioned that every Member here represents their own district, and they should advocate for their own district. Pretty soon, if that's the only standard we had, parochial interests would completely take over.

It's like the debate we're having right now on the F–22 or on military base closures. Virtually every Member here has a military base in their district. That's why we had to, through the military base commissions, take that out of the hands of Members, because we simply couldn't shut down military bases when we needed to because there is a process called ''log rolling'' in this case, where if you get some money for a theater in your district, I'll take money for a baseball field in mine. You won't challenge my spending, and I won't challenge yours.

That happens all too frequently in this case, and that's why you would hope that you have enough people who say, You know, I could get money for a baseball field in my district, but by golly, that will make us run a deficit that we can't sustain over time. And that's why I would hope that you would have people here to make decisions and say we can't fund every district in the country. So maybe we shouldn't have an account that allows Members to simply earmark wherever they will.

I would submit that that applies to this as well. This amendment would prohibit a quarter of a million dollars from going to Alianza Domenicana, Incorporated, for a construction of a new headquarters in Manhattan. According to the sponsor, these funds would be for a capital grant toward the development of the Triangle Bridge, which is a 48,000, six-story mixed use development currently being constructed that will house for-profit business and nonprofit community services.

I reserve the balance of my time.

Mr. RANGEL. I rise to claim the time in opposition.

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

Mr. RANGEL. Thank you, Mr. Chairman.

Well, judging what the attitude of the gentleman from Arizona believes is national, Federal, or something that should make us proud, I am a little reluctant to debate with him because he has a different idea than I and other Members have.

But I can tell you this: That in the great City of New York, we had immigrants come from all over the world. We have Chinatown, we have Little Italy, we have the Lower East Side, we have the Jewish community. But we also have a place called Washington Heights, and in my opinion, that's where the Statue of Liberty should be, because so many groups came there, raised their kids there and moved to other parts of the city and the country: the Irish, the Italians, Jews, Catholics. But somehow the Dominican Republic is the last one that's had its people come to New York and to America for a better way of life. Unlike most ethnic groups, they didn't have their own Murphy theater, they didn't have a place to go to. They didn't have museums, they didn't have a cultural center. And so it was the community that got together with the not-for-profits. We went to our mayor, we went to our governor, and they came to me. So it was the city, the State and the Federal Government that said, We should anchor a place of culture where kids can go after school, where we have sports, gymnasiums, poets, health care, and some place where the Dominicans can say that in a great country and in a great city and in a great community, they had a place anchored.

So they brought all of these not-for-profits together. We were able to raise money from the private sector, the property was given to us by the city, and we were very, very excited and hoped there would be a place where every Member of Congress, when they have a chance to visit the great city of New York, will say, Show me your city. And we'll take you straight to Alianza Dominicana, and show you that this is the quality of beauty, of culture, that we would hope that you would enjoy as we have so many other centers and museums that we would attempt to show off.

I would want my country and this Congress to be a part of that, and that's why I proudly support this allocation for that purpose.

I reserve the balance of my time.

Mr. FLAKE. I thank the sponsor of the earmark.

But let me just say the problem with accounts like this, these economic development initiatives, as I said, is a catch-all term and it seems to act as an account that Members can simply earmark. But here's what happens with the earmarking process. We're told in very highfallutin terms all the time about how Members of Congress know their districts better than those darn bureaucrats over in the agencies. And I can show you here what happens when you have that attitude. Apparently, only the powerful Members in this body—either those who are on the Appropriations Committee, which makes up 14 percent of this body, just under 14 percent, or if you include chairmen and ranking minority members—powerful committees in leadership. That takes it up to just under 24 percent.

But if you look here, here's the appropriations process this year. We have the numbers for all of the bills now, finishing with defense.

But if you look here in virtually every case, that small percentage of under 25 percent takes the bulk—in some cases, in some bills up to 70 percent—of the dollar value of the earmarks.

And so this notion that Members know their districts best, that those halfwit bureaucrats, they don't know what they're doing so we have to earmark those funds because they won't allocate them on the basis of merit, well, this is what occurs. This is what—I don't know how else to refer to it—but a spoil system where the Appropriations Committee and other powerful Members say this is where the dollar should go.

In this bill, I would commend those involved in this bill, 24 percent of the body is only taking 46 percent of the dollar value of the earmarks. That's the lowest total in any of the bills that we've dealt with this year. Next week we will be dealing with the defense, where we will be up to 58 percent.

So before we believe the rhetoric, it's just the Members working their will here and every Member has a right to represent their district, somebody would have to explain why certain Members get to represent their districts so much better than other Members year in and year out.

Again, as I said, if we don't like how the agencies distribute this money, we should tell them they have to change it. But we can't simply run a parallel program and say, All right. We're going to earmark these dollars. And in this case, it sounds like a wonderful program in New York. I'm not questioning the merits of it at all. I'm questioning why we're doing it by earmark. Why doesn't that program, those involved couldn't apply for the money and compete against those from across the country who are doing the same, instead of going to a powerful Member and saying, Here, will you earmark those dollars for us.

In many cases—it's not the case in this case—but in many cases, you have competitive accounts and people will apply for a grant and not receive it on a competitive basis. Those that are involved will say it doesn't have the merit that others do. So then they will go to their Member and say, Earmark these dollars. And we have some cases—not in this bill—but some cases where the Member will earmark and go around the system that we have told the agencies to create.

So, again, if we don't like how the agencies are doing it, let's change it. Let's not run a parallel system like that.

I reserve the balance of my time.

Mr. RANGEL. I object to the amendment, and I yield back the balance of my time.

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

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

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

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

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

PART B AMENDMENT NO. 8 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, Mr. Chairman, designated as No. 8 of part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' shall be available for the renovation of a vacant building for economic development by the City of Jal, New Mexico, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by $400,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funding for the City of Jal, New Mexico, for use in renovating a vacant building and reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, the building would be renovated with funds in this bill. The building that would be renovated is a former site of a junior high school which has sat vacant for a number of years.

The purpose of the project is to replace the building's roof, windows, doors, and upgrade its plumbing and electrical systems in order to attract a private buyer. However, the sponsor's description of the earmark says the city already has a buyer in mind—Louisiana Energy Services, which already has declined to purchase the old school due to its condition.

I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, I claim time in opposition.

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

Mr. TEAGUE. Mr. Chairman, I would like to thank the distinguished chairman of the Appropriations subcommittee for yielding to me and for working with me to invest in important projects in my congressional district.

I rise today in opposition to the amendment that has been offered by my colleague from Arizona. The amendment would strike an appropriation of funds from the Economic Development Initiative at HUD that I worked with my friend, the chairman of the subcommittee, to secure for the community of Jal, New Mexico.

Although I'm opposed to the amendment, I am pleased that the gentleman from Arizona has decided to offer it. The fact that he can and does offer amendments like this, brings the focus of the House and the Nation on certain projects, is exactly why this process has integrity. And it's why I feel comfortable participating in it for the benefit of my constituents in places like Jal, New Mexico.

□ 1615

I am happy to defend and debate the merits of this project, and I look forward to convincing a majority of my colleagues that this amendment should be defeated.

Mr. Chairman, Jal, New Mexico, is tucked into the southeast corner of my State and my congressional district. In fact, if it weren't for 5 miles and the grace of God, Jal would be sitting in Texas. It's a long way from pretty much everything, a long way from the Finance Committee of the State legislature in Santa Fe, and it's even farther from the faceless bureaucrats who staff the Federal agencies in Washington, D.C.

If not for Jal's elected representation in Congress, no one in this town would likely ever know the name of the place, or that it existed at all. Mr. Chairman, that's my job, to put Jal on the map, to know the priorities and the needs of communities like Jal and to work to address them. If there is a problem in my district, it is my job to get to work solving it.

So here is Jal's problem: the city of Jal owns the Burke Junior High School building, which is a 40,000-square-foot building that was utilized from 1968 to 1986 as the Jal Middle School. The building has now been vacant for a number of years, and for the facility to be put to use again, the city would need to replace the building's roof, doors, windows and a complete upgrade of plumbing and electrical systems.

This is what the EDI appropriation will fund. With the renovation of the building, the city of Jal hopes to attract private industry to town. Having a tenant in the building will create jobs in Jal and increase the town's tax base. Projects like this are exactly why the Economic Development Initiative was legislated in the first place, and I'm proud to have sponsored this appropriation for Jal.

Mr. Chairman, I'm not going to stand by and hope that some faceless bureaucrat looks kindly upon a place like Jal. I know the community's needs. I know the problems. I was elected to stand up for places like Jal, New Mexico, not hope that someone else does. Again, I thank the gentleman from the Arizona for his principled and important participation in this process. I urge my colleagues to reject this amendment.

I reserve the balance of my time.

Mr. FLAKE. I should mention that this money is going to be used to renovate this building. The sponsor already has a buyer in mind. I mentioned Louisiana Energy Services, which already declined to purchase the old

school due to its condition. LES is a subsidiary of URENCO, which is a global nuclear fuel company and currently holds approximately one-quarter of the world's share of uranium enrichment services. According to the Web site, LES is working toward constructing the first-ever centrifuge enrichment facility in the U.S., which would be based just a few miles from Jal. The hope is, apparently, to renovate this facility and then get this company to buy it. Now that is economic development, I grant you, certainly, and then the proceeds apparently would go to the city.

But that's just saying that we ought to give $400,000 to the city, apparently. This isn't going to be used for a public purpose. It's being sold off to a private company. Now, every city in this country is hurting financially. I think we have established that. But here we had it raised again that we are not going to rely on some faceless bureaucrat. I'd forgotten the term always used, not ''feckless'' or ''hapless,'' but ''faceless'' bureaucrats. It seems strange to me that we won't trust these faceless bureaucrats to distribute earmarks or distribute Federal funding, but we will trust them with health care.

In the context of this debate, that's what seemed odd to me. But given that, simply, if we don't like the way they're distributing money, and we believe that this money should be distributed, and I would question that, I would question the existence of this Economic Development Initiative money that we have here, we probably ought to get rid of it completely given the dire straits we are in financially as a Federal Government.

But if we're going to have it, then we ought to ensure that the agencies set up a program by which every jurisdiction in this country has an equal opportunity to compete, and not just individual Members of Congress, and as I explained before, in particular, powerful members on the Appropriations Committee or those in powerful leadership positions. That's not the way to distribute taxpayer money in this regard.

With that, I reserve.

Mr. TEAGUE. I thank the gentleman for his concerns. LES is a uranium enrichment facility that currently employs about 2,000 people in the Eunice-Hobbs-Jal area. It's a major employer and one of the biggest employers in the area. The building and operation of the LES plant is now about a $4 billion project, so its operations and its impact extend across a few different communities in the area.

It's my understanding that Jal would like to attract LES to town, possibly making use of the renovated Burke school. However, the renovated school would be open for use by any number of companies. This appropriation is a fine example of the community using the EDI program to attract private investment.

I reserve my time.

Mr. FLAKE. How much time is remaining?

The CHAIR. The gentleman has 2 minutes remaining, and the gentleman from New Mexico has 30 seconds remaining. The gentleman from Arizona has the right to close.

Mr. FLAKE. Again I would say, what the Web site says is that the buyer is likely to be this company, LES, a subsidiary of URENCO; and that's fine. But we might as well be giving them the $400,000 and allowing them to renovate it and then purchasing it, or giving the city that much. And that's fine if that's what we decide to do. But this is no way to distribute these kinds of moneys. This is no way to run a program.

I would submit that when you have a deficit that may hit $2 trillion this year, at some point, somewhere, sometime this body has to say enough is enough. And if we can't keep a half million dollars from going to a program like this, where are we going to start? Where are we going to say enough is enough? Where are we going to say, we are going to get this deficit under control and we are really going to go after entitlement suspending now? If we can't do it here, where can we do it?

With that, I reserve.

Mr. TEAGUE. Once again, I appreciate the concerns of my colleague from Arizona, and I would just ask my colleagues to vote in support of Jal and all small communities in New Mexico and vote against this amendment.

I yield back my time.

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

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

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

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

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

PART B AMENDMENT NO. 9 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as No. 9 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' shall be available for the Monroe County Farmer's Market facility construction project of the Monroe County Fiscal Court, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Intiative grants in the second paragraph under such heading) are each hereby reduced by $250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit a quarter of a million dollars in funding for the Monroe County Farmers' Market facility construction and would reduce the cost of the bill by a commensurate amount. The sponsor of this earmark says in his Web site that ''these funds will be used to construct a new market facility that will promote economic development and provide added benefits to the local community.''

Farming is an important component of Kentucky's economy. According to the Kentucky Department of Agriculture, Kentucky farmers sold nearly $5 billion worth of farm products in 2007 alone. Given the number of farmers' markets throughout the State, that is not too surprising. The Department of Agriculture's Web site shows that there are more than 100 farmers' markets currently up and running in the Commonwealth of Kentucky. Nearly 200 vendors participated in these markets in 2008. Farmers' markets in Kentucky appear to be both successful and profitable.

So my question is why are we saddling the taxpayers with a bill for construction of one more farmers' market? I have no doubt that this farmers' market in Kentucky has seen a drop in business as a result of the economy. Virtually every business across this country has. I also think that we could find that these earmarks do benefit the agricultural community there. That isn't any doubt.

The question again here is how do we choose? And why do we say, all right, we're going to aid this one but not another one? And in particular at a time like this, why are we taking money from the taxpayers and then distributing it out as we see fit, rather than allowing them to keep it themselves?

With that, I reserve.

Mr. LATHAM. I claim the time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would like to recognize the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I thank the gentleman for yielding. I rise to, not surprisingly, oppose this amendment from the gentleman of Arizona. And I might say to him that we all appreciate his concern, his dedication and his commitment to fiscal responsibility. But I would also say that even if we eliminated all earmarks of the legislative branch, it still would not make any dent at all in our deficit and debt in this country.

And so I would ask the gentleman and simply suggest that let's look at some more meaningful ways to deal with this issue. For example, I think most Members would agree with you that the vast majority of earmarks do probably go to appropriators rather

than nonappropriators. And I think many Members would be willing to join you in an effort to try to change the House rules in some way and maybe deal with that issue. I might also say that under the PAYGO rules of this Congress and the last Congress, the 110th Congress, they waived PAYGO rules enough times that the amount that they waived was $450 billion.

So I would ask the gentleman to join me in a resolution that I introduced yesterday to simply say that if the PAYGO rules are waived, that any Member of Congress has a right to raise a point of order and have a vote on the waiving of the PAYGO rules. I think those are two ways to more substantively address your concerns.

As far as Monroe County, Kentucky, let me just say this: Monroe County, Kentucky, is a county of 11,000 people located in south central Kentucky. It is primarily economically driven by agriculture and the textile industry, except the textile industry has closed down over the last 10 years or so. The unemployment rate in Monroe County right now is 15 percent. The most important economic engine in Monroe County is agriculture. And that's why I requested, at the request of the county judge and the fiscal court and the mayor of the community coming to me and asked for $250,000, to develop this farmers' exchange facility to help the economic development in that area.

I might also point out that on September 16, 2008, the chairman of the House Transportation and Infrastructure Committee, JAMES OBERSTAR, and U.S. Delegate ELEANOR HOLMES NORTON presented a $2 million EDA investment check to the Government of the District of Columbia to help restore and upgrade the historic Eastern Market where farmers bring their goods and people buy and sell them.

Now Monroe County does not have access to high-priced lobbyists. There's not a lot of influence in Monroe County. So when they came to me—and I don't get that many earmarks—I simply felt it was the proper thing to do, to help this community overcome its high unemployment, to try to stimulate the economy in a small way and to help the farmers in that area. So I would urge and request that the Members vote to defeat the gentleman from Arizona's amendment.

Mr. LATHAM. I reserve the balance of my time.

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

The CHAIR. The gentleman from Arizona has 4½ minutes remaining. The gentleman from Iowa has 1 minute.

Mr. FLAKE. I'll make a note before I yield to the gentleman from Utah. I recall that Eastern Market earmark for D.C., and I challenged that one as well. We shouldn't have distributed that money either.

I yield 1½ minutes to the gentleman from Utah.

Mr. CHAFFETZ. With all due respect to my colleague, I'm sure that the people of Monroe County are wonderful, beautiful people, and I wish them nothing but the best. But to suggest that $250,000 doesn't matter is fundamentally what is absolutely totally wrong with this institution. We are $12 trillion in debt. We are spending $600 million a day in interest, and the people of Utah and the people of Florida and the people of Michigan should not pay to try to build up another Monroe County Farmers' Market.

I opposed a parking lot, a $750,000 appropriation, for the city of Provo in my district because I do not believe it's the fundamental and proper role of government to try to transfer a group of shoppers from one mall to another mall. I opposed in Utah a million-dollar expenditure for the Shakespeare Festival because they wanted a new lighting system. This is what is wrong with America.

□ 1630

We have to say no to something. If we can't say no to a farmers market, what in the world are we going to say no to? Time after time after time the gentleman from Arizona has identified projects that fundamentally have absolutely no, no Federal nexus. When is this body going to stand up and take a stand and say, It's not our money; it's the people's money? And we should not be spending Federal taxpayer dollars on another farmers market if it's in my district, if it's in Kentucky, no matter where it is.

Mr. LATHAM. I will yield the balance of my time to a colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Look, ED WHITFIELD has been in this House since 1995. He knows his district better than anybody that has spoken on this amendment, and he's described a need in his area. And I would just suggest that if this earmark thing was such a great idea and it really captured the hearts and minds of the American people and would do anything to reduce spending in a significant way, JOHN MCCAIN would be President of the United States today and we would have had a different budget resolution. We would have had different 302(b) allocations.

But again, to deny a Member of Congress the opportunity to identify districts—and I'm not going to say faceless bureaucrats because I'm with the gentleman from Arizona about this health care business. That's a nonstarter for me. But I will tell you that to basically say we're not going to spend the money, we're going to punt, we're not going to do our jobs and represent other people and we're going to let President Obama and his team spend all the dough, it's just wrong.

I urge defeat of the amendment.

Mr. FLAKE. The gentleman from Kentucky makes a wonderful point about overall spending. Earmarks represent a small portion of Federal spending, a very small portion. The problem is, as my colleague in the Senate Dr. COBURN calls them, the gateway drug to spending addiction. And the problem with earmarks is that when you load them up in bills, you will support bills, both the majority and the minority, that you would in no other case support.

Now, take for example, in 2005, we reauthorized the highway bill. In that bill, it was a $285 billion multiyear authorization. We knew because the chairman of the Appropriations Committee stood up at that time and said, We don't have the money in this bill to fund what is being authorized. We're going to run short. Sure enough, we've run short. We had to transfer $8 billion into that bill just a while ago. We were asked to transfer another $6 billion, and there will be more and more.

But you know why that bill passed when everybody in this body knew that we were spending money we didn't have? Because it had 6,300 earmarks in it, and nearly every Member of this body had some. And they knew that if they didn't support it, they might get their earmarks yanked out when it went to conference. That's the problem with this body, and that's the problem with earmarks.

Earmarks are much greater than the sum of their parts. They force you to support bills you would in no other case support simply because you've got your earmarks in and you have to support that bill. And so, that's the problem here.

And then year after year, we say, ''Well, they're only a small part, and if we cut funding for this earmark, it won't cut funding for the bill. It will just go somewhere else,'' when we could, if we wanted to, simply lower the allocation for the bill by the amount that the earmarks represent. But we don't do that so we can use the excuse later that we can't get rid of these earmarks because it won't save any money.

Well, I don't think the people across the country are buying that. They've heard that song too much. We'll have a deficit this year that might approach $2 trillion. We need to start somewhere, and I would suggest we start here.

I yield back the balance of my time.

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

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

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

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

PART B AMENDMENT NO. 10 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as number 10 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''Federal Highway Administration—Surface Transportation Priorities'' shall be available for the Millenium Technology Park project in New Castle, Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by $500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit the use of $500,000 for the Millennium Technology Park in New Castle, Pennsylvania, and would reduce the spending in the bill by the same amount.

According to the sponsor's Web site, the money would be used to design and construct the Millennium Technology Park, on which ground was broken in 2006. The technology park was initiated by the Lawrence County Economic Development Corporation to create ''new advanced job opportunities by providing small to large forward-thinking companies with prepermitted, shovel-ready sites.''

With that, I reserve the balance of my time.

Mr. ALTMIRE. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALTMIRE. I thank the gentleman from Arizona for allowing me the opportunity to come to the floor and discuss a project in my district that I'm very proud of. This is a project that is on a border area between Ohio and Pennsylvania.

The service region for the project, the coverage area for the employment base, and the economic development opportunity spans nine counties in two different States. And it's in an area of the country that has suffered greatly with the loss of manufacturing jobs over the past several decades, and it's in an area of the country that's trying to retool itself and trying to gain traction with economic development activities, especially in high tech fields, high technology manufacturing.

It's in an area where there used to be heavy manufacturing, an industrial site that has been reconfigured to play the role now across nine counties of job growth. It's expected that when this project is completed, it's going to create 2,500 jobs, and the money that we're directing towards that project through this bill isn't in the absence of community support. We have generated 18.7 million through the State of Pennsylvania and through local community sources to fund this project.

This is a project that's ongoing. As the gentleman from Arizona points out, it was initiated in 2006, and the $500,000 that we're talking about today specifically goes towards access roads. And the Federal Government, as the gentleman knows, does play a role in transportation funding. That's what this bill is all about.

So we're talking about a continuation of a project that was initiated 3 years ago, that's going to create 2,500 jobs, that's going to serve nine counties across three States, and that's going to help continue the rebirth of a region in the country that has suffered. I can think of no better way to spend transportation money than on a project of this sort.

And I reserve the balance of my time.

Mr. FLAKE. Again, we have here, this is money going to a technology park. Where in the world is the Federal nexus there, I would ask. Why is it that we're being asked, as taxpayers in California and New Mexico, Arizona, New York, to pay for a technology park to attract businesses in Pennsylvania? Under that kind of rubric, what wouldn't qualify for money? Why wouldn't we just scatter money all over? Apparently we have, with a $2 trillion deficit, but we can't continue to do that.

One thing that these technology parks and money for them typically does, they're usually called new business incubators, and what they turn out to be incubators of is earmarks. In fact, this very project received a $500,000 earmark 2 years ago, and my bet is that next year, or the year after or so, there will be another earmark for the same project because you can never have enough business for a district. No Member of Congress will ever take the podium and say, Hey, I've got too much business in my district. We don't need to construct another technology park. We can't use another earmark. Please, no more.

It's going to continue to go and go and go. But where do we stop? Where do we say enough is enough? We can't continue to put out money this way.

I reserve the balance of my time.

Mr. ALTMIRE. I would say in response to the gentleman from Arizona, the funding that we're talking about, again, is transportation funding, and it's going to build access roads. The funding for the technology park, 18.7 million, has already gone towards the park itself. We're talking about the transportation component of that to build the roads.

And before I yield to the chairman of the committee, what I will say is the gentleman holds up the chart that talks about the earmarks that go to appropriators and people who've been in this House a long time. Well, look, I'm a second-term Member. I'm not an appropriator, and I'm not a chairman of a high-level committee, but I was elected to represent the Fourth Congressional District of Pennsylvania. I was elected to survey the need and to do everything I can to fight for my constituents and to fight for my district.

And despite the fact that I'm not a chairman, despite the fact that I'm not on one of the exclusive committees, I was able to convince the committee to put this money in because this is a good use of taxpayer funding. This is going to create jobs. This is going to grow the economy in two States across nine counties.

And I would yield the remainder of my time to Chairman OLVER.

Mr. OLVER. I thank the gentleman for yielding, and I thank you for your careful defense of the job that you do as a Representative there for New Castle, Pennsylvania.

I asked for the time because just a few minutes ago the gentleman from Arizona had spoken about the distribution of earmarks and how it seems to favor certain Members or committees, and I wandered over to see, and I suspect that I and my ranking member are in trouble for the nature of that chart.

But, as a part of your argument, the gentleman's argument, the gentleman mentioned that maybe the Federal agencies can do a better job of distributing funding more equitably. However, one really ought to look a little bit at what has been the historical record and some fairly recent historical record.

In fiscal 2007, we included no earmarks in this bill.

The CHAIR. The time of the gentleman has expired.

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

The CHAIR. The gentleman from Arizona has 2½ minutes.

Mr. FLAKE. I yield 30 seconds to the gentleman to finish his thought.

Mr. OLVER. I thank the gentleman. That was very kind of you.

In fiscal 2007, we included no earmarks in this bill and gave complete discretion to the Secretary of Transportation. Remember, that was the year that the majority tipped, but we still had the previous President in place. The result of that was that the Secretary of Transportation distributed over $1 billion of discretionary money to five cities, to five places, five single places.

Mr. FLAKE. I thank the gentleman for making that point, and I have no grief for faceless bureaucrats, believe me. I don't want them running my health care. But if we don't like the way they're doing things, let's change it. Let's not appropriate the money.

Frankly, this account from which these funds are drawn probably, in my view, should not exist. I mean, economic development initiatives? You can fit anything under that. And it's just an excuse to give out money here from Congress or let the bureaucrats do it.

I'm not saying that we should give all of our money there and say don't do it. If we don't like the way they do it, then set up a structure and say, You have to do it by merit. And if we don't like the way you've distributed it the following year and we can prove that you did it on a basis that is not equitable, then we cut your funding completely the next year.

That's what our purview is, not to say we don't like the way you do it so we're going to set up a system by which the appropriators take upwards of a low of 46 percent, appropriators and powerful Members, when they represent only 24 percent of the body, and a higher limit of 70 percent.

Mr. OLVER. Would the gentleman yield another 30 seconds?

Mr. FLAKE. Fifteen.

Mr. OLVER. Well, if the gentleman would place all the earmarks funded in this bill in '08 or '09 on a map and show where those had actually gone, you'd find that the earmarks have been spread much more widely, much more evenly among all 50 States and the territories than you would find by the bureaucrats.

Mr. FLAKE. He makes the point exactly. We shouldn't appropriate this money at all. This money for economic development should stay in the hands of small business before it's taxed and let them do with it as they will: cut their payroll tax, cut something else, leave it with them. Don't take it and then distribute it by means of congressional earmark or Federal bureaucrat fiat. I'm saying don't spend it that way. But if we don't like how they do it, let's not create a parallel program that is just as inequitable.

I yield back the balance of my time.

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

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

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

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

□ 1645

PART B AMENDMENT NO. 11 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, a final amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Mr. FLAKE:

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

SEC. ____. None of the funds provided in this Act under the heading ''Federal Highway Administration—Surface Transportation Priorities'' shall be available for the reconstruction of Rib Mountain in Wisconsin, and the amount otherwise provided under such heading is hereby reduced by $500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would remove $500,000 in funding for the reconstruction of Rib Mountain Drive in Wisconsin, and it would reduce the cost of the bill by a commensurate amount.

I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

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

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

The CHAIR. The gentleman from Wisconsin has the right to close.

Mr. FLAKE. Mr. Chairman, doesn't the sponsor of the amendment have the right to close?

The CHAIR. A member of the Appropriations Committee, if in opposition to an amendment, has the right to close.

Mr. FLAKE. Oh, okay. All right. I should have known.

According to the sponsor of this earmark, the funds would go for additional turn lanes, signals and a sidewalk on Rib Mountain Drive. The certification letter for this earmark refers to this particular stretch of road as the ''primary roadway in a commercial district,'' and it says that the project will ''enhance both safety and efficiency.''

I have no doubt that it will do this. I have no doubt, but my understanding is that the State of Wisconsin has a program where they grant funding for programs like this, for projects like this on a priority basis. Apparently, the State of Wisconsin didn't see this as a priority or they would have funded it, or perhaps they did, but in realizing there was a powerful Member here in Congress, felt they didn't have to because the Federal taxpayer could pick up the tab.

So, here again, why are we paying for a roadway that doesn't serve an interstate purpose? This is not part of the Interstate Highway System. Again, here, it's a parochial interest, and I understand that, and the Member will advocate fiercely for it and for his right to get that earmark. Certainly, the Member, my good friend from Wisconsin, is in a position to do that. The question is why. Why do we continue with a program like this?

Let me show you this chart again. Here is the appropriations chart for this year. We have all of the legislation that we have considered so far. We have just shy of 24 percent of the Members of the House. This includes the appropriators, who make up between 13 and 14 percent. The leadership Members and ranking minority members and chairmen of committees get a low of 46 percent in this bill and a high of 70 percent in the Financial Services bill.

This seems to be a pattern, and it's a pattern that stretches beyond. Last year, I think there were similar spoils here. I understand that. Members, when they're here longer, apparently understand their districts better than Members who haven't been here as long, but it begs the question: Why do we continue to do this? I always appreciate when the chairman stands and says that earmarks grew under Republican rule. They did, and that's something that will haunt us, I think, forever, and as Republicans, it should. The chairman also says, when he was chairman of the Appropriations Committee prior to the Republicans' taking over in '94, there were no earmarks whatsoever in the Labor-HHS bill, not one earmark. Tomorrow, we'll consider that bill. I think there are well over 1,000 earmarks in that bill. There are over 1,000 earmarks in the bill today. There are well over 1,000 earmarks in the defense bill that we'll consider later next week.

Just because Republicans ramped it up doesn't mean the Democrats have to continue it this way. Some will make the case that we've cut down the number and the dollar value. That's a good thing. Yet, when you go from zero and say with pride ''there were no earmarks when I chaired the committee before, and now there are only 1,000, and we should feel good about that,'' there's something wrong with this picture.

Again, it's not just the money and the earmarks. It's not just that we're spending on a local transportation project that should be funded locally. It's that, when you get earmarks like this in a bill and when you include 1,000 of them, you gather support for a bill that, in this case today, increases overall spending by 13 percent, I believe, over last year's bill. In a year when our deficit will approach $2 trillion, we are here, saying that's okay. We'll have a big vote on this bill—Republicans and Democrats is my guess—largely because there are so many earmarks in this bill that people think ''I've got a little piece of it, so I'm going to vote for the broader bill.'' That's what has driven up spending under Republicans and Democrats alike.

When we lard up these bills with earmarks and pet projects, we grease the skids for them to pass when we should stand up and say that we cannot sustain this level of spending. Again, it's not just a Democrat thing or a Republican thing. This body, as a whole, is guilty of it, but earmarks are a large part of that, and we have to recognize it. You can cloak it in whatever language you want with regard to ''representing my constituents,'' but every constituent is out there, wanting money. I can tell you mine want to keep a lot more of theirs rather than send it to Washington so Washington can decide, well, I'm going to spend a little on a roadway in Wisconsin.

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

Mr. OBEY. Mr. Chairman, the project under discussion is a transportation project, and this is a transportation bill. Until 10 years ago, my State, Wisconsin, was a donor State to highway trust funds, at one time getting just a 70-cents-on-the-dollar return on our Federal gas taxes. As a delegation, we

fought like the devil for over 30 years to turn that around. We finally have. Despite that fact and the changes we've been able to make, Wisconsin, along with other Great Lakes States, still rank way down the list—45th, 46th, 47th on its per capita return on Federal dollars.

In contrast, the gentleman's State, Arizona, does much better. Compared to Arizona, for example, Wisconsin receives about $759 less from the Federal Government per capita. Arizona does very well, for instance, in Federal procurement dollars, getting about $866 per capita more than Wisconsin. In grant programs, such as highway funds, Arizona gets about $130 per capita more from the Federal Government than does Wisconsin.

When I came to Congress, Wisconsin had 10 Members in the House. Arizona, I believe, had 3. Arizona has had a huge growth in population during the subsequent 40 years, and it has been financed, in very large part, by Federal dollars. I don't remember how much the Central Arizona Project cost, but it was billions. I think what the gentleman is suggesting is, now that Arizona has got his, that he begrudges somebody else trying to get pennies by comparison.

Let me point out that, in this bill, Arizona gets $13 million in earmark funds. He says that Wausau, the community where this highway is being repaired, is not on the interstate. Well, why on Earth should we confine Federal responsibility only to communities lucky enough to be on interstate roads? Why should we tell small rural towns, ''Sorry. Go off in the corner. You don't have a right to participate in Federal support''?

With respect to this particular project, we are trying to help the community of Rib Mountain, part of the Wausau metropolitan area. We are trying to fix some problems on that heavily traveled and congested commercial corridor by adding turn lanes and a median traffic signal. On July 4, two 15-year-old girls were hospitalized by an accident in the very location where this road is to be modernized. I make no apology whatsoever for trying to improve that situation.

I would also point out, if you want to talk about me, the unemployment level right now in the Wausau area is well over 12 percent. The last time I checked, the unemployment level in Mesa was 7.3 percent.

The gentleman from Utah also was commenting on the previous earmark, complaining about that fund. The unemployment level in Utah is 5.9 percent, less than half of what it is in my community. I don't see why I should apologize for trying to get a few items for my district.

I would also note one other thing. If you want to talk about earmarks, as the gentleman knows, they make up less than 1 percent of the discretionary part of the Federal budget. I've never seen a Congress change any President's budget by more than 3 percent. That 3 percent difference in congressional decisions versus Presidential decisions is the difference between having a President and having a King. I make no apology whatsoever for the Congress' trying to occasionally exercise its responsibilities in terms of the power of the purse.

I would also point out one other thing. If you take a look at the real cause of the deficit, the gentleman goes after these very small projects, and then suggests that they have a major impact on the deficit. I don't know where the gentleman was when the previous administration was turning $6 trillion in projected surpluses into a $1 trillion deficit. I don't know where the gentleman was when the administration was spending $1 trillion on a misguided war in Iraq. Those are the items that raise the cost of government. Those are the items that add to the deficit. Those are the items that significantly add to the debt. I make no apology for this project in that context.

I yield back the balance of my time.

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

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

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

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

It is now in order to consider amendments printed in part C of House Report 111–219.

PART C AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 3 offered by Mr. HENSARLING:

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

SEC. ____. None of the funds provided in this Act under the heading ''Department of Transportation—Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)'' shall be available for the Doyle Drive Replacement project in San Francisco, California, and the amount otherwise provided under such heading is hereby reduced by $2,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike a $2 million earmark requested by the Speaker of the House for the Doyle Drive Replacement Project in San Francisco. Apparently, this drive is owned and operated by the California Department of Transportation, known as Caltrans, which acquired it in 1945 and which charges tolls from vehicles coming across the Golden Gate Bridge.

According to the Web site, the money, among other things, would be used to ''raise the original profile of the southbound lanes to preserve the cultural landscape and retain the cultural relationship between the upper and lower portions of the Presidio.''

It would ''reconfigure the Girard Road interchange to preserve the Gorgas Avenue streetscape adjacent to the historic warehouses and to improve views to the Palace of Fine Arts.''

Now, Mr. Chairman, I'm not here to tell you that all earmarks are bad. I'm not even here to tell you that somehow this is a bad use of somebody's money. I've never been a particular fan of the earmark system, but I don't come here to debate that today. I've heard a number of people say, ''Well, relative to the Federal budget, this is kind of pennies and nickels.'' Well, yes, maybe it is. I hope, number one, I'm never in Congress so long that I consider $2 million to be pennies and nickels, but if it is, you know, and if you don't start saving those pennies and nickels, how will you ever save the dollars?

Frankly, with the oppressive treatment we have at the Rules Committee, the amendments that Republicans would offer that would save billions of dollars somehow are never quite made in order.

So, Mr. Chairman, why is this important? I think it's important because we need to take stock of where we are as a nation. Since President Obama was elected, we have seen now the highest deficit we've ever seen in our Nation's history. It's over $1 trillion. Mr. Chairman, it's on its way to $1.8 trillion. That means, since the Democrats have taken control of this House, the Federal deficit has increased tenfold. The national debt is being tripled under their watch, under their budget—tripled—with more debt in the next 10 years than in the previous 220.

□ 1700

So, yes, maybe $2 million is small relative to that, but Mr. Chairman, again, if you don't change the culture of spending, how are you ever going to change the spending?

And I wish the Speaker of the House was on the floor now. I would pose a question to her that I've posed before. Early in her career when she was in the minority, she said, It is just absolutely immoral, immoral for us to heap those deficits on our children. And so I would respectfully ask the Speaker of the House, if it's immoral to do it, why are you doing it? This is $2 million, 2 million more dollars of deficit that, according to the Speaker of the House, is immoral.

The Speaker also has said, prior to becoming the Speaker of the House, I'd just as soon do away with all earmarks; you can't have Bridges to Nowhere for America's children to pay for. I would respectfully ask the Speaker of the House if she was on the floor

now, Madam Speaker, if you would just as soon do away with earmarks why don't you lead by example and quit asking for them?

It appears in this appropriations cycle that she has requested herself, or jointly with others, 30 earmarks worth $36 million. According to Taxpayers for Common Sense, in the last appropriations cycle, Mr. Chairman, Speaker of the House PELOSI ranked 16th out of 435 Members of Congress on the number of earmarks she requested.

Again, at a time of trillion-dollar deficits maybe there's time to say ''no'' to one project today so we can say ''yes'' to our children's future tomorrow.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment. Let me make a few remarks about the general process and then about this amendment, and then maybe I will even have a little bit more time.

As indicated in the report to this bill, the funding for earmarks on the Transportation and HUD appropriations bill in 2010 has been cut to 50 percent of the 2006 levels. I would remind the gentleman that in the 2006 budget there was both a Republican majority in both branches and the President of the United States as well.

Also, this year, Chairman OBEY introduced new requirements to continue our effort to ensure that the appropriations process is open, transparent and worthy of the public's trust. As part of that, the committee vetted each request with the agency under whose jurisdiction an earmark would fall. Also, each request has been publicly disclosed on Members' Web sites so everyone can know exactly what has been asked by every Member and what ones are being funded.

I oppose the particular amendment here because the funds here, the $2 million of funds, are being used to replace Doyle Drive with a new parkway connecting the Golden Gate Bridge and the Golden Gate National Recreation Area. Federal funds would be used for project design work and the right-of-way acquisition. Doyle Drive is the only link between the San Francisco peninsula and Northern California counties, and is, therefore, designated as a postdisaster recovery route.

Doyle Drive was built the year I was born and is reaching the end of its useful life. The lack of shoulders and the absence of a dividing median create dangerous operating conditions and often result in serious accidents. The drive is ranked as the fifth-worst bridge in the Nation and the worst in California on the measure of structural insufficiency. 100,000 drivers, 18,000 transit riders use that Doyle Drive every day. So for those reasons I think this is a very important earmark.

Then I would like to comment, and I oppose, again, the amendment. I would like then to use the rest of my time to point out something that I did a little bit earlier, which was to point out that at the end of the Carter administration there was $1 trillion of national debt. That took us from the Presidency of President Washington all the way 190 years to 1980 to get $1 trillion of national debt. Twelve years later, the national debt was over $4 trillion, more than four times, more than quadrupled in that 12 years. That's the 12 years of the greatest debt increase in the history of the country by any percentagewise.

In the Presidency of President Clinton, the debt went up another one-third, 33 percent, in that 8 years which is quite modest compared to what it then went up during the previous administration, the years from 2001 through 2009. The debt during that period went up from $5.3 trillion—I think maybe I said 5.4 the last time I made this, hadn't quite gone down that much—but in any case, it's gone up over $10 trillion by the end of the Bush administration. So that's another doubling, the largest actual number of dollars of debt increase in trillions of any kind but not the largest percentage. This was only a doubling there.

And where the gentleman gets the idea that the debt will be a tripling under the present President, I cannot imagine. It will take at least seven more years for us to have any idea what the level of the debt will be at the end of that time. He might be surprised, we might all be surprised that it will be a good deal more modest than the kinds of numbers that the gentleman is using today.

Mr. LATHAM. Would the gentleman yield?

Mr. OLVER. I would be happy to yield.

Mr. LATHAM. I just want to make the comment that, unlike Doyle Drive, you have not come to the end of your useful life.

Mr. OLVER. I reserve the balance of my time.

The CHAIR. The gentleman's time has expired.

Mr. HENSARLING. Mr. Chairman, I certainly concur with the gentleman from Iowa.

It was a fascinating history lesson that the gentleman from Massachusetts provided us with, but here are the facts.

According to the Congressional Budget Office, which happens to be appointed by Democrats, we have the largest deficit in the history of the Nation at $1 trillion, 1.8 estimated at the end of the year, and it is CBO that says that the 10-year budget will triple the national debt.

I would ask the gentleman, again, from Massachusetts if this funding is so important, why isn't it paid for by the State of California, the city of San Francisco, or how about those toll roads? And is it really worth borrowing the money from the Chinese and sending the bill to our children and grandchildren at this time? I think not.

I would urge adoption of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

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

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

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

PART C AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 4.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. HENSARLING:

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

SEC. ____. None of the funds provided in this Act under the heading ''Department of Transportation—Federal Highway Administration—Surface Transportation Priorities'' shall be available for the Philadelphia Museum of Art Transportation Improvement Program in Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by $750,000.

The SPEAKER pro tempore. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an earmark designated for the Philadelphia Museum of Art, transportation improvement program, for three-quarters of $1 million, I believe requested by the gentleman from Pennsylvania, who is on the floor.

There is no doubt, Mr. Chairman, that the Philadelphia Museum of Art is one of the great art museums in America. I've had the occasion to visit it actually on two occasions I believe. Many in America recognize the steps as the ''Rocky'' steps from the popular film ''Rocky.''

According to the sponsor's Web site, the earmark will be used for, ''Intermodal transportation improvement project to resolve pedestrian and vehicular issues at the convergence of Kelly Drive, Spring Garden Street, Art Museum Drive, Pennsylvania Avenue, and Fairmont Avenue.'' Sounds like a lot of avenues and streets coming together.

Again, Mr. Chairman, let's take stock of where we are: $1 trillion deficit, the largest in America's history. It will increase tenfold in just 2 years under this Democratic majority, a feat I do not believe that has ever been achieved in our Nation's history.

According to the Congressional Budget Office, again, appointed by Democrats, we will triple the national debt

in 10 years. More debt, more debt in the next 10 years, Mr. Chairman, than in the previous 220. Again, don't take my word for it; ask the Congressional Budget Office.

And so I have no doubt that this is a good use of money once again. I have no doubt that this great art museum could use this money, but I have a number of questions.

Number one, why is this a Federal responsibility? You know, why didn't this money go to the Dallas Museum of Art? How about the Museum of Modern Art in New York? How about the Art Institute in Chicago? How about the Legion of Honor Museum in San Francisco? How about the hundreds and hundreds, if not thousands, of other art museums in the Nation, are they not equally deserving, Mr. Chairman?

And if this is a Federal responsibility, is it really a Federal priority at a time when, under this Democratic majority, we now have the highest rate of unemployment that we've had in a quarter of a century—2.6 million more Americans unemployed since President Obama took office? Maybe, maybe our priority ought to be to try to create more jobs, and there are hundreds of thousands of small businesses, including many in the Fifth Congressional District of Texas that could benefit from that money and create jobs and preserve jobs.

And then, Mr. Chairman, if I concede the argument that somehow this is not only a Federal responsibility but a Federal priority, again, is it of equal priority to creating jobs? Is it of equal priority to the money that goes to the National Institutes of Health for cancer research? Is it of equal priority to setting up more rural clinics for our veterans' health care? I think not.

And although, again, I have no doubt that this is a good use of someone's funds, that at a time of $1 trillion deficit, at a time of the worst unemployment we have had in 25 years, you know, it just doesn't meet the test of the taxpayers and the struggling families in this Nation.

And, again, if we don't say ''no'' to somebody's project today, we cannot say ''yes'' to our children's future tomorrow.

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

Mr. BRADY of Pennsylvania. I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. I rise in opposition to the amendment.

The gentleman from Texas does not seem to understand that this money does not go to the art museum. The art museum is located in the city of Philadelphia, and it benefits the entire region. This isn't private property. It's a public street that runs around a city-owned building. The contracts for this work will be let by Pennsylvania's transportation department, administered by the city of the Philadelphia, and this is already an approved TIP project.

The museum is located in one of the most dangerous high-traffic areas in the city of of Philadelphia, where major roadways, as the gentleman indicated, I–76, Martin Luther King Drive, Kelly Drive, Schuylkill River Trails and the Ben Franklin Parkway converge. This area has proven to be extremely dangerous for drivers and pedestrians alike.

Just a month ago, a father and son were struck by an SUV, critically injuring them while biking on Martin Luther King Drive on the south side of the art museum. Such accidents are frightening and common in this area, as anyone who has visited the art museum can attest.

I requested funding for this earmark because it's vitally important for the safety and well-being of my constituents, as well as the millions of others who visit Philadelphia every year.

I fully support this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I certainly respect what the gentleman says, and he says that clearly I don't understand aspects of the project.

What he doesn't seem to understand is that the taxpayers in the Fifth Congressional District of Texas, frankly, don't want to pay for his transportation projects, and they have transportation needs of their own.

If this is such a priority, why doesn't the Commonwealth of Pennsylvania take it out of their share of the Federal Highway Trust Fund? Why doesn't the State of Pennsylvania take it from their taxpayers? Why doesn't the City of Philadelphia take it from their taxpayers, or maybe the art museum has to charge a little bit more so that the struggling taxpayers of the Fifth District of Texas and all over America don't have to pay more in taxes or borrow more money from the Chinese to help the art museum in Philadelphia.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I yield 2 minutes to the gentleman from Pennsylvania, City of Philadelphia (Mr. FATTAH).

□ 1715

Mr. FATTAH. I rise in opposition to this amendment, and to support my colleague who has offered this very worthy project that's needed. The Philadelphia Art Museum is the finest art museum anywhere in the world, as far as I'm concerned, because I'm from the city of Philadelphia.

But I think we all know that it's critically important to invest in these needed infrastructure repairs, and I'm very happy that the committee saw fit to include this.

I'd hoped that we would at one point think about the real cost to our taxpayers of these amendments that are being offered. I think we probably have spent more than $750,000 on these amendments attacking earmarks, when in fact this is 1 percent of the bill. Even if this amendment passed, this money would not go against the deficit. This money would go to be spent in some other way.

So the point here is this is a needed project. I support it. I thank the chairman for including it. I thank my colleague from Philadelphia for his very effective fight to get this included in this transportation bill.

I think one thing that this amendment shows is that you're doing your job and working hard. And it benefits, like you said, the entire region.

I thank the gentleman for yielding time.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining and who has the right to close.

The CHAIR. The gentleman from Texas has 15 seconds. The gentleman from Texas does have the right to close. The gentleman from Pennsylvania has 2½ minutes.

Mr. HENSARLING. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Chairman, I find it ironic that people think the citizens of Philadelphia and of Pennsylvania don't pay Federal taxes, but they do.

The reason why government was formed is to protect our citizens. So I thank the gentleman for offering his amendment, to allow me to stand here and represent my constituents, the constituents of the city of Philadelphia, in my district, and also to be able to do my job to show them I am bringing back resources to keep not only them safe, but to keep the millions of visitors, the children, everyone that does visit this art museum, keeping them safe. That's exactly what this funding would do.

Again, I ask for a ''no'' vote on this amendment.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I will just point out to the gentleman from Pennsylvania that, according to his own Web site, the recipient is the Philadelphia Museum of Art, again, one of America's great art museums.

But I don't want to borrow money from the Chinese to send the bill to my children and grandchildren at a time of a trillion-dollar deficit.

Start saving the pennies and nickels and perhaps the dollars.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

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

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

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–219 on which further proceedings were postponed, in the following order:

Amendment No. 2 printed in part A by Mr. HENSARLING of Texas;

Amendment No. 3 printed in part A by Mr. LATHAM of Iowa;

Amendment No. 7 printed in part A by Mr. FRELINGHUYSEN of New Jersey;

Amendment No. 8 printed in part A by Mrs. BLACKBURN of Tennessee;

Amendment No. 10 printed in part A by Mr. JORDAN of Ohio;

Amendment No. 11 printed in part A by Mr. NEUGEBAUER of Texas;

Amendment No. 12 printed in part A by Mr. STEARNS of Florida;

Amendment No. 1 printed in part B by Mr. FLAKE of Arizona;

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

Amendment No. 7 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 8 printed in part B by Mr. FLAKE of Arizona;

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

Amendment No. 10 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 11 printed in part B by Mr. FLAKE of Arizona;

Amendment No. 3 printed in part C by Mr. HENSARLING of Texas;

Amendment No. 4 printed in part C by Mr. HENSARLING of Texas.

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

PART A AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 276, not voting 11, as follows:

[Roll No. 620]

AYES—152

Akin
Alexander
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Polis (CO)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)

NOES—276

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—11

Barrett (SC)
Bishop (UT)
Boustany
Hinojosa
Kaptur
McCarthy (NY)
Moore (WI)
Perriello
Platts
Ryan (OH)
Slaughter

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on the vote.

□ 1743

Messrs. CAO, FILNER, TIM MURPHY of Pennsylvania, LEVIN, BERRY, Mrs. NAPOLITANO, Mr. McDERMOTT, Ms. CASTOR of Florida, Messrs. ORTIZ, GRIJALVA, BERMAN, ADERHOLT, and BAIRD changed their vote from ''aye'' to ''no.''

Messrs. NEUGEBAUER, THORNBERRY, CRENSHAW, TIAHRT, PETRI, EHLERS, KIRK, PUTNAM, DREIER, KING of New York, and BURGESS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Chair, on rollcall No. 620, had I been present, I would have voted "no."

PART A AMENDMENT NO. 3 OFFERED BY MR. LATHAM

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 284, not voting 19, as follows:

[Roll No. 621]

AYES—136

Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilirakis
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)

Buyer
Calvert
Camp
Campbell
Capito
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Moran (KS)
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Stearns
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—284

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cantor
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Barrett (SC)
Bishop (UT)
Capuano
Cleaver
Davis (IL)
Dicks
Hall (NY)
Higgins
Israel
Johnson (IL)
Kennedy
Matheson
McCarthy (NY)
McHugh
Moore (WI)
Paul
Shea-Porter
Spratt
Terry

ANNOUNCEMENT BY THE CHAIR

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

□ 1746

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 7 OFFERED BY MR. FRELINGHUYSEN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 116, noes 313, not voting 10, as follows:

[Roll No. 622]

AYES—116

Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Bachus
Bartlett
Blackburn
Blunt
Boccieri
Bono Mack
Boren
Boustany
Brady (PA)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Campbell
Cantor
Carney
Cassidy
Clarke
Coffman (CO)
Cole
Conaway
Conyers
Dahlkemper
Delahunt
Doggett
Dreier
Edwards (TX)
Engel
Fattah
Forbes
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Hall (NY)
Harper
Hensarling
Himes
Hodes
Holt
Issa
Jackson-Lee (TX)
Johnson (IL)
Jones
Kanjorski
King (IA)
Kingston
Kirk
Kissell
Kosmas
Kucinich
Lamborn
Lance
Latta
Lewis (CA)
Lucas
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Massa
McCotter
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (NC)
Murphy (CT)
Murphy (NY)
Nunes
Pallone
Pascrell
Payne
Pitts
Platts
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rothman (NJ)
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sestak
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Tierney
Tsongas
Turner
Visclosky
Walden
Wexler
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—313

Abercrombie
Ackerman
Aderholt
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Bonner
Boozman
Bordallo
Boswell
Boucher
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Filner
Flake
Fleming
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Fudge
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Jordan (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McMahon

McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Upton
Van Hollen
Velázquez
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—10

Barrett (SC)
Bishop (UT)
Johnson, Sam
McCarthy (NY)
Moore (WI)
Myrick
Paul
Pence
Spratt
Sullivan

ANNOUNCEMENT BY THE CHAIR

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

□ 1749

Mr. HALL of New York changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 8 OFFERED BY MRS. BLACKBURN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 252, not voting 6, as follows:

[Roll No. 623]

AYES—181

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

NOES—252

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

NOT VOTING—6

Barrett (SC)
Bishop (UT)
Johnson (GA)
McCarthy (NY)
Paul
Spratt

ANNOUNCEMENT BY THE CHAIR

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

□ 1752

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 10 OFFERED BY MR. JORDAN OF OHIO

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 287, not voting 7, as follows:

[Roll No. 624]

AYES—145

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway

Crenshaw
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—287

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

NOT VOTING—7

Barrett (SC)
Bishop (UT)
Culberson
McCarthy (NY)
Paul
Price (NC)
Spratt

ANNOUNCEMENT BY THE CHAIR

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

□ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 11 OFFERED BY MR. NEUGEBAUER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 267, not voting 6, as follows:

[Roll No. 625]

AYES—166

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

NOES—267

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George

Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—6

Barrett (SC)
Bishop (UT)
Conyers
McCarthy (NY)
Paul
Woolsey

ANNOUNCEMENT BY THE CHAIR

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

□ 1758

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 12 OFFERED BY MR. STEARNS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 279, not voting 8, as follows:

[Roll No. 626]

AYES—152

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

NOES—279

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

NOT VOTING—8

Barrett (SC)
Bishop (UT)
Marchant
McCarthy (NY)
McMahon
McMorris Rodgers
Paul
Ross

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on this vote.

□ 1801

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. McMAHON. Mr. Chair, on rollcall No. 626, I inadvertently voted "present", and I meant to vote "no."

PART B AMENDMENT NO. 1 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 108, noes 327, not voting 4, as follows:

[Roll No. 627]

AYES—108

Akin
Bachmann
Bartlett
Bilbray
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)

Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Petri
Pitts
Posey
Price (GA)
Rehberg
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—327

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Barrett (SC)
Bishop (UT)
McCarthy (NY)
Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on the vote.

□ 1804

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 4 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 105, noes 328, not voting 6, as follows:

[Roll No. 628]

AYES—105

Akin
Bachmann
Bartlett
Barton (TX)
Bean
Bilbray
Blackburn
Bono Mack
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMahon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Upton
Walden
Wamp
Westmoreland
Wilson (SC)

NOES—328

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson

Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Barrett (SC)
Bishop (UT)
Gerlach
Herger
McCarthy (NY)
Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1807

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 7 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 124, noes 310, not voting 5, as follows:

[Roll No. 629]

AYES—124

Akin
Austria
Bachmann
Bartlett
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—310

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Barrett (SC)
Bishop (UT)
Lummis
McCarthy (NY)
Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on this vote.

□ 1810

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. LUMMIS. Mr. Chair, on rollcall No. 629, I was detained unavoidably. Had I been present, I would have voted "aye."

PART B AMENDMENT NO. 8 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 125, noes 310, not voting 4, as follows:

[Roll No. 630]

AYES—125

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Halvorson
Harper
Heller

Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Young (FL)

NOES—310

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—4

Barrett (SC)
Bishop (UT)
McCarthy (NY)
Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1813

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 9 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 98, noes 331, not voting 10, as follows:

[Roll No. 631]

AYES—98

Akin
Austria
Bachmann
Bean
Bilbray
Blackburn
Boehner
Bono Mack
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Fallin
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
Kind
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McMahon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Sullivan
Thornberry
Wamp
Westmoreland
Wilson (SC)

NOES—331

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam

Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Bishop (UT)
Doggett
Holt
Johnson (GA)
King (IA)
McCarthy (NY)
Miller (NC)
Paul
Terry

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in the vote.

□ 1816

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 10 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 329, not voting 5, as follows:

[Roll No. 632]

AYES—105

Akin
Austria
Bachmann
Bartlett
Bilbray
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Coble
Coffman (CO)
Conaway
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—329

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Barrett (SC)
Bishop (UT)
Franks (AZ)
McCarthy (NY)
Paul

ANNOUNCEMENT BY THE CHAIR

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

□ 1819

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 11 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 329, not voting 5, as follows:

[Roll No. 633]

AYES—105

Akin
Austria
Bachmann
Bartlett
Bilbray
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri

Pitts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—329

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Barrett (SC)
Bishop (UT)
McCarthy (NY)
Paul
Sablan

ANNOUNCEMENT BY THE CHAIR

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

□ 1822

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 309, not voting 6, as follows:

[Roll No. 634]

AYES—124

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Biggert
Bilirakis
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
LaTourette
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Young (AK)

NOES—309

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—6

Barrett (SC)
Bilbray
Bishop (UT)
Ellsworth
McCarthy (NY)
Paul

ANNOUNCEMENT BY THE CHAIR

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

□ 1825

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 326, not voting 4, as follows:

[Roll No. 635]

AYES—109

Akin
Bachmann
Bartlett
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—326

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Barrett (SC)
Bishop (UT)
McCarthy (NY)
Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1828

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010''.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 669, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 669, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LATHAM. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. LATHAM. In its current form, I am.

Mr. OLVER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Latham moves to recommit the bill H.R. 3288 to the Committee on Appropriations with instructions to report the same

back to the House forthwith with the following amendment:

Page 4, strike lines 11 through 16, and insert the following:

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $10,233,000.

Page 7, strike line 16 and all that follows through line 23 on page 10, and insert the following:

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,335,798,000, of which $5,190,798,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,300,739,000 shall be available for air traffic organization activities; not to exceed $1,231,765,000 shall be available for aviation safety activities; not to exceed $14,737,000 shall be available for commercial space transportation activities; not to exceed $113,681,000 shall be available for financial services activities; not to exceed $100,428,000 shall be available for human resources program activities; not to exceed $330,607,000 shall be available for region and center operations and regional coordination activities; not to exceed $190,063,000 shall be available for staff offices; and not to exceed $49,778,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than $17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United States Code, other than those authorized by Section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That of the funds available under this heading not to exceed $500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and not to exceed $120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

Page 12, strike lines 12 through 25, and insert the following:

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $180,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

Page 38, strike lines 1 through 15, and insert the following:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $129,774,000, of which $32,045,000 shall remain available until September 30, 2011: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

Page 39, strike line 21 and all that follows through line 2 on page 40.

Page 42, strike lines 18 through 23, and insert the following:

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $168,770,000 of which $15,300,000 shall remain available until September 30, 2011.

Page 44, strike line 1 and all that follows through line 13 on page 46, and insert the following:

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make passenger rail grants for capital projects as authorized under sections 26106 and 24406 of title 49, United States Code; the acquisition of new rolling stock; and to enter into cooperative agreements for these purposes, $1,000,000,000, to remain available until September 30, 2015: *Provided*, That $50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight of financial assistance made under this paragraph: *Provided further*, That up to $30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of passenger rail service that is expected to maintain an average speed of 110 miles per hour or is reasonably expected to reach speeds of at least 150 miles per hour, including the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to $50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary shall issue regulations covering application procedures and grant criteria for the passenger rail grants provided under this paragraph: *Provided further*, That the Federal share payable of the costs for which financial assistance is made under this paragraph shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to the passenger rail programs funded under this paragraph, sections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this paragraph: *Provided further*, That a project need not be in a state rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That up to $5,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of implementing section 24316 of title 49, United States Code.

Page 62, strike lines 11 through 21, and insert the following:

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $18,968,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

Page 62, strike line 22 and all that follows through line 11 on page 63, and insert the following:

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $35,500,000, of which $2,699,000

shall remain available until September 30, 2012: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from states, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

Page 65, strike line 19 and all that follows through line 8 on page 66, and insert the following:

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $27,032,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than $25,782,000.

Page 78, strike line 6 and all that follows through line 7 on page 85, and insert the following:

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 143711 et seq.) (''the Act'' herein), not otherwise provided for, $13,911,000,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $16,189,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Nonelderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

(2) $103,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject to the availability of funds.

(3) $1,493,800,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than $1,443,800,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities.

(4) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

(5) $50,000,000 shall be for family self-sufficiency coordinators under section 23 of the Act.

Page 85, strike line 21 and all that follows through line 14 on page 87, and insert the following:

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,244,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian

Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters, excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.), occurring in fiscal year 2010: *Provided further*, That of the total amount provided under this heading, $50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to $8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

Page 87, strike lines 15 through 19, and insert the following:

PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,600,000,000.

Page 88, strike line 13 and all that follows through line 23 on page 89, and insert the following:

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $645,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $18,000,000.

Page 90, strike lines 1 through 9, and insert the following:

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $10,000,000, to remain available until expended: *Provided*, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

Page 91, strike lines 12 through 24, and insert the following:

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $310,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

Page 92, strike line 1 and all that follows through line 16 on page 95, and insert the following:

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,450,000,000, to remain available until September 30, 2012, unless otherwise specified: *Provided*, That of the total amount provided, $4,016,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $151,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $18,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of the managers under this heading ''Community Planning and Development'' in title II of division K of Public Law 110–161 is deemed to be amended by striking ''Custer County, ID for acquisition of an unused middle school building'' and inserting ''Custer County, ID, to construct a community center''.

The referenced statement of the managers under this heading ''Community Planning and Development'' in title II of division I of Public Law 111–8 is deemed to be amended by striking ''Custer County, ID, to purchase a middle school building'' and inserting ''Custer County, ID, to construct a community center''.

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to stimulate improved regional planning efforts that integrate housing and transportation decisions, and to challenge communities to reform zoning and land use ordinances: *Provided*, That $100,000,000 shall be for Regional Planning Grants to support the linking of transportation and land use planning: *Provided further*, That $40,000,000 shall be for Metropolitan Challenge Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Planning Grants and Metropolitan Challenge Grants programs: *Provided further*, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the amounts made available under this heading, $25,000,000 shall be made available for the University Community Fund for grants to assist universities in revitalizing their surrounding communities, with special attention to Historically Black Colleges and Universities, Tribal Colleges and Universities, Alaska Native/Native Hawaiian Institutions, and Hispanic-Serving Institutions: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds including, but not limited to, eligibility criteria, minimum grant amounts, and performance metrics.

Page 96, strike lines 6 through 14.

Page 96, strike line 15 and all that follows through line 2 on page 97, and insert the following:

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the

Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), $1,825,000,000, to remain available until September 30, 2012: *Provided,* That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

Page 97, strike lines 3 through 23, and insert the following:

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended (42 U.S.C. 12805 note), $77,000,000, to remain available until September 30, 2012: *Provided,* That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further,* That $46,500,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $10,000,000 may be made available for rural capacity building activities: *Provided further,* That $3,500,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246.

Page 98, strike line 1 and all that follows through line 2 on page 100, and insert the following:

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,793,715,000, of which $1,788,715,000 shall remain available until September 30, 2012, and of which $5,000,000 shall remain available until expended for rehabilitation projects with 10–year grant terms: *Provided,* That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program shall be used for permanent housing for individuals and families: *Provided further,* That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further,* That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further,* That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further,* That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further,* That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further,* That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

Page 100, strike line 3 and all that follows through line 10 on page 102, and insert the following:

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $7,706,328,000, to remain available until expended, shall be available on October 1, 2009, and $393,672,000, to remain available until expended, shall be available on October 1, 2010: *Provided,* That the amounts made available under this heading are provided as follows:

(1) Up to $7,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $232,000,000 but not to exceed $258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided,* That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

Page 102, strike line 11 and all that follows through line 6 on page 104, and insert the following:

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $765,000,000, to remain available until September 30, 2013, of which up to $637,000,000 shall be for capital advance and project based rental assistance awards: *Provided,* That, of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further,* That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further,* That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further,* That up to $2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further,* That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

Page 104, strike line 7 and all that follows through line 14 on page 105, and insert the following:

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $250,000,000, of which up to $114,000,000 shall be for capital advances and project-based rental assistance

contracts, to remain available until September 30, 2013:

Provided further, That, of the amount provided under this heading, $87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

Page 146, strike line 20 and all that follows through line 4 on page 47, and insert the following:

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,000,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

Page 147, strike line 16 and all that follows through line 8 on page 148, and insert the following:

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $95,400,000 of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

Page 148, strike line 9 and all that follows through line 8 on page 153, and insert the following:

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $133,000,000: *Provided*, That Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104(a)) is amended by adding at the end of the first sentence, prior to the period, '', except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule'': *Provided further*, That in addition, $33,800,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a workout strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

Mr. OLVER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. ISSA. Objection.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. LATHAM (during the reading.) Mr. Speaker, I withdraw the motion to recommit.

The SPEAKER pro tempore. The motion to recommit is withdrawn.

MOTION TO RECOMMIT

Mr. LATHAM. Mr. Speaker, I have a motion to recommit at the desk.

Mr. OLVER. Mr. Speaker, I reserve a point of order on the motion.

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

Is the gentleman opposed to the bill?

Mr. LATHAM. In its present form, I am, yes.

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

The Clerk read as follows:

Mr. Latham moves to recommit the bill H.R. 3288 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 16, after the dollar amount insert ''(reduced by $4,500,000)''.

Page 8, line 3, after the dollar amount insert ''(reduced by $11,370,000)''.

Page 8, line 13, after the dollar amount insert ''(reduced by $11,370,000)''.

Page 12, line 19, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 38, line 7, after the first dollar amount insert ''(reduced by $1,962,000)''.

Page 39, strike line 21 and all the follows through line 2 on page 40.

Page 42, line 21, after the dollar amount insert ''(reduced by $3,763,000)''.

Page 44, line 8, after the dollar amount insert ''(reduced by Page $3,000,000)''.

Page 45, beginning on line 21 strike ''Provided further, That if'' and all that follows through line 13 on page 46.

Page 62, line 17, after the first dollar amount insert ''(reduced by $1,000,000)''.

Page 62, line 25, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 65, line 23, after the dollar amount insert ''(reduced by $2,768,000)''.

Page 66, line 8, after the dollar amount insert ''(reduced by $2,768,000)''.

Page 78, line 12, after the dollar amount insert ''(reduced by $331,000,000)''.

Page 78, line 20, after the dollar amount insert ''(reduced by $198,000,000)''.

Page 81, line 9, after the dollar amount insert ''(reduced by $17,000,000)''.

Page 82, line 10, after the dollar amount insert ''(reduced by $106,200,000)''.

Page 85, line 6, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 86, line 1, after the dollar amount insert ''(reduced by $256,000,000)''.

Page 87, line 19, after the dollar amount insert ''(reduced by $200,000,000)''.

Page 88, line 17, after the dollar amount insert ''(reduced by $105,000,000)''.

Page 90, line 5, after the dollar amount insert ''(reduced by $2,000,000)''.

Page 91, line 17, after the dollar amount insert ''(reduced by $40,000,000)''.

Page 92, line 5, after the dollar amount insert ''(reduced by $150,607,000)''.

Page 96, strike lines 6 through 14.

Page 96, line 19, after the dollar amount insert ''(reduced by $175,000,000)''.

Page 97, line 8, after the dollar amount insert ''(reduced by $8,000,000)''.

Page 97, line 15, after the dollar amount insert ''(reduced by $6,500,000)''.

Page 97, line 20, after the dollar amount insert ''(reduced by $1,500,000)''.

Page 98, line 12, after the first and second dollar amounts insert ''(reduced by $56,285,000)''.

Page 100, line 8, after the dollar amount insert ''(reduced by $606,328,000)''.

Page 100, line 14, after the dollar amount insert ''(reduced by $606,328,000)''.

Page 102, line 20, after the dollar amount insert ''(reduced by $235,000,000)''.

Page 102, line 22, after the dollar amount insert ''(reduced by $235,000,000)''.

Page 104, line 20, after the dollar amount insert ''(reduced by $100,000,000)''.

Page 104, line 21, after the dollar amount insert ''(reduced by $100,000,000)''.

Page 147, line 1, after the dollar amount insert ''(reduced by $200,000)''.

Page 147, line 24, after the first dollar amount insert ''(reduced by $3,800,000)''.

Page 148, line 22, after the dollar amount insert ''(reduced by $30,000,000)''.

□ 1915

The SPEAKER pro tempore. Does the gentleman from Massachusetts continue to reserve his point of order?

Mr. OLVER. I do not. I withdraw my point of order.

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

Mr. LATHAM. Mr. Speaker, I thank you very much. I want to wish the Members a good evening. I'm sorry about the delay here.

Mr. Speaker, this motion to recommit is really quite simple. It simply reduces the accounts that exceed the levels recommended in the budget request back down to the President's proposed level. I'm quite confident the funding levels proposed by the President are sufficient, and frankly, if the higher levels of funding were required, the budget request would have identified higher funding levels.

Let me say again that I would be a strong supporter of this bill if the funding levels weren't so astronomically out of proportion with the current reality. I hold a very positive view of Chairman OLVER and admire his thoughtful and fair approach to this bill, but a 25 percent increase over the funding level of fiscal year '09 is absurd, especially in the context of the huge sums of funding provided to the Department of Transportation and HUD through the stimulus bill. This bill would fund these agencies at $68 billion on top of the more than $61.8 billion they received through the stimulus. How can these agencies possibly spend through this funding in an efficient and effective manner?

So in response to this reckless pattern, my motion would reduce the bill's bottom line by cutting only those accounts that were funded over and above the President's request. This motion to recommit saves the U.S. taxpayers $5.4 billion.

I would ask for your support for this motion to recommit. I think in today's fiscal climate, it is totally appropriate and is something that we should do. This is about our kids and our grandchildren in the future. And just to bring it back to the President's request, I don't think this is something that is too much to ask from anyone.

I yield back the balance of my time.

Mr. OLVER. Mr. Speaker, I rise in opposition to the motion.

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

Mr. OLVER. Mr. Speaker, I think it's quite ironic that the amendment that's being offered is one to reduce the funding and conform the funding to the President's request, but it's exactly what the now minority has done year after year in rubber-stamping the President's position. That's what's so ironic about it.

We, on the other hand, have taken an independent view with a very good subcommittee, with some Members on the minority side who have joined us on some of this and, in fact, have taken a position substantially in support of the idea which is at the core of this legislation that we are doing something more for vulnerable populations.

Virtually everything that has been removed in reductions from this bill is in those things, but not all of them, virtually all, in the area of assistance for vulnerable populations. Let me just go down the list.

We have section 8, tenant-based housing and section 8 project-based housing, a total of a $798 million reduction, all of them back to the President's requests. But the needs got greater from when the requests were made because of what is happening, because there are more homeless, because there are more people out of work than there were at the time the request was made, in all good faith.

The Native American Block Grant for the poorest of the poor is reduced by $105 million.

Elder housing, which we had raised by $235 million, and the housing for the disabled people, which we had raised by $100 million, which, by the way, all of this was taken through the full Appropriations Committee and approved by the Appropriations Committee and sent to the floor.

Homeless assistance has been reduced by $56 million.

The public housing operating fund has been reduced by $200 million.

The public housing authority's capital fund, reduced by $256 million.

The housing for people with AIDS, reduced by $40 million.

The HOME Program for affordable housing, rental housing, as well as first-time homeownership is reduced by $175 million. All of these to conform with the President's number.

Our committee and our Members feel very strongly that those vulnerable populations need a little bit more under the circumstances that we are dealing with at the present time, so we put it in, and that's the way we voted today.

Now, beyond that, we have had a strong vote on the issue of high-speed rail and the items related to it, a vote which was earlier today, 136 for an amendment to strike the very thing that is backing this motion to 284 against, including 40 Members from the minority side who voted with the majority on that issue.

Beyond that, we have the amendment which reduces the FAA's safety positions in two different areas; one by removing 150 aviation inspectors, which we went above the President's request, I think quite legitimately, for aviation safety, and also 35 additional people that we put in for rail safety. We've had some rail problems. We believe that there are problems that needed to be dealt with.

So all of those things have been done. I think we should keep exactly what we have done, the vote before, and reject this motion to recommit.

I yield time to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. I would urge a ''no'' vote on this. I simply think that we are entitled to ask one question: Why on Earth, if we're supposed to take this motion seriously, were we required to listen through the reading of a 55-page amendment, witness it being withdrawn, and then have them introduce an amendment which is virtually the same in an identical form?

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

Mr. LATHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 192, nays 226, not voting 15, as follows:

[Roll No. 636]

YEAS—192

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

NAYS—226

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

NOT VOTING—15

Barrett (SC)
Berry
Bishop (UT)
Blunt
Conyers
Duncan
Kaptur
McCarthy (NY)
Paul
Platts
Richardson
Rush
Schiff
Smith (NJ)
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There is less than a minute remaining in this vote.

□ 1941

Messrs. MURPHY of Connecticut, CARNEY, Ms. PINGREE of Maine, and Mr. TEAGUE changed their vote from ''yea'' to ''nay.''

Mr. TIM MURPHY of Pennsylvania changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill. Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 168, not voting 9, as follows:

[Roll No. 637]

YEAS—256

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

NAYS—168

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

NOT VOTING—9

Abercrombie	Blunt	Pascrell
Barrett (SC)	McCarthy (NY)	Paul
Bishop (UT)	Murphy (CT)	Skelton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1948

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. ANDREWS, from the Committee on Armed Services, submitted a privileged report (Rept. No. 111–221) on the resolution (H. Res. 602) requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3293, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–222) on the resolution (H. Res. 673) providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AS MEMBERS TO FINANCIAL CRISIS INQUIRY COMMISSION

The SPEAKER pro tempore. Pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (P.L. 111–21), and the order of the House of January 6, 2009, the Chair announces a joint appointment by the Speaker and the majority leader of the Senate and an appointment by the Speaker on the part of the House to the Financial Crisis Inquiry Commission:

Joint appointment:

Mr. Phil Angelides, Sacramento, California, Chairman

Speaker's appointments:

Ms. Brooksley Born, Washington, D.C.

Mr. John W. Thompson, Woodside, California

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 5 of the Fraud Enforcement and Recovery Act of 2009 (P.L. 111–21), I am pleased to appoint the following individuals to the Financial Crisis Inquiry Commission.

The Honorable William M. Thomas of Bakersfield, California (Vice Chairman)

Mr. Peter J. Wallison of Old Snowmass, Colorado

Both Mr. Thomas and Mr. Wallison have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

A CONTRABAND FLOW CHART

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

Ms. FOXX. Mr. Speaker, this organizational chart is a chart that represents the new way that health care would be handled in the United States under the Democrats' plan. This is a chart that we will not be allowed, though, to send out to our constituents because it has been ruled inappropriate to send out. But we want the American people to see it.

The other thing that people need to know about the Democrat health bill is that it's going to give higher taxes to small businesses and it's going to destroy jobs. According to the Democrats' plan, filers making $280,000 will be hit with a 1 percent surtax. Filers making $400,000 will be hit by a 1.5 percent surtax, and filers making $800,000 will be hit by a 5.4 percent surtax.

Because most small businesses pay their taxes as part of their owner's individual tax filing, a majority of those hit by this new tax will be small businesses. According to the National Association of Manufacturers, an industry hard hit by the economy, 68 percent of manufacturers file as S corporations with an average income of $570,000. We also know this bill will destroy 4.7 million jobs. That's too many jobs to destroy in this country. We don't need this health care bill.

VAGUE AND GENERAL HEALTH CARE REFORM

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

Mr. COBLE. Mr. Speaker, during his prime time press conference last night, President Obama spoke in vague generalities about his care proposal in claiming the plan is deficit neutral. The nonpartisan Congressional Budget Office disagrees, the CBO, found that the legislation would increase the deficit by $239 billion over a 10-year period. The CBO director recently said the administration's plan significantly expands the Federal responsibility for health care costs, but you wouldn't know this from having watched last evening's press conference. Not one reporter questioned the President about the CBO's findings. Instead the media, once again, gave the President a free pass and deprived Americans of all the facts surrounding health care.

HEALTH CARE REFORM WILL BENEFIT SMALL BUSINESS

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

Mrs. MALONEY. Mr. Speaker, America's small businesses are facing a health care crisis, and they need our help. Small businesses pay 18 percent more for the same health insurance benefits as large businesses, hampering these incubators of recovery and growth. We must fix the broken health care system to help our Nation's entrepreneurs and their employees.

Half of all Americans work for a small business. That's half of the Nation's private, nonfarm gross domestic

product. Economic recovery and sustained growth depend on strong small businesses. Health reform could save small businesses up to $855 billion, growing the economy and creating new jobs. Our small businesses are in critical condition. If we fail to treat this crisis, we put our Nation's economic well-being and recovery at risk.

HEALTH CARE REFORM LOOPHOLES ALLOW ILLEGAL IMMIGRANTS TO GET BENEFITS

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

Mr. SMITH of Texas. Mr. Speaker, when CBS News anchor Katie Couric asked President Obama if illegal immigrants could participate in his health care plan, his answer was ''no.'' However, here are the facts which have not been reported by the media. There are gaping loopholes in the health care bill that allow illegal immigrants to receive taxpayer-funded benefits.

The bill contains no verification mechanism to ensure that illegal immigrants do not apply for benefits. In fact, Democrats rejected an amendment to close this loophole. And the bill leaves open the possibility that if one citizen family member is eligible for benefits, then the whole family, including illegal immigrant family members, is also eligible for the benefits. The proposed health care scheme could force the American people to pay for the health care of illegal immigrants. This is simply another reason to oppose it.

PHYSICIAN-OWNED AND SPECIALTY HOSPITALS WILL BE EMBRACED BY THE HEALTH CARE REFORM BILL

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the real truth is that Americans want real health care reform. They understand that families are paying $1,800 a year for the uninsured, $1,200 if you're a single individual, costs that will continue to grow without health care reform. Fourteen thousand Americans lose their health care every day. All of the issues that my friends on the other side talk about they know are workable issues.

The bottom line is access to health care. In Texas, our effort and intent is to embrace and work with physician-owned and specialty hospitals. We want to make sure that they are protected in this health care reform. Why? Because they provide services to Americans and Texans that others cannot provide. We want to ensure that there is access to health care all over, but we also don't want to have smoke and mirrors. My friends on the other side should get at the table of negotiation, make sure our specialty and physician-owned hospitals are protected and allowed to grow if they are in the process of building, not use the arbitrary deadline; but, yes, we should face the question, save Americans $1,800 a year, $1,200 for an individual, stop the bleeding, stop the 14,000 that are losing their health care.

RESOLUTION OF THE SANTA FE, TEXAS, CHAMBER OF COMMERCE

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

Mr. OLSON. Mr. Speaker, House Republicans and even some Democrats have been highlighting the problems with the proposed health care bill this Congress is considering. Santa Fe, Texas, in the district that I represent, has 10,500 hardworking folks with concerns about this massive intrusion of government-run health care. Just this week, the Santa Fe Chamber of Commerce passed a resolution strongly opposing the proposals the majority has put forward.

I think the voice of small-town America can say it even better than I can. The highlights of the resolution include: ''The Santa Fe Chamber of Commerce expresses its opposition to any legislation that develops national health care in the United States.'' This proposal will require huge tax increases in order to subsidize the planned program.

And one more passage: ''The Federal Government should not be in the business of controlling and manipulating the health care system.'' The good people of Santa Fe, Texas, understand the problems with government-run health care. I wish my colleagues on the other side of the aisle did as well.

RESOLUTION

Be it resolved that the Board of Directors of the Santa Fe Chamber of Commerce express its opposition to any legislation that develops National Healthcare in the United States, and

Whereas, the health care plan as proposed creates huge inequities among all hardworking wage earners in America, and

Whereas, this proposal will require huge tax increases in order to subsidize the planned program, and

Whereas, the Federal Government should not be in the business of controlling and manipulating the health care system, and

Whereas, the enactment of a government-run, health care insurance program is not sustainable. No confidence exists in the Federal Government's ability to deliver the cost containments necessary to expand coverage of the uninsured, and

Whereas, the private health care insurance industry has the existing tools to contain costs and the incentives necessary to improve quality and affordability for their customers, and

Whereas, under the health care reform bill, access to health care will become unreasonable to the highest degree. The rationing of health care in countries with socialized medicine has led to patients dying because they were forced to wait too long to receive treatment, and

Whereas, the solution in health care reform lies in improving the quality and affordability of health care through market-based changes, and

Whereas, the focus on health care reforms should be directed in finding ways to make private health care coverage more affordable and to provide fair and adequate reimbursements for care.

Therefore, be it resolved that: The Board of Directors of the Santa Fe Chamber of Commerce representing 225 businesses in our community states through this resolution its strong opposition to the proposed changes in our country's health system through government interference and control, and

Be it further resolved that a copy of this resolution be forwarded immediately to our elected representatives in the U.S. House of Representatives and Senate.

Passed this day of July 21, 2009

Signed by: Andrea Brinegar 2009 Santa Fe Chamber of Commerce, Inc., Chairman of the Board.

STOP CENSORING THE HEALTH CARE CHART

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

Mr. BRADY of Texas. Mr. Speaker, what is the Speaker trying to hide? Last week, America got the first peek at what the Democratic government-run health care plan would look like; and what people saw, based upon the economists on the minority staff of the Joint Economic Committee, was 31 new Federal programs, agencies, commissions and mandates in between them and their doctors ensuring that unelected bureaucrats would choose what doctors they can see, what treatments they deserve and what medicines they can receive. This is not the type of health care system Americans want.

But today, the Democrat House is blocking Republicans from sharing this important flow chart with their constituents. Why are we censoring the American Congress? Why are we preventing the public from seeing what the Democrat health care plan will do? We deserve, our public deserves the right to know what this health care will do to their lives and their family's lives.

It is time to let America know. Stop the censoring. Let us share the health care chart with our constituents.

□ 2000

IT'S TIME THE AMERICAN PEOPLE GET TO SEE THE TRUTH

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

Mrs. BACHMANN. Mr. Speaker, I think it's so important for the American people to understand that right now in Congress this is considered contraband. This is very controversial. Even though this represents the Democrats' health care plan, we are not, as Members of Congress, allowed to put this chart up on our Web sites. We're not allowed to send this chart out to our constituents across America.

What are the Democrats worried about, Mr. Speaker? Could it be because this is the latest board game in the United States, that the American health care consumer stands on this side of 31 bureaucracies and they have to figure out how to get through 31 bureaucracies before they can get to their doctor? Or could it be, Mr. Speaker, because this will cost 5 million jobs? Or could it be, Mr. Speaker, because this will cost $2 trillion in additional deficit?

I can understand why the Democrats wouldn't want the American people to see this, but I don't understand how you can make the claim that this is the most transparent Congress in the history of this country, if you won't even let the American people see that there are 31 bureaucracies that stand between average Americans and their doctor.

Mr. Speaker, it's time that the American people get to see the truth. This shouldn't be contraband.

THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW

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

Mr. BURTON of Indiana. Mr. Speaker, I can't believe it. The Democrats have 70-some more Members in this Chamber than we do, and yet they're afraid to let the American people know what's in their health plan. This thing, I call it a thing, has 31 new Federal agencies, commissions and mandates in it, and that's between the doctor and their patient. And the American people have a right to know these things, and they're saying we can't put it on our Web site. We can't mail it to our constituents. We can't tell them about it. That is censorship.

They shouldn't have to worry. With 70-some more votes than we have, they ought to be able to do anything they want to in this House. But even Democrats don't like this plan. That's why they can't get it out of the House and can't even get it out of committee right now.

The American people have a right to know. Censorship should never happen in the House of Representatives, the people's House, and I'd say to the Speaker, let's get with it. The American people should see what they're going to get if they pass your plan.

CENSORSHIP IN THIS HOUSE

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

Mr. GOHMERT. Mr. Speaker, during the American Revolution, often Voltaire was quoted for saying, I disagree with what you say, but I will defend to the death your right to say it. Man, the revolution has been turned on its head.

Now we're told that you cannot use government resources to use the term ''government-run health care'' because that offends the majority, so they are censoring the mail, censoring the resources here. But now we are, until they turn off the mikes and the lights again this year, we're able to hold posters here on the floor. Here's another thing that's been censored.

Mr. Speaker, this is outrageous. Just because anybody disagrees with what we say, it's no reason to shut down our right to say it. This country can't proceed with this kind of censorship.

CENSORSHIP

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I serve on the Franking Commission for this body. The purpose of the Franking Commission essentially is to make sure that government resources are not used in a way that would look like it's campaign purposes; that is, we are very careful about how many times you use the personal pronoun ''I,'' how many times you can have your picture in a newsletter. But never in the history of this House have these rules been used to censor Members from articulating a point of view on an issue that is before this House.

This chart has been introduced into the record, the official record of consideration of the health bill before the Ways and Means Committee, and yet we have been told by the majority, we've been told that it's been taken above the level of those of us on the Franking Commission. We've been told that we cannot use this. Why? Because they disagree with our opinions expressed herein.

I didn't know that one of the obligations of the minority was to accept censorship because the majority does not want our efforts to get in their way of passing a health bill that takes control of health away from people and puts it in the government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KRATOVIL). The Chair announces a correction to an earlier vote tally. On roll call vote No. 628, the ayes were 105 and the noes were 328.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

CENSORSHIP BY THE MAJORITY

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

Mr. BURTON of Indiana. Mr. Speaker, I've been in this House for a long time and I've served with a number of Presidents. I've served with a number of Democrat and Republican Speakers. I've served with colleagues that are very good friends of mine that are Democrats and Republicans, and I've never had a problem getting along with them. And even though we have strong differences with my Democrat colleagues, at least I felt they were fair most of the time. In fact, they always tried to be fair. And I've talked to the majority leader about problems. We've talked to a lot of the Members that are chairmen of committees about problems, and they've been very fair in most cases. But I have never, ever seen anything like this.

This is a chart that shows the Democrats' health care plan. We've been talking about it tonight. KEVIN BRADY worked this up, and it's very, very accurate. It shows all of the committees or agencies that are going to be created that the American people are going to have to go through to get health care. There are 31 new Federal agencies, commissions and mandates that will come between the patient and their doctor.

Now, we have had problems dealing with the post office. The post office has had their stamps going up because they're not making the profit that they should. We have problems with HHS. We have problems with the automobile industry now that's now called Obama Motors. We have all kinds of problems right now because government cannot handle the things that the private sector can.

Now, we do need to improve health care. We need to make some changes that will be positive, and the Republicans have a plan to do that, but to say that that is something that we should not show the American people is really tragic. It is censorship. The American people have a right to know. We're their elected representatives.

I represent almost 700,000 people in Indiana, and a lot of them are calling, asking what this new health care plan's going to do to them, and we wanted to send this out to those people so that they could see with their own eyes what they're going to have to go through to get health care, how much it's going to cost and how long it will take. But they're saying, the Democrats are saying we cannot send this out to our constituents. That is just wrong. It's censorship. And in all years I've been in this body, I've never seen anything like this.

There have been a lot of differences with the Speakers of the Democrats in the past, but there's never, ever been anything like this. And I'd say to the Speaker if she were here tonight, ''Change this, Madam Speaker. This is

something that even you should never tolerate, the censorship of a Member of Congress from telling his constituents what's really going on around here, especially when their health care is concerned.''

OVER 5,000 NOW DEAD IN AFGHANISTAN AND IRAQ

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

Ms. WOOLSEY. Mr. Speaker, five American soldiers have been killed in Afghanistan so far this week. That brings the death toll in July to 31, making this the deadliest month for our troops since the conflict in Afghanistan began.

We also passed another tragic milestone this week. According to official Department of Defense statistics, over 5,000 American troops have now died in Iraq and Afghanistan, combined.

Of course, the human tragedy is even greater than that, because the 5,000 figure doesn't include the number of wounded American troops or the casualties suffered by the troops of other nations. It also doesn't include Iraqi civilian casualties or the military family members whose lives have been devastated. The human tragedy is so great, you can't really calculate it. And of course you must add in the Afghanistan civilian casualties as well.

What has been the reaction of this, in this Congress to the catastrophe? Well, we have passed yet another supplemental funding bill to keep the fighting going. But the situation in Afghanistan is becoming more and more dangerous. The U.S. Command expects that roadside or suicide bombings against our troops will be 50 percent higher this year than last year. In the first week of June, alone, there were more than 400 attacks, the highest level since 2001. And the Pentagon has admitted that we are losing troops at an alarming rate.

I voted against the supplemental funding bill because 90 percent of it pays for the military-only approach that has been such a failure in Afghanistan. Less than 10 percent of the supplemental goes to pay for the nonmilitary activities that can actually prevent extremism in Afghanistan. These include economic development, reconstruction, humanitarian aid, civil affairs, and diplomacy. Even National Security Advisor James Jones has said that nonmilitary approaches are vital and that they have always been lagging.

Well, it's time for them to stop lagging, Mr. Speaker. It's time to put those ideas front and center. We must also launch a new regional diplomatic surge that engages Afghanistan's neighbors in efforts to help the Afghan people and strengthen the central government's ability to deliver services and protect the citizens.

In addition to Afghanistan, we must also pay attention to other parts of the world where extremists take advantage of poverty and lack of opportunity to recruit new members. In these areas, America must invest in basic human needs like jobs, like health, education, education especially for girls and women who are often completely shut out of the classroom.

□ 2015

This is what the people want. This is what they need from America, not more innovations, not more occupations. This is what will bring real hope for the people's future, and this is what will help to avoid adding extremists in the first place.

Mr. Speaker, by changing and by supporting smart power over other priorities and goals, we can give the people of Afghanistan help. We can help them build a stable and functioning state. We can save the lives of our troops, and we can go a long way toward defeating extremism and stopping those who threaten our security—oh, and it would save billions of dollars as well.

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

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

PROMOTE AVIATION THROUGH RESPONSIBLE POLICY

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. Mr. Speaker, good evening.

Since the Wright brothers left the ground for the first time at Kitty Hawk, aviation has fascinated our collective imagination, contributed to unprecedented interaction among people, and grown to become one of the most important industries in our Nation.

Whether it was aviators of the past, like Charles Lindbergh, Amelia Earhart, or those more recently, like Steve Fossett, who flew a solo, nonstop trip around the world that began and ended in Salina, Kansas, aviation has had a unique ability to capture our attention and to inspire us to achieve things which we once thought were impossible.

Advances in aviation technology and engineering have led to the development of larger, faster, more fuel-efficient planes that carry passengers and goods around the world. The ease of travel and shipment modern aviation allows has contributed to a worldwide economic growth and to new opportunities for leisure travel for far more people than ever before. In America, the aviation industry accounts for more than $1 trillion in economic activity each year. Millions of Americans are employed by this critical industry that facilitates so many other economic transactions.

As a Kansan, I take special pride in the aviation industry, which has deep roots in our State. Pioneers in the industry, such as Glenn Stearman, Walter Beech, Clyde Cessna, Bill Lear, and Amelia Earhart, all have important connections to the Sunflower State. Many of these innovators helped establish Wichita as the ''Air Capital of the World.'' Today, a who's who of aviation companies operates in the city of Wichita, including Boeing, Airbus, Bombardier, Cessna, Hawker Beechcraft, Spirit Aerosystems, and Raytheon.

In Kansas, the aviation industry accounts for 20 percent of the State's manufacturing employment, and it employs tens of thousands of Kansans. Engineers, machinists, mechanics, inspectors, scientists, and technicians are dedicated to producing the best aircraft in the world. These employees take great pride in what they do, and they deserve our support.

Yet the industry faces significant challenges. The recession has hit aviation hard, and many workers have lost their jobs. During the difficult times that we're in, Congress especially needs to be supportive of this critical component of America's manufacturing base. Efforts to demagogue about the use of private planes and business aviation by private corporations harm this industry. I was troubled in January, during the consideration of the TARP Reform and Accountability Act, that provisions to limit businesses from leasing or from using general aircraft for business purposes were almost included in the final legislation. Doing so would have lowered the national aviation production, and it would have hurt workers everywhere, especially in Kansas, where more than 54 percent of our country's aviation products are manufactured.

Congress must remember the importance of this industry, not only to our national economy but to so many local and regional economies within the country. It is in our collective interest to protect and to encourage growth in the general aviation community.

As a member of the Congressional Aviation Caucus, I work to inform and to educate Members of Congress about the importance of this industry to our Nation. Congress was right to, once again, reject the ''user-fee'' proposal that would have further harmed general aviation. User fees would have unfairly burdened the general aviation industry. Congress must continue to oppose unnecessary taxes or fees on general aviation. Those in Congress must also question and fight the impractical regulations, such as the Transportation Security Administration's large aircraft security proposal, which would apply to many of the planes owned by individuals and small companies.

When it comes to key American industries, aviation is at the top of the list. I encourage my colleagues to join me in pledging to do all we can to promote aviation through responsible policy.

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

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

THE PUBLIC'S OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, the American Medical Association has given a ringing endorsement of H.R. 3200, America's Affordable Health Choices Act. This legislation contains a strong public insurance option which would guarantee that quality, affordable health care is available to all Americans.

The AMA has not always been on board with health care reform. Many of us remember their opposition to President Clinton's efforts. Yet the AMA and the millions of doctors it represents now realize that the status quo system is broken. They understand the urgency of the problem, and they recognize that the pending bill is a major part of the solution.

The AMA's strong voice joins the chorus of Americans who want this Congress to pass a health care reform bill that includes a public option. Nearly three-quarters of all Americans want the option to participate in a government-administered health insurance plan that competes on a level playing field with private insurers. Popular support for the public option is not a partisan issue. Seventy-one percent of independent voters support the public option, and so do half of all Republican voters.

Americans want this bill. They want the public option, and they want us to act now.

Americans understand the critical role the public option plays in slowing skyrocketing health care costs. A government-administered plan can provide quality insurance at a low cost, leading by example to make the health care market more efficient.

Efficiency will save families money. If we fail to act, the cost of health care for the average family of four will rise by $1,800 annually for years to come. The public option is not just important for families. It's also key to putting our Nation's economy on the road to a full and sustainable recovery. If we don't contain health care costs, then our Nation's budget deficit will continue to spiral out of control.

Let us be very clear. The public option is not an attempt to drive private insurers out of business. Some State governments already offer their employees a choice between public and private health insurance, and private insurers have fared just fine.

A public option is critical to containing the health care costs that weigh so heavily on our Nation's families and on our Nation's economy. The public option does what a good private policy should do. It promotes primary care. It caps out-of-pocket spending so that a family medical crisis no longer means a family financial crisis. It establishes shared accountability between doctors, patients and the insurer. It institutes new payment structures to promote critical reforms. It will ensure that patients are able to get the medically effective treatments their doctors recommend. In short, it provides high-quality care at an affordable price.

Just like private plans, the public option will be financially self-sustaining, receiving no special government funding beyond a loan to get it off the ground. The public plan will be bound by exactly the same rules that regulate private insurers. In other words, the public plan will compete on a level playing field with private insurers.

Some powerful industries have spoken out against the public option. They prefer the status quo where decisions about treatment a patient receives are determined according to a company's bottom line rather than according to what a patient needs.

On the side of meaningful reform, the most important voice of all is calling for the inclusion of a public option. That loud chorus is the voice of the American people. Now is the time to listen to them. Now is the time for health reform with a strong public option.

DEMOCRAT CENSORSHIP OF GOP VIEWS OF HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, when I served in this House the first time around, the Cold War was still ongoing, and there was a term that often appeared in the press. It was called Samizdat, S-a-m-i-z-d-a-t. That word was used to describe communications which conveyed the opinions of people disfavored by an oppressive regime. It was the personally published commentary among peoples who felt they were oppressed in Communist countries. Why? Because their opinions were not allowed to be expressed in the official press.

Today, we have a situation in this House in which Mr. HERGER, Mr. LAMAR SMITH, Mr. LAMBORN, Mr. BONNER, Mr. WESTMORELAND, Mr. OLSON, Mr. SHUSTER, Mr. ROSKAM, Mr. MCCOTTER, Mr. GINGREY, Mr. FLEMING, Mr. BOUSTANY, Mr. CONAWAY, and Mr. PRICE thus far have been refused by the majority permission to express their points of view with respect to one of the most critical issues facing our country, that of reforming our health care system.

One of the most distinguished Members of this body, a member of the Ways and Means Committee, Congressman KEVIN BRADY from Texas, in working with the Republican economic staff of the Joint Economic Committee, came up with this chart, outlining what we believe to be the bureaucratic nightmare contained in the majority's proposal for health care.

Now, the majority disagrees with our interpretation of the facts, and that's part of politics. That's part of this body, but the majority has now said we will not allow you in the minority to use any official communications mechanisms to share your views of the impact of this legislation on your constituents.

Now, why does this seem strange?

Well, it just happens that, in 1993, we were faced with what later became known as HillaryCare, an attempt by the Clinton administration to take over health care by the Federal Government. At that time, Republicans also came up with a flowchart that showed the bureaucratic morass that would result from that proposal. I have with me a copy of the permission from the franking commission at that time that this be allowed. The only difference I can see between the two charts is that one is in black and white and that one is in color.

What has happened in the interim? Well, HillaryCare was defeated. The President said we can't stand to defeat his particular proposal, that they somehow have all of the answers.

Now, some people may say, ''Well, what is it that the franking commission is supposed to do? What are your rules?'' The rules have been established essentially to make sure that Members do not abuse the right of communication by turning their publications into campaign pieces, so we limit the number of pictures one can have there, the number of references that can be made to the Member, himself or herself.

To give you an example of what we on the Republican side have approved, I have a newsletter that has gone out by one of the Members on the Democratic side in which the claim was made that the stimulus package has helped create and save 3.5 million Americans jobs. I think that's absurd; I think that is a point of argument, but I don't believe that we ought to stop a Member of Congress from the Democratic side from making that assertion to his constituents.

I have another one with me that was approved in which a Democratic Member has claimed that 3.5 million jobs nationwide have been created—215,000 jobs in New York and 7,200 jobs in her particular district.

Then I have a copy of a letter that was approved last year from the Speaker, herself, in which she says that the New Direction Congress—that's how she defines it—also fought to increase compensation for our troops in the face of opposition from the Bush administration. It then goes on to criticize the President even though he signed it.

We disagree with the characterizations that were in Speaker PELOSI's

letter, but we didn't think it was our purpose to censor her. Let's get rid of censorship and allow the American people to hear the facts as they are argued on both sides.

□ 2030

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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010)

The Speaker pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under sections 442(a) and (b) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit a revised 302(a) allocation for the Committee on Appropriations for fiscal year 2010. Section 422(a) of S. Con. Res. 13 directs the chairman of the Committee on the Budget to adjust discretionary spending limits for certain program integrity initiatives if such an initiative is included in an appropriations bill. The bill H.R. 3293 (Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes) includes appropriations for certain such initiatives in accordance with S. Con. Res. 13. Section 422(b) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for the Low-Income Home Energy Assistance Program under specified conditions. H.R. 3293 meets the requirements of section 422(b) of S. Con. Res. 13. A table is attached.

This adjustment is filed for the purposes of section 302 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATION

[In millions of dollars]

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,088,659	1,307,323
Changes for H.R. 3293 (Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act):		
Program integrity initiatives:		
Fiscal Year 2009	0	0

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATION—Continued

[In millions of dollars]

	BA	OT
Fiscal Year 2010	846	734
LIHEAP:		
Fiscal Year 2009		
Fiscal Year 2010	1,900	1,463
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,091,405	1,309,520

OUR FREE ENTERPRISE SYSTEM AND THE ROLE OF BIG GOVERNMENT

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

Mr. WAMP. Mr. Speaker, what we will see over the next 60 minutes is a conversation here on the floor of the United States House of Representatives about our economy, this issue of energy, and innovation; frankly, our free enterprise system in the future, the role of the government, and I think the problems with excessive spending.

But I want to open by talking a little bit about how I have vested my time and energies as a Member of the House over these last 15 years—because it's a privilege to serve my last term here in the House as I am a candidate for governor of the State of Tennessee now—but I will tell you, I am one on the Republican side that has been extraordinarily active on alternative energy. For 8 years, I chaired the Renewable Energy and Energy Efficiency Caucus here in the House with Congressman—now Senator—MARK UDALL of Colorado.

We built a caucus of over half the House, almost evenly divided between Democrats and Republicans, and advocated while Republicans were in the majority for unprecedented investments in renewable energy technologies. None of us got as far as we would like to have gotten, but we need to be realistic about how far we have gotten and what the capacity is for renewable sources today.

But in 2005, we wrote the Energy Policy Act. Some people didn't like it, others did, but without question it had more investments in the renewable and energy efficiency sectors than any bill that had ever been signed into law before, and I was proud to help write that very language in that bill. So I've got a long history on alternative energy and moving towards new sources.

But I voted against the recent cap-and-trade legislation because the differences today are not differences in goals or motives, because I think all Members of the House want the United States to move away, as much as possible, from fossil fuels or dirtier ways to create energy for our country's competitiveness. But the fact is, we have not developed these alternative sources yet to move as rapidly away as the leadership of the Congress now proposes if we're going to remain competitive. Their approach is much more a regulatory approach, and our approach is much more an innovation and technology approach.

A year and a half ago, I was in China, in Shanghai, where you couldn't see from one side of the Bund, the river, to the other. Extraordinarily bad pollution. So we broached the subject with the Chinese: Where are you on the environment? Basically, the answer you get from the Chinese is, you are entitled to your industrial revolution; we're entitled to ours.

Well, there's a big difference between when the United States had their industrial revolution and China having theirs now if there's no environmental regulation, because they're literally one-fifth of the world's population and climbing, and they are far and away the biggest polluters in the world. And if you think they're doing a cap-and-trade scheme to regulate their pollution or their air quality or their carbon emissions, you're kidding yourself. They're exactly the opposite.

And here we are seriously considering a scheme that will dramatically regulate our productivity and our competitiveness, raise the cost of energy, frankly raise taxes to pay for it and, at the worst time since the Great Depression, strangle our ability actually to pull out of this economic downturn. And that is the beauty of American innovation.

Not long ago, I was personally speaking with the prime minister of Australia, and he was telling me that he had great hope for the future because the U.S. had such innovation that we would lead the world out of this economic malaise. But I've got to tell you, we are now moving more towards big government regulation and the lack of innovation than at any time in modern history, instead of moving towards it.

Now, I think this is a challenge that we share in the House, but we have got to get back to a reasonable middle ground because American innovation is the only way to turn this economy around. Our entrepreneurship is the beautiful, what I call the goose, that lays the golden egg, the engine that creates the revenues to get back to a balanced budget. That's how the budget got balanced in the 1990s. We did slow the growth of spending below inflation and that was laudable, but it was new revenues in the information sector. People like Bill Gates. We actually led the world for so long on the information revolution that revenues surpassed expenses, and we balanced the budget.

We could do that again with energy. I call it the En-Tech agenda, where we would have a robust, U.S.-led manufacturing explosion in new energy solutions instead of this regulatory scheme that says we're going to actually limit the amount of energy that can be produced by certain sources and mandate a certain amount by other sources. And

the harsh reality is those sources are not available, and the irony of ironies on the floor of this House is that the very people who are opposed to coal and clean coal and new investments on how to better use fossil resources are the same people, many of them, like the gentleman from Massachusetts and the gentleman from California whose very names this legislation is under, WAXMAN and MARKEY, that are anti-nuclear.

The one single technology in the United States that can rapidly move us away from fossil electricity production, they're against it, too. So if you're against nuclear and you're against coal, what you end up being for is a lack of electricity and a lack of energy and a lack of competitiveness and a lack of innovation and a lack of manufacturing.

And the question was asked on the floor earlier this week, where are the jobs? I hate to admit this, but a lot of those jobs are in China and India, and they are going other places. That's where those jobs are, because our manufacturing sector is leaving because we're not unleashing the innovation and the entrepreneurship and the incentives for people to take risk and invest; just the opposite.

And back-to-back behind this cap-and-trade scheme, which is a big regulatory and tax burden on the American people and small business, then you talk about this health care scheme; this is a one-two punch that lands America flat on its back. And I've got to tell you, the American people are turning against it, and that's why the majority party can't pass the bills even through the committees. They have punted for the week, even though they are in a big hurry, because they want to do it before their approval rating falls too low, and they don't have the political capital to do it. And why would you rush the largest transformation in modern American society, this health care scheme, through before your political clout evaporates? That is really an un-American approach.

Now, we've got some people on the floor tonight that want to speak. Dr. VIRGINIA FOXX, an outstanding Member from North Carolina, comes, and I yield to her.

Ms. FOXX. Well, I want to thank my colleague from Tennessee (Mr. WAMP), whose loss to this House is going to be immeasurable. His contribution here in the House of Representatives representing his district in Tennessee has been outstanding. Not only has he done a fantastic job as a legislator, but his leadership in our weekly prayer breakfast has been exemplary. I should think of some better adjectives to say, but exemplary will have to do. He is really a tremendous role model for all of us in his attendance, in his caring for others, and he is going to be very much missed in the House when he leaves here. He didn't pay me to say that. He didn't know I was going to say that, but it needs to be said. Fortunately, we have him for the next 17 months still in the Congress, and I'm very, very grateful to him.

He has set the stage very well on this issue of the cap-and-trade bill, which the majority in this House pushed through the House with no chance for people to read, a 300-page amendment brought to the Rules Committee at 2:30 in the morning, and then the bill brought to the floor later that day.

There is a lot of sentiment out in the public now by the American people about the fact that people voted for that bill without having read it. Now, fortunately for our side, most of us voted against the bill. We knew pieces of it, and we knew there was enough bad in that bill to vote ''no,'' because the bill is going to do a lot of negative things in this country.

It's going to raise taxes. It's going to raise the cost of utilities. The President warned during his campaign last year, he admitted it—and we're quoting him—he admitted that, you know, under his energy plan, utility rates would necessarily skyrocket. Well, skyrocketing means probably an average of $3,000 more to pay for energy for the average family. The average family is going to have to pay over $3,000 more a year for energy.

The American people deserve better, and as my colleague from Tennessee (Mr. WAMP) said, we are the most innovative people in the world, and the reason we are the most innovative people in the world is because we are the freest people in the world. This country was founded on the concept of freedom, founded on the concept of innovation. Many people don't realize that, until this country was formed, never before had a people believed that they weren't the property of another human being. We believed in freedom, God-given freedom, and that's what formed this country.

Now, through the people in charge of this Congress, the Democrats in charge of this Congress, and a Democrat President, they are working at every level of our lives, every aspect of our lives, to take away that freedom. They want to take away our ability to have low-cost energy.

Many people also don't make the connection between the fact that the reason we were such a manufacturing powerhouse for so long was that we had low-cost, reliable energy. India and China didn't have low-cost, reliable energy. They couldn't count on having the energy they needed to run their plants 24 hours a day, 7 days a week like we did. It helped us tremendously to become a manufacturing powerhouse. But with the cap-and-tax bill and the concepts that the Democrats have put forward, it's going to seriously undermine that ability.

Republicans want us to be energy independent, and I am highly insulted when over and over the President and the leadership of the majority party say that Republicans don't have an answer, that we just want the status quo, that we're the Party of No. We're not the Party of No. We're the party of doing things right.

Let's stick with what has worked in this country over the years. We can look at Europe and see what they've done. They've tried cap-and-tax, and what has it done? Bankrupted them. Spain wanted to create lots of green jobs, they said. They have the highest unemployment rate in Europe, over 15 percent.

We can look across the ocean and see how this has failed, and it just is mind-boggling that the people who are in charge of this Congress and in the White House think that they can replicate what was done in Europe and have a different outcome. It's never happened before. It's never going to happen again, and as my colleague from Tennessee said, we are facing one of the greatest takeovers of our freedoms through cap-and-tax and the health care plan that's being proposed.

But you know, the American people are still in charge. They stopped a bad immigration bill a couple of years ago that was being debated in the Senate. They stopped it cold. We can stop these things, too. And what I'm urging people to do is—you don't have to write to most of us, all of us are going to be on the floor tonight—and say, Don't vote for this health care plan. We know that. We're not going to do it.

□ 2045

Cap-and-tax has passed the House, gone to the Senate, but put the pressure on your Senators and write to somebody who lives in a district who is represented by someone who voted for cap-and-tax and tell them you're going to remember that, they're going to remember that. Encourage them to do that.

We have other very eloquent Members on the floor tonight who want to speak on this issue so I'm going to yield back to my good friend, Mr. WAMP from Tennessee.

Mr. WAMP. I thank the gentlelady for her intellect and her insight and dogged determination on behalf of the people of North Carolina. She raised two issues I want to address before yielding to the gentleman from Georgia.

One, she said that sometimes Republicans are called the Party of No. I would say to the gentlelady, if that means saying ''no'' to tax increases and large rate increases in your electricity bills at a time of economic duress by the people we represent, then, yes, we would be the Party of No.

And she said something about bad legislation was stopped. I remind people that the immigration reform proposals were made by a Republican President, and they were wrong. And Republicans in the Congress stopped the President from going forward.

One question I would ask today is: At what point are the Democrats in the majority here going to stop the Democrat President from a wrong-headed

proposal when the American people are clearly against it? Yet, this is where you have to stand up and say, This is not only bad for America, Mr. President; it's bad for our party. And we said that and immigration reform did not go forward under Bush, because it was wrong-headed. The American people weren't for it.

And here, today, we would ask: Are you just going to follow the President of the United States and his Chief of Staff down this very liberal road? And for how long? And for the 52 so-called Blue Dogs, it's going to be a real test. What are you for? More for the liberal leadership of your party or the values that you say that you represent?

So I'd like to yield to the gentleman from Georgia, Dr. BROUN, who's been a really dynamic Member of Congress in his relatively short tenure, but he worked a long time and worked really hard to get here and he brings a depth of experience.

I yield to Dr. BROUN of Georgia for as much time as he may consume.

Mr. BROUN of Georgia. Thank you, Mr. WAMP. I appreciate you yielding me some time.

Mr. Speaker, government is growing, freedom is going. Many of us came to the floor through Special Orders and said, Where are the jobs? Mr. WAMP very eloquently told you, Mr. Speaker, where the jobs are. They're going to China and India and Sri Lanka and all the different countries around the world where the energy costs and the environmental regulations aren't such a hamper to industrial growth and development.

Mr. Speaker, I have several manufacturing plants in my district in northeast Georgia that have told me if that tax-and-trade, cap-and-tax bill passes the U.S. Senate, that they're just going to have to lock the door. They're going to lock the door and all the people who work in those factories in northeast Georgia are going to be out of work.

Right now, today, this very day, many of the counties in my Tenth Congressional District of Georgia have unemployment rates pushing over 14 percent. In Georgia, just a couple of days ago, it was announced that the State unemployment rate is 10.1 percent.

I heard today in Augusta, Georgia, which because of all the job-producing entities that have to do with government, State and Federal Government, such as the Eisenhower Army Hospital on Fort Gordon, Fort Gordon itself, the Savannah River site Department of Energy facility over in South Carolina, in my good friend GRESHAM BARRETT's district, and the Medical College of Georgia, my alma mater, those four entities, plus the VA hospital—we have two VA hospitals in Augusta, Georgia—those give a buffering effect to job losses. But in Augusta, Georgia, it's 10.1 percent now, from what I understand.

So where are the jobs? Well, they've left. And why? If you look at what has happened, we see over and over again our colleagues on the Democratic side blame George W. Bush for this bad economy and all the things that are going on today. I heard Members of the Democratic Party just this week blame the stagnation and poor economy on George W. Bush.

Well, George Bush was a big-spending President. There's no question a about that. He did create some deficit and debt. There's no question about that. And I was against that. I wasn't here during most of that period of time in Congress, but the last almost 2 years of his Presidency, I was here, and I voted against every big spending bill, every tax increase.

But I want to remind you, Mr. Speaker, and I want to remind the American people, if I can speak to them directly, that it's been on the Democratic leadership for the last 2½ years that most of the jobs have been lost. And if we look at the deficit and debt that's been created just in the last 6 months under this Democratic administration and under the rule of NANCY PELOSI and HARRY REID in Congress, we have seen more debt, more deficit created than George Bush ever thought about doing.

The Democrats need to quit talking about George W. Bush because it's their deficit, it's their debt.

And then they passed this tax-and-trade bill. They call it that. They also call it cap-and-tax because it's about taxes. The President himself a few weeks ago said he had to pass this cap-and-trade bill to be able to fund his health care reform. Now what's that mean? It means that he needs the revenue.

It's about revenue. It's not about the environment. In fact, that bill, if it passes in the U.S. Senate, is going to cost more jobs. And it's going to hurt the very people that I hear over and over again that the Democrats claim that they represent.

They claim the Republicans only represent Big Business, but actually, Mr. Speaker, it's the Democratic Party that represents Big Business, because Big Business prospers under Big Government.

It's small business that we as Republicans represent. And this energy bill that's sitting over in the Senate is going to hurt small business. It's going to hurt everybody. It's going to hurt the poor people because they're going to be paying for higher energy costs.

Dr. Foxx was talking about it, and I think my good friend Mr. WAMP from Tennessee was saying that everybody in this country is going to have to pay more. They're going to pay more for gasoline. When you flip on the light switch in your home, you're going to pay more for that electricity. When you go buy groceries, you're going to pay more for groceries. When you go to the drug store to buy your medications, you're going to pay more because these energy costs are going to be passed to every single good and service in America. Every single one.

It's been estimated that it's going to cost, because of higher energy costs, the average family, as Dr. Foxx was saying, over $3,100 per average family in America. Now some people try to refute that. The MIT economist said, Well, we're taking this a little out of context. But the thing is, what he looks at is not what it's going to cost people out of their pocketbook. In reality, it's going to cost every average family in this country over $3,100 per average family for higher energy costs if that bill passes the U.S. Senate.

So we're going to lose jobs. We're going to lose jobs because small businesses are going to have a hard time paying the energy costs with this tax-and-trade bill that this House passed.

All small business can do is increase the cost of their goods and services to the public or they have to cut back or they have to cut back on their expenses. And the way they do that is by letting people go or reducing salaries or cutting hours to their employees.

So the average worker in this country is going to take home less money if that tax-and-trade bill passes the U.S. Senate. This health care reform bill that we hear the Democrats are going to bring before the August break is going to cost more jobs.

Well, how many more jobs are these two bills going to cost? Mr. Speaker, it's estimated it's going to cost many millions of Americans, working class, blue collar, small business jobs all across this country.

Just last night, the President said if the burden primarily falls on the middle class, he won't be for it. That's hogwash because his bill, his plan is going to fall on the backs of everybody, including the middle class. It's not true. Middle class is going to pick up the bill for this health care reform, for the tax-and-trade. We've got to stop it.

Now, Republicans aren't going to stop it. Only the American people can stop it. Former U.S. Senator Everett Dirksen one time said when he feels the heat, he sees the light, Mr. Speaker. And what he's saying is when he gets calls and letters, faxes, e-mails, visits about an issue, he starts feeling the heat.

Most Members of Congress in the House and the Senate are going to be running for reelection at some point. Most want to get reelected. And so when their constituents contact them about an issue, that's how we feel the heat.

So, Mr. Speaker, if I can speak out to the American people and tell them what to do to defeat this, Mr. Speaker, what I would tell every single individual who wants to solve the economic problems is to stop this cap-and-tax bill that the Senate is debating, also this health reform bill that's going to destroy quality health care, put a Washington bureaucrat between every patient and their doctor and the decisions are going to be made by that Washington bureaucrat, not by the patient, not the patient's family, but by a Washington bureaucrat. It's not going to even cover everybody, and it's going

to be extremely expensive, according to the Congressional Budget Office.

If the American people really understood what was going on in those two bills, they would rise up and say ''no'' to their U.S. Senators, ''no'' to their Members of this House, to their U.S. Congressmen. They can call, Mr. Speaker, they can e-mail, they can fax letters, they can visit the district offices, State offices, and say ''no'' to cap-and-trade, ''no'' to Barack Obama's plan, ObamaCare, and it's critical that we do that, because if we don't, our economy is going to be destroyed, jobs are going to be destroyed, the environment is not going to be any better worldwide. In fact, I think it will be worse.

And we're going to go down a road towards exactly what Mr. Obama's good friend Hugo Chavez has taken in Venezuela. We have a clear picture of what's going to happen in America if we continue down this road that this administration and the leadership in this House and the Senate today, the Democrat leadership, has taken us. All we have to do is look off the shore of Florida at Cuba and see where America is going, because that's the picture of what this country is going to be like several decades from now if we go down this road the way we're going.

So I hope, Mr. Speaker, that the American people will understand. God says in Hosea 4:6, My people are destroyed for lack of knowledge.

Please, please, our American people need to be informed. We need to have that knowledge spread among the people. And the American people, Mr. Speaker, need to rise up and say ''no'' to ObamaCare, ''no'' to cap-and-trade, ''yes'' to jobs, ''yes'' to a strong economy, ''yes'' to creating jobs.

We're accused, as Dr. Foxx said, of being the Party of No on the Republican side. But, actually, we are the Party of Know, K-N-O-W. We know how to stimulate the economy, we know how to create jobs. We know how to be good stewards of the environment. And we will be. And that's what we need to do.

I thank the gentleman from Tennessee for yielding. God bless you.

□ 2100

Mr. WAMP. Thank you, Dr. BROUN. And before I yield to the gentleman from Virginia, I just want to follow up to say, in my 15 years here, I have tried to temper my partisanship. And this is not, to me, about Republicans and Democrats. It truly is about all Americans and how serious these choices that we're making are for everyone. I don't think either party has an exclusive on integrity or ideas.

The truth is, in 2009 neither party has a whole lot to brag about because, as Dr. BROUN said, the previous administration—and I think President Bush restored honor and integrity to the White House at the time it needed it. He and Laura Bush are two of the finest people in history. But we lost our party's identification over these last several years by spending too much, making mistakes, and not being consistent. But that doesn't mean that what's happening today is either okay or better. As a matter of fact, it's like the mistakes we made on steroids.

The budgets proposed by this President so far exceed all of the deficit spending that President Bush had over his 8 years. It's remarkable. It's actually breathtaking that we would be doing this. The whole question of ''Where are the jobs?'' this week came up over the stimulus. Nearly $800 billion of one-time spending. No way any analyst would say more than 15 percent of that spending would even create a single job. 85 percent of it was, frankly, pent-up welfare and social spending, their priorities that they thought hadn't been funded adequately over the last 8 years. They threw all that money at new government programs and more government spending. That's why the unemployment rate in Washington, D.C., is the lowest in the country today, because Washington jobs are growing, but jobs in the hinterland are shrinking.

Now, economies rise and fall. They're cyclical by definition. But the government can either make it worse or make it better by their policies. Unfortunately, these policies are actually making it worse. That's why the question comes after the stimulus and the bailouts and the borrowing and the spending, ''Where are the jobs?'' because we're going the other way the more you do that.

It didn't work in Japan. They called it ''the lost decade'' because they tried to borrow their way into success and a good economy. It doesn't work. You can't borrow your way out of debt. You can't spend your way to prosperity. Other countries have tried it, and it failed. And here we are making this big mistake. It's not a Republican/Democrat thing. It's whoever is doing it needs to stop for the good of the American people.

I yield to the very well-schooled ranking member of the Agriculture Subcommittee on Energy and former lead Republican on the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE) for as much time as he needs.

Mr. GOODLATTE. Well, I thank the gentleman from Tennessee, my good friend, for yielding me this time and for organizing this excellent discussion about what we need to do about America's energy policy and about creating those jobs because we know we have the ideas. We have been talking about them for well over a year now in terms of the American Energy Act and things that we have been doing to try to bring this Congress in the right direction on the creation of new jobs by creating an America that is not dependent upon foreign sources of energy.

I have had the privilege of traveling to the gentleman's district in Tennessee to talk about one of those areas. We held a conference down there, talking about renewable fuels, particularly fuels generated by switchgrass and other forms of agricultural production other than corn, which has been such a problem in our country today. That is right there, and that is something that we can do.

We all support developing other forms of new technology. We want to find a cheaper way to build solar cells. We want to find a less expensive way to generate electricity from wind or to generate power from geothermal and other new technologies. We also want to encourage as much energy efficiency as we possibly can. All of those things will help our families and help our businesses. It will help them remain competitive and preserve and create jobs.

But we also know that it is absolutely important, if America is going to create new jobs, that we have to utilize the resources that we have in this country, that we have been dependent upon for a long time. And until you have new technologies, you don't raise the cost of the types of energy that people are dependent upon.

More than half of our electricity comes from coal, a resource which we have in tremendous abundance in this country. Twenty percent of our electricity comes from nuclear power, another area that the gentleman from Tennessee and I share a very strong common interest in, he having Oak Ridge in his congressional district and I having Lynchburg, a major nuclear power center in the country, in my congressional district.

The legislation that we voted on a month ago here in the Congress did nothing to promote the most greenhouse gas-reducing form of electricity generation, nuclear power. That, to me, seemed to be something that was completely and totally neglected in that legislation.

Coal, on the other hand, wasn't neglected. It was thrown out in a way that will raise the cost of electricity to my constituents and anybody in the country from areas that are heavily dependent upon electricity generation from coal, which, by the way, is most of the country.

So that was the wrong approach. The right approach is the American Energy Act. Many of us—I think everybody who is here this evening—came back here to Washington last August when gasoline prices were $4 a gallon and oil was $140 a barrel. We took the floor in a darkened Chamber day after day after day to talk to the people who were touring the Capitol. People around the country were aware of what we were doing to tell the story of what needed to be done.

We came back into session in September, and that was completely ignored. And we never have revisited the need to have a comprehensive energy act where, if we really made this a top priority of our country, we would become free of dependence upon foreign

oil and other foreign sources of energy in 15 or 20 years. And even more importantly, we would create millions of jobs, exploiting those resources that we have in this country.

This is not a new idea. This is how America came to be a strong Nation, a competitive Nation, a Nation with millions of jobs. The reminder of the importance of doing this is right there above us on the wall, above our Speaker's rostrum, above the American flag, above our Nation's motto, ''In God we trust,'' at the very top of the wall, a famous quote from Daniel Webster that says, ''Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.''

That saying, more than 150 years old, is every bit as important today as it was back when Daniel Webster said it. That's what we have to hearken to; not the idea that somehow government will solve all of these problems, that government can provide people with all the health care they need, paying for it with taxes on small businesses and losing jobs, mandating all kinds of new agencies and institutions, more than 30 to run this crazy program; not with the cap-and-tax proposal that will cost American jobs, raise the cost of living for every American, make it harder for manufacturers and farmers and others to be competitive with other countries around the world that have no intention of engaging in a practice that raises unnecessarily the cost of the basic ingredient for manufacturing and agricultural success and really enjoying a good standard of living for anyone's life, and that is having access to affordable sources of energy.

It is certainly not going to be solved by having this government spend through the roof. We saw back in January the most amazing single appropriations bill ever, the so-called stimulus package to create jobs. Now here we are 6 months later, and the question is being asked day after day after day, not just by those of us here in the Congress but by people all across America, ''Where are the jobs?''

Well, you don't get them by government spending. You get them by returning to the ingenuity of the American people, their hardworking spirit, their knowledge that it is the free enterprise system that will bring this economy back. But we delay day after day after day and dig the hole deeper and deeper and deeper when we pile up debt like this—$1 trillion. That is a stack of thousand-dollar bills 63 miles high.

And then in March we went on to pass the budget for next year. We said, ''Ooh, I'll outdo that.'' I voted against it. Mr. WAMP voted against it. Others here talking tonight voted against it. Every Member of our party voted against it, but also a lot of Members in the other party voted against a budget that has a $1.2 trillion deficit for next year. That's a stack of thousand-dollar bills 75 miles high, which reaches up into outer space, and we don't see any end to it.

The 10-year projection for the budget passed by the majority party and the President never sees it going below—the highest deficit ever before this year was $450 billion. It never gets below $600 billion ever again as far as the eye can see. That will cost jobs. That will raise the cost of living. That will raise interest rates and inflation. It is devastating to our country.

We need to return to sound fiscal responsibility. We need to return to an opportunity to have an American energy policy that creates millions of jobs here by drilling for oil offshore and on Federal lands; by extracting the huge resources we have of natural gas; by building new, safe, more modern, latest-technology nuclear power plants; by using clean-burning coal technology and advancing that and developing new technologies. All of these things coupled together will lead to a bright future. But the path we are on now worries all Americans, and we need to turn off of it as quickly as possible.

I thank the gentleman again and hope that the message that sits on our wall, let us develop the resources of our land—not Venezuela, not Nigeria, not Saudi Arabia. Let us develop the resources of our land. That will lead to the creation of the jobs that people are looking for and the restoration of our economy. I thank the gentleman.

Mr. WAMP. The gentleman's comments are spot-on. We're grateful he came and participated and for his really brilliant leadership here in the House.

Another one of our smarter Members from the Republican side is the gentleman from Michigan. There are other Members coming to the floor, so I am going to withhold my comments.

I yield such time as he may consume to the chairman of the House Republican Policy Committee, THADDEUS MCCOTTER of Michigan.

Mr. MCCOTTER. I thank the gentleman from Tennessee.

When the cap-and-tax national energy tax bill was passed from the House, the Congress went on a break, and when people went home on break, they found out how much the American people did not like the cap-and-tax bill that this House passed. In fact, I remember being home—I am sure a lot of Members had this moment, both people who voted for it and voted against it. You go to the grocery store, somebody might recognize you. They would look around. They would walk up and they'd say, Are you my Representative? And you'd say, Yes. They'd look at you and look around again, and they'd say, Dude, this is crazy. This cap-and-tax is crazy. I would just say, Yes, it is. And I said, Especially in Michigan, our State where we have a 15.2 percent unemployment rate, where we are a manufacturing giant now in difficult times, why the Federal Government would make it harder to manufacture in the United States, why we would be but a Senate vote and a Presidential signature away from a radical, ideological imposition on America's energy future that will raise people's energy taxes and will kill their jobs.

I still can't figure out why we would do this. It is absolutely insane to add massive government spending, debt and regulatory burdens on a recessive economy, and why you would threaten to raise tax rates on people at the very time we need the entrepreneurial genius of the American people to grow this economy, create jobs and start to stabilize ourselves for the future and the international competition in this age of globalization.

Now, when I say it's insane, people say, Well, isn't that a little harsh? I say no. I'm 43. As I was growing up, we had a new book put in front of us in school. It was called Ecology. It had a nice picture of the world on it from outer space. I was like, Oh, this is nice. And in the course of learning about ecology, my generation, Generation X, was told that the greatest threat we faced wasn't the Soviet Union. I tended to disagree even at an early age. I was a bit precocious about the Russians.

They told me in my generation that we would freeze to death in the next ice age if we didn't reduce pollution. Flash forward. My wife and I, our children are in school. Today our children's generation is being told that unless the government regulates the economy and raises energy taxes, they will face a climate change in which global warming will destroy their way of life.

So we have gone from ice to fire, and yet the solution remains the same, oddly, from the proponents of the cap-and-tax legislation who say, We have to have government control of the weather, raise your energy taxes, dictate your lifestyle and devastate your jobs all so that we can prevent global warming. This from the people who told me there was an ice age coming.

□ 2115

That, to me, is not sane. That is not realistic. That is not based on science. That is based on ideology, and ideology applied to a nation at a struggling time leads to dire ramifications for the American people.

I want to show you the extreme to which this goes. When in the majority the Republican Party heard about the debt dangers the United States faced, especially debts from nations such as Communist China, I agree with that. Now that the Democratic majority and President Obama are racking up unprecedented levels of debt and unprecedented levels of spending, I want to show you what the Commerce Secretary said about cap-and-trade regulations in our relations with Communist China. This is from The Wall Street Journal, But yesterday, Commerce

Secretary Gary Locke said something amazing: U.S. consumers should pay for Chinese greenhouse gas emissions. You see, the Communist Chinese, in one of the ironies of life, are tending to protect their manufacturing base more than the free market—United States—from governmental intrusions, regulations, and taxation.

Now, what Mr. Locke, our Commerce Secretary, said was this. It's important that those who consume the products being made all around the world to the benefit of America. And it's our own consumption activity that's causing the emission of greenhouse gas. Americans need to pay for that.

I want you to think about this. After President Clinton signed the permanent normalization trade relations with Communist China, we in Michigan, before the rest of the country, started asking where are the jobs. Why is manufacturing in America hurting? Why is it going offshore? Where is it going? We knew where it was going. It was going to Communist China.

So we have a two-for here. We have the Commerce secretary saying that he doesn't seem to mind that the jobs are going over there and that what we really need to do is, if the United States decides to continue to pass legislation that impedes and impairs and harms its manufacturing base, not that we should seek fair trade with Communist China, but what we should do is borrow money from Communist China with interest to pay them for their greenhouse gas emissions to get them to adopt the very thing that American people do not want to adopt in America. I want you to think about this. I'm going to borrow money with interest from Communist Chinese to give to them so they can be environmentally sound.

Now, I do not understand why, given what happens to our party here in the House, why the Commerce Secretary did not say that the Communist China is the party of ''no.'' And I think it would have been appropriate. But I also would not expect that from an administration whose vice president says we have to keep spending to keep from going bankrupt. I had no idea that that meant that not only would he spend the money here, he'd spend the money over in Communist China and borrow from them to give it back, leaving you, the American taxpayer, with the interest.

And it also would not be surprising to me from an administration who said we have to spread the wealth around. I don't think the President said quite how far he said he was going to spread your wealth. I don't remember him saying that that the world would be a better place in, we take U.S. taxpayer money, send it to Communist China to make red bureaucrats green. I would have liked to have heard that. I'm sure a lot of people would have liked to have heard that around October last year where their money was going to wind up, rather than announced now via the Commerce Secretary.

The frustration that the American people feel is that they realize our prosperity comes from the private sector, not the public sector. They understand that we do not want a radical cold-turkey shift from fossil fuels into some nebulous green energy future. What we want to see is maximum American energy production, commonsense conservation and free-market green technological innovations that will transition us into a more environmentally sound economy of the future.

What we see in an ideologically rife House, Senate, and administration is the opposite. They want to do cold turkey on fossil fuels and the existing economy and move us into a radical, and again, ill-defined green economy that in many ways—with the absence of nuclear and others—proves impossible to obtain in a reasonable period of time without doing more damage to a recessed economy.

I thank the gentleman from Tennessee for his time.

Mr. WAMP. I thank the gentleman from Michigan.

Before I yield time to the gentleman from Louisiana, Mr. Speaker, can you tell me how much time we have remaining?

The SPEAKER pro tempore. I believe you have approximately 10 minutes.

Mr. WAMP. I just want to point out that I believe there are shared goals in the House, but there clearly is some great difference in the approaches again to these goals. And the problem with these two big issues that are pending before the American people is that they involve energy and health care. And energy is the one big issue that can bring us to our knees economically. We've seen that because of the price of oil, the availability of electricity can paralyze our economy, and frankly, the cost of this move is heavy, the price is high.

And that's why it is so important—really, the big issues in the world today clearly are water—it's a big issue around the world. It's going to be scarce, harder to come by, can create conflict. Energy is going to be scarce, hard to come by. We are all interested in air quality—and the environment is important—but there has to be a balance of regulation.

And then this issue of health. The American people do not want the government to get between their health care provider and themselves, particularly between the doctor-patient relationship. And I have to tell you this leap does that. And you don't see people leaving here to go to Canada and Great Britain now for their health care. It's the other way around because they've already gone on these systems that are being proposed here.

I want to come back before the bottom of the hour and talk about nuclear. But I want to yield to a member of the Commerce Committee, the gentleman from Louisiana who's brought great expertise to the Congress, is an energy production expert because of the State that he comes from, and knows that we have to increase the energy capacity in order to maintain our competitiveness globally today in a global economy. We can't restrict our sources of energy and stay competitive.

Mr. SCALISE from Louisiana is recognized for such time as he may consume.

Mr. SCALISE. Well, I thank the gentleman from Tennessee. I appreciate your leadership on this issue and the fact that you are willing to come here tonight and talk about some of these challenges that our country's facing. And when you look across our country today, people are facing many challenges.

But I think what's even more concerning to people when they look here in Washington, and they look at what's happening in the Congress, and they look at what this administration is doing, I think it's frightening people across the country. The fact that they see these policies that are being proposed, and some of these policies that have actually passed. In January, when President Obama took the oath of office, one of his first steps was to pass this unprecedented spending bill that he called the stimulus bill and he rammed it through Congress, a bill that everybody knows that nobody that voted for the bill had time to read because they rammed it through so fast, because they said it needed to pass because it was going to stop unemployment from reaching 8 percent. Well, now we're at 9½ percent unemployment, and that number is climbing.

The problem is our deficit is climbing even higher. We exceeded a trillion dollars in deficit just a week ago. Unprecedented in our country's history. And people are looking at that and saying, Why is it that every American family is cutting back to manage and live within their means? State governments have been cutting their budgets to live within their means. Why is it that Washington and Congress, especially, is spending money out of control at a rate that is unprecedented, and it cannot be contained?

And then they look at the policies. And I think that's what's concerning people especially today. And they look at this crazy energy proposal, this cap-and-trade energy tax and this proposal to have a government takeover of our health care system. And clearly reforms need to be made to health care, but there is bipartisan agreement on a number of reforms that can be made to allow people to have the portability so if they move from one job to another, they can take their health care with them.

But a real competition in health care or address pre-existing conditions, there is bipartisan agreement on all of those issues. Not one of those is in the President's bill because he chose to go it alone. He said, I don't need to work with Republicans. And in fact, he's not even working with moderate Democrats. He's decided to go with the most

far extreme leftists that want to just have a government takeover of health care where, literally, a bureaucrat in Washington that's not elected, didn't even go through a Senate confirmation, can have the ability to tell you which doctor you can see or even if you can get an operation.

And we've seen the devastating results in countries like Canada, in England, where they've done the exact same thing. And now those people who have the means in those countries come to America to get health care. Because even with our flaws—and we've got flaws in our system that need to be worked out—but even with our flaws, we have the best medical care in the world. And yet they want to destroy that system by having a government take it over and then add $800 billion of new taxes on the backs of American families.

And if that wasn't enough, that leads us into the topic that I know my friend from Tennessee really started off talking about, and that's energy. This cap-and-trade energy tax that actually passed this House, and I sit on the Energy and Commerce Committee and we debated that for weeks, and I strongly opposed their bill because their bill doesn't address the energy problems in our country. We don't have an energy policy in America. Imagine that. The greatest country in the history of the world, the most industrialized nation in the world, doesn't have a true energy policy. We've got the ability to create a comprehensive energy policy that actually eliminates our dependence on Middle Eastern oil. And we filed a bill.

Some people would lead you to believe there is no alternative out there. It's just this cap-and-trade energy tax or nothing.

Well, there is a different approach. There was an approach called the American Energy Act, which I'm proud to be a co-sponsor of. I know my friend from Tennessee is a cosponsor of. It's an all-of-the-above policy. It says yes, we should pursue those alternative sources of energy like wind and solar power. But unfortunately, those technologies aren't advanced enough yet. You can't run your car or house on wind or solar. You surely couldn't run a hospital on wind and solar because they're intermittent sources of energy, and so you need some other forms to keep power generating in this country. And so yes, you have coal production and we should advance the technologies to make clean coal technology.

But you also need advance nuclear power; nuclear power emits zero carbon. It's a zero carbon emission source of energy. Eighty percent of Europe is on nuclear power now. It wasn't on their bill. They discouraged it. We need to move towards those other alternatives.

We also need to recognize the existing types of energies we have in our country, and that's oil and natural gas. It's also some of the new sources and technologies that we have, like these tar sands in the Midwest which right now are prohibited from being explored by Federal policy. In fact, if you go into the Gulf of Mexico, there are many areas there where there are huge reserves of oil and natural gas that are banned from even being explored.

I've taken a few Members out to the Gulf of Mexico a few weeks ago. We went out to the largest natural gas exploration facility in the country. It's called Independence Hub. Nine hundred million cubic feet of gas a day. Actually represents 2 percent of our entire country's natural gas needs. It's out there in the Gulf of Mexico, and they have greater capacity. In fact, we keep finding more and more reserves of natural gas every day. In north Louisiana, I'm proud to have gone out and visited the area in Shreveport, Louisiana, called Hainesville. Hainesville shale find is the largest new find of natural gas in our country's history. It was just found 3 years ago, and we continue to find more and more reserves like that.

So there are all kind of natural resources that our country can use, and yet Federal policy blocks it. And the only answer President Obama gives us is this cap-and-trade energy tax—which actually limits our ability to explore American resource of energy and gives greater power to those oil OPEC barons in Saudi Arabia and other countries in the Middle East that don't like our way of life. So we've got to get a comprehensive energy policy, and we've got to move away from this idea of taxing businesses, taxing families, raising electricity costs—which their bill does—and go to a policy that adopts a comprehensive, all-of-the-above approach.

So here at this time I'm going to yield back to my friend from Tennessee. But we're talking in the same week that Neil Armstrong and Buzz Aldrin and Collins landed on the Moon, the Apollo 11 mission. The 40th anniversary this week. I had the honor of meeting them. True American heroes. When I talked to Neil Armstrong earlier this week, what I told him was, What you did, what your crew did and what all of the NASA officials did, they inspired a Nation because they showed us what the greatness of America can be if we truly set our minds in a bipartisan way. And back then under President Kennedy when he said and set that objective that we were going to go to the Moon by the end of the 1960s, the entire country came together, Republicans and Democrats. We can do that again.

But President Obama's got to set aside the bipartisanship and this extreme radical policy, and we can get there.

□ 2130

Mr. WAMP. I thank the gentleman. As I close out our hour tonight, I want to say when the question is asked, where are the jobs, if all of the applications pending right now before the Nuclear Regulatory Commission for nuclear plants were approved, that would be 17,500 permanent jobs and 62,000 construction jobs. Nuclear is maybe the single largest step towards stimulus, economic opportunity and global warming progress, all of those things that we need.

We can reprocess and recycle the spent fuel. This administration doesn't want to bury it in Yucca Mountain. They won the election. That's their prerogative. Let's move as France has, and Japan and other countries, towards taking the spent fuel and turning it back into energy. We can deal with this. We built 100 reactors in less than 20 years, and now we know so much more about it, if we said we were going to build another 100 reactors in the next 20 years, we would have a robust U.S. economy with new electricity capacity.

And when we bring on new capacity, we will lower the cost instead of increasing the cost. This regulatory cap-and-trade scheme increases the cost, reduces the supply, by definition, because we're going to need new electricity and energy capacity. So tonight we just close, Mr. Speaker, by saying that American innovation and entrepreneurship, free enterprise, can help solve these problems without the government burden.

THE PROGRESSIVE MESSAGE

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

Mr. ELLISON. Mr. Speaker, what a pleasure it is to claim this hour, this Special Order, on behalf of the Congressional Progressive Caucus. The Congressional Progressive Caucus is the body of Members of Congress who believe that we're all better off together than we are separated and apart. We believe that we need a mixed economy, in which, yes, people are entitled to pursue their private dreams and make their money, but also there are certain things that we should do together, things like take care of the water, things like provide for transportation, things like provide for education and things like health care.

The Progressive Caucus is the body of people here in the Congress who stand by the idea that the civil rights movement was a great moment in American history, that FDR and the New Deal was another great moment in American history and that the steps forward to end slavery was a great moment in American history.

And yet the greatest moments of American history have not yet been written but are really still in front of us. We still have more people to bring into the ambit, bring into the embrace of this great American ideal, the progressive ideal, this idea that America

has not yet done the best it can do. We have more people to include, more people to help find that internal light of their own and that this is the time to walk forward into that history.

We have the Congressional Progressive Caucus that comes together today. We started out, Mr. Speaker, as a group that said, we would like to see in the area of health care a single-payer system. This was our position. But we've compromised, because we're practical progressives. We said we can have health care reform if we have a public option, but we can't go any further than that. There must be a public option in the health care plan. And it looks like we are going to have one. We are excited about the prospect of seeing this public option. It appears as though it is moving forward, Mr. Speaker. And it's a good thing because it's what America needs. It's what America needs.

This is the Progressive Message, and we are here to talk about health care tonight. Health care, Mr. Speaker, is the boiling issue. It is the issue that is all the talk around the Congress; it is the issue that is all the talk around America. The fact of the matter is, Mr. Speaker, it is a fact, it is a belief and a firmly held belief of my own that health care is a movement that is essentially a civil rights movement. It has the same level of intensity as that movement. And it has the same urgency as that movement.

I'm inspired by the words of Martin Luther King, Mr. Speaker, who said that we have the fierce urgency of now, the fierce urgency of now, that we can't say that somebody else can get their freedom at some other time, at a more convenient time, at a time when it makes sense and is comfortable for everybody.

No, he said civil rights now, not later, and not have to say today we have got to have health care for all, right now, not later. The fierce urgency of now, Mr. Speaker.

I want to let you know, Mr. Speaker, that when I was watching television last night, I was tuned into President Barack Obama. And I want to let you know that I was very proud of President Obama last night, Mr. Speaker. President Obama came before the American people and articulated a case, as skillfully as any arguer or orator ever could, for health care, health care now.

The thing that really grabbed my attention, Mr. Speaker, is when he was asked by a reporter, why does it have to be now, and the reporter asked in somewhat of a challenging and slightly derisive tone of voice, why does it have to be now? Can't it just be some other time? Mr. Speaker, President Obama said, you know, I can't delay it when I read the letters that I get. The letters tell me that we have got to act now. We can't put it off another day. We've got to do it now. And I actually was cheering at the television screen as President Obama was saying these things. It's so nice to have a President that you truly agree with and believe in and think is a real champion for the people who elected him.

So in that spirit of President Obama saying that the letters and the stories that people are going through propel him toward action, let me share a few stories of my own, Mr. Speaker, because my constituents write me letters too, and those help move me and motivate me toward action for true health care reform. Instead of my hitting you first with the facts and figures and all those things, I just want to start out tonight, Mr. Speaker, with stories and letters from my constituents.

Let me talk about Mary from Minneapolis, Minnesota. Mary says, my daughter needed her wisdom teeth out. At the same time, with insurance, we were told to pay $375, which we did, then got billed over $1,000, resubmitted, eventually the amount was reduced to $750. In the meantime, my husband got no paycheck. I have calcium deposits in my back which make it difficult to walk, and I can't afford the copays, so I'm waiting until it's so bad that I can't walk.

Mr. Speaker, Mary needs help. Mary needs a caring, committed government that is listening to her and is going to help bring forth legislation which can allow her to work with her doctor and her health care provider with the solutions that she needs. No government official in the middle between Mary and her health care provider. That's nothing but spooky, scary stuff, and it's not true.

Let's hear from Denise: I find more and more often that my family and I are skipping doctor visits for preventive care, and when we would have made a visit to the doctor in the past, but now can't afford the co-payments to be seen. This is especially true for childhood illnesses such as allergy visits or medication, dental problems that could potentially be serious, and injuries that, in reality, should be checked out by a doctor. My family is insured. Yet because of our current employment situation, combined with rising health care costs, it has come out of reach to have the kind of health care we have enjoyed in the past. I feel that we are being left behind for an inability to be able to bear the burden of the cost. This may mean that we will pay dearly in the future for things that could have been prevented or less serious had they been able to see a doctor initially.

As I listen to Denise from Minneapolis's story, I'm thinking, Mr. Speaker, about the global, the larger trends in our society that are sweeping her up and affecting her. She's talking about being insured, having a job, but having to go without because of the costs of copays and premiums. Well, Mr. Speaker, one of these startling facts that you might want to know is that over the last 9 years, premiums have doubled for people who have insurance, and while wages have been flat, premiums have been increasing much faster than wages have, and this has made a squeeze on the American household budget. Denise needs a hand, Mr. Speaker. Denise needs somebody to care.

Janice from Golden Valley, Minnesota: I've worked every day since I turned 15, and I'm currently 51. I'm married with two teenage children. I have a college degree. We have always lived a balanced and frugal life. We do not take exotic trips and mostly buy generic groceries and thrift or discount store clothing. I do not and never have smoked or drank, and I have been in my job for 20 years, yet I bring home less and less each year due primarily to health care premiums and costs. Health care premiums and copays cost about 25 to 30 percent of my income. Health care premiums cost me more than my Federal, State, Social Security, union dues and retirement plan deduction combined from each paycheck.

The increase has been so great that we have stopped being able to contribute to savings for 4 years. The one thing I fear more than anything is me or my family member getting sick because of what treatment will cost even beyond the premium costs. When I have a strange new sensation in my eye or a vein hurting in my leg or a dull pain in my chest, I just pray it will go away on its own because I'm afraid of what it will cost me.

We pay out so much for health care insurance, yet we cannot afford to really even use it. And I feel even worse for those who have no health insurance at all. This reflects badly on what America has become, a place where only the wealthiest survive and profit by a few takes priority over the basic needs of all.

Mr. Speaker, let me tell you about the story of Anita. I'm armed with statistics tonight, Mr. Speaker, and I have them. But they don't mean a thing next to these stories of these citizens, these good, honest Americans from my State of Minnesota whose stories I want to bring to you tonight.

Let me talk to you about Cynthia from Minnesota. Cynthia says: As an asthmatic and a mother of an asthmatic, I would think the insurance company would be happy that we go for our annual check up and would be willing to cover our medicines so that we stay healthy and don't end up costing them more. Much to my surprise, the insurance company would not cover our asthma checks, and the cost of our prescriptions has gone through the roof. Unfortunately, our meds are not part of the formulary drug list. What ends up happening is I cover my child's meds, and I don't get any. I just hope we are near each other if I have an attack.

Mr. Speaker, that is no way to treat Americans who are trying to make it in this society.

How about this one. Maria from Minnesota: My daughter is 24. She has had a polycystic ovarian disease since she

was 15 requiring three surgeries, five hospital visits and many, many office calls. This is a chronic condition which will probably result in infertility or at the least difficulty in achieving pregnancy. This is physically draining, as she is often in pain and has been on many narcotic pain meds, including Vicodin, Percocet and OxyContin.

In addition, the idea of not having children is a tough thing to face as a teenager and young adult. If that wasn't enough, she also has a degenerative disk disease in her cervical spine. This has resulted in a herniated disk and chronic constant pain. Again, there is no cure for this and no real treatment. Since she is an adult, she no longer is eligible to be under our insurance plans. She has a BA degree, but has not been able to find long-term employment in her field which would offer benefits. Rather, she is managing a bar restaurant, which is a good job, but it's not what she went to school for.

□ 2145

She's working as a bartender at least 60 hours a week, on her feet all the time. She pays her own bills, lives on her own, but because of her chronic condition, has not been able to get COBRA insurance and, instead, has a policy through a private insurance company paying over $200 a month, which doesn't cover many of her needs. This is outrageous.

Please, please understand she is not sitting at home waiting for a handout. She's so motivated and such a hard worker, but the insurance costs are eating up her paychecks. She's my hero, as I can't imagine facing these conditions and then having the minimum coverage while paying the maximum bill.

Mr. Speaker, I just thought I'd start off this Progressive Hour with some real stories from real people, real stories for real people who are dealing with a very difficult situation. Mr. Speaker, let's not relegate them to the status quo.

My colleagues, many of them on the other side of the aisle, are essentially saying let's keep it how it is. Let's stop moving so fast. Let's not let this process move along too quickly. And some have been caught offhandedly making the comments that they think that they can take President Obama down. Is that what this is about, taking somebody down?

This should be about lifting somebody up, the American people, lifting them up, not trying to score a partisan point in a political game. This is real life people are going through, real life like the Minnesotans that I just talked about. But as I speak here tonight, Mr. Speaker, I can assure you that in every State in this Union and in every territory of this country, there are stories exactly like these.

Mr. Speaker, I want to talk about what the bill actually does a little bit, but before I do, I want to talk a little bit about the cost of this health care reform because, you know, first of all, there is this big fear thing around cost, and this is one of the major ways that some detractors are trying to stop things. So first let's talk about the individual cost, the cost to the person.

Without reform, the cost of health care for the average family of four is estimated to rise $1,800 every year for years to come, and insurance companies will make more health care decisions. Okay. Status quo, hand the insurance companies 1,800 bucks every year. In 2 years that's 3,600, in 4 years it's more than that. The fact is this is the status quo. And I was so proud to hear President Obama last night saying, if somebody offered you a plan that was going to double, that was guaranteed to double in cost and was going to push more people into the ranks of the insured, would you want that, because that's what we have now. Again, another brilliant oratorical flourish rooted in the truth.

So one cost is the 1,800 bucks every year estimated to increase, but let's talk about the individual costs a little bit more. If we have health care reform, if we have health care reform, Mr. Speaker, no more copays or deductibles for preventive care. That will help a family budget. No more rate increases for preexisting conditions, gender or occupation. That will help the family budget. No more annual cap on out-of-pocket expenses. That's going to help the family budget. Group rates of a national pool, if you buy your own plan, that should hold costs down. Guaranteed affordable oral, hearing and vision care for your kids, that will definitely help the family budget out.

The fact is that this bill is designed to help families deal with the escalating costs of health care. It's not about increasing costs or increasing debt or anything like that. It's about helping the family budget stay in a place where families can actually get ahead a little bit for the first time in a long time, for the first time under a budget, under an economic philosophy where the rich didn't have enough and the poor had too much in the minds of some people.

The fact is, Mr. Speaker, we need to talk about costs tonight. We need to talk about it, and I want to go now to the recent—the CBO budget scores have been tossed around a lot. We've been hearing a lot about what the CBO says. The CBO says this, the CBO says that. Let me talk about what the CBO actually says, really says.

On July 17, the Congressional Budget Office released estimates confirming that the health care insurance reform policies of H.R. 3200, America's Affordable Health Care Choices Act, are deficit-neutral over a 10-year budget window. That means that they don't add to the budget. They're deficit-neutral, even producing a $6 billion surplus.

CBO estimated that the cost of the bill's insurance reforms was $1.042 trillion, while the bill's cost savings and revenues totaled about $1.48 trillion. This is over a 10-year period. CBO estimated that these reforms will provide affordable coverage for 97 percent of Americans 2 years after the program starts. Now, that's really something, Mr. Speaker.

It was also reported in the press, CBO also estimated that the overall bill has a net cost of $239 billion over 10 years, but this is entirely due to additional provisions in the bill to maintain current Medicare physician payment rates costing $245 billion over 10 years by preventing scheduled draconian cuts.

The House agreed earlier this year that this $245 billion cost would be exempt from PAYGO. The President's budget acknowledged the flawed Medicare physician payment formula and allotted money to address it. Then, in voting for the budget resolution in April, the House voted to exempt Medicare physician payment provisions from PAYGO. The statutory PAYGO bill to be considered by the House this week, passed through this House this week, also exempts these provisions from PAYGO.

Mr. Speaker, let me also add that this bill preserves and increases options, plan options. Those eligible for the exchange—and I'll talk about that in a moment—choose from all options, private and public. No one can steer them to any particular plan.

CBO projects that by the year 2019 about 9 to 10 million Americans, or a little more than 3 percent of Americans, will choose the public option. CBO projects that the most of these using the exchange will choose private sector plans. This confirms that the bill creates a level playing field where the public option will compete with private plans on a fair basis and that the public plan will not necessarily push them out of existence.

Again, I'm a single-payer advocate, but I wanted to talk about, just a little bit about this cost, because this is the very thing that detractors are using to try to scare Americans away from real health care reform with, and I think that Americans deserve better. They deserve the truth, and they should know that this plan is one that's designed to help save them money. Let's talk a little bit more about health care costs.

Health care costs for small businesses have grown 30 percent since the year 2000. The average family premium costs $1,100 more per year because our health care system fails to cover everyone. The average individual premium costs $410 or more.

The fact is we're joined here tonight by one of the great, great, great stalwarts and heroes of health care reform, none other than JOHN CONYERS, chairman of the Judiciary Committee, second-most senior Member of the House of Representatives.

Good evening, Congressman CONYERS.

Mr. CONYERS. Would the distinguished gentleman yield to me?

Mr. ELLISON. Certainly I will yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Thank you, Mr. ELLISON, and to our colleague and friend, STEVE KING, who is also on the floor enjoying the proceedings.

I came down merely to let you know how much I admire and respect your determination to make sure that every American can listen and learn about the importance of health care, the issues as you see them developing, and what it means for all of us to come up with the best possible result that we can.

The 44th President of the United States brought his case to the public last night, a brilliant explanation, very persuasive, very intellectual, and then he answered more than a dozen questions from the press. It was very instructive. I was moved by that last night, and I'm moved by the gentleman from Minnesota (Mr. ELLISON) this night as well, because what you're doing is so very, very important.

I get calls in my office, and I have the unique tendency to answer my own phone. And people are very surprised when I answer the phone and they're telling me what to tell the Congressman, and I explain to them who I am, and they're pleased and flattered by that. But a lot of those calls are about health care. Some of them are very moving, like some of the stories that you've related here tonight. Other people are not happy about health care, and some hope that we don't come up with a bill, a few. But most people realize that this struggle has been going on for 30, 40, 50 years.

Harry Truman began talking about universal health care, and then Lyndon Johnson was able to come through with Medicare. And in respect to Harry Truman's determination, although unsuccessful, he went to the Harry Truman Library in Missouri to sign the Medicare bill.

There's a rich history, a legacy about how we've gone through these different changes. And now the President, after only a few months, calls us together in the White House at a White House summit to declare his determination to do more about this system—we call it a system. It's a broken-down, nonworking system—about health care. And so it's so interesting to study what all of our Presidents, what our leaders have done and why it's so important when we think of the millions and millions of people that don't have health care.

I'm going to say something here tonight that, to me, I want to put in perspective the issues. The plan, as I understand it, that's being proposed does not relieve everybody of the threat of not having health care. It is not a universal system.

Let's put these things on the table. I am for a universal system of health care. I've worked with doctors, medical scholars, nurses for years now, and they say that that's the only way we're going to reduce costs. And for anybody that's talking about—it's bad enough that we don't have single-payer health care involved in this, except for the tremendous efforts of the gentleman from Ohio, DENNIS KUCINICH, who's got it in one of the committee's bills that would allow States to develop health care if they chose an option.

□ 2200

But we don't even know what the public option is finally going to be. There are those that don't even want to give the opportunity of Americans to choose between their health care plans, and the controls of the insurance industry have been legendary. It's been written, spoken about, people's own experience.

And then if I hear anybody talk about the government controlling medicine, it's the health insurance companies that are controlling medicine, not the doctor.

So I just want to listen, take in the wisdom that you have brought to this body and enjoy this discussion. I hope any other of our colleagues that want to join in this can participate as well if they choose, and I'm just so proud you're doing it tonight and that I can just add my comments to this decision of yours to once again take out a Special Order to discuss this subject.

Mr. ELLISON. Well, I want to thank the gentleman from Michigan, Chairman CONYERS, for coming down here. We have a chance to do a little bit of give-and-take. Actually, I'd like to ask the gentleman a few questions if the gentleman would take a question.

And my question is for you, Mr. Chairman, is why do you author H.R. 676, the single-payer bill, and why did you work so hard to try to get so many authors in the House? And you ended up getting about 80-plus authors. And why did you go all over the country, to my State of Minnesota, and talk to so many people? Why did you work so hard to push this idea of single payer forward?

I yield to the gentleman.

Mr. CONYERS. Well, improving our health care system is the most single fundamental domestic issue that we can deal with. The second most important is creating a full employment society. And both go together, because if you've got your health and don't have any employment, I don't know if you're in worse shape than a person who has employment and doesn't have any availability for health care. They're both fundamental rights that are inherent in a constitutional system of democracy, and we've been working on this so for long.

I remember when the First Lady then, Hillary Rodham Clinton, called us into the White House and asked us to hold back on our push for universal single-payer health care when her husband became President, because she, with Ira Magaziner, was going to work on health care reform. We did. We met. I remember and said, look, we should honor her request. There had never been a First Lady in the White House designated by the President to work on an issue this momentous, and so we pulled back. It did not succeed. It wasn't her fault. She had no way of estimating how powerful the corporate medical sources in health care were and that were determined not to make this universal or to make any changes at all.

And so this, to me, is one of the highest issues that all of us in the Congress can repair to, and I'm so proud that we now have a total of 85 Members of the House now on H.R. 676. I'm proud that we have it in the health care reform as an option for States so that we can overcome some of the restrictions that will be relieved through the Kucinich amendment to allow States that want to begin this global experiment.

That's how it started in Canada. It was a province in Canada that first passed it, and then another, and yet another. And of course, Canadians are overwhelmingly, extremely proud of the system that they have. No, it's not perfect, but very few things in this life are. They're working on it, and we're not copying it. We're looking at health care systems from around the world, everywhere, all countries that have them and the problems in countries that don't have them, and so this is an exciting global setting.

I was even in China not too long ago examining their system, which sometimes they're very efficient, and in other places, they don't exist at all. But we're putting the study together so that the plan that we create is an American plan, created by us, benefiting from all the improvements and problems of other countries that have universal health care systems.

And so even though my primary concerns are the Judiciary Committee issues, some of which tie into health care, the bankruptcies caused by health care are in our committee, and now we're having hearings on medical bankruptcies next week in the Judiciary Committee, and I know my colleagues on both sides of the aisle will no doubt attend these hearings.

And so there's a relationship. There's a relationship in creating a full employment program. I will be talking to some of the Caucus members tomorrow morning about unemployment and the importance that we sever the link between unemployment and health care, because what has happened in Detroit is that, as the plants are closed and people laid off and no longer have employment, guess what? They no longer have health care either.

So the relationship of employment-based health care to unemployment is profound, and a person without employment needs health care guaranteed and assured, needs health care, whether he's working or not. He needs it even perhaps more than when he is working.

And so as the unemployment continues unfortunately to rise, more and more people who once enjoyed health

care from the employer-based system don't have it anymore.

Mr. ELLISON. If the gentleman will yield for another question, do you think, Chairman CONYERS, that your advocacy for single-payer health care, H.R. 676, which was widely supported, wildly supported in my district when you showed up to talk about it in Minnesota—we packed the house. Everybody was so excited. We've had several other hearings on health care since then. People always mention that hearing because the spirit was so high. Do you think that that effort for a single payer actually helped gain enough momentum to at least make sure we had a public option for consideration in the current version of the bill?

Mr. CONYERS. I think a distinct relationship, and there are many people that have told me—and I'd like to compare it with your experience and our colleagues'. There are those who have said, first of all, they're disappointed that a single-payer system, which is the most popular in the country and has the most numerous supporters in the Congress of any other plan, did not get more consideration. But they said, well, at least we ought to have a strong public option at a minimum, and so, yes, there is a relationship between those who still seek a single-payer system who demand that there be a public option.

Unfortunately, there are some of our colleagues who are still not persuaded that we need a public option even.

□ 2210

There are reservations in the other body. And so it still remains to be seen what is really going to happen in that regard.

Mr. ELLISON. If the gentleman would yield back, I wonder if the gentleman would offer another question. As the Chair of the Judiciary, the chief author of H.R. 676, we're talking about a public option. Could you offer your opinion as to why anyone who claims to be in favor of free markets would be afraid of having the public option included in other private insurance offerings in the exchange?

The health care proposal is that if you have your health insurance, employer-based health insurance, you can keep that and that some improvements would be no exclusion for preexisting condition, no discrimination for age and gender. And then, the second thing, if you have a government program now, like Medicare, you can keep that. And we try to get more people enrolled in Medicaid who are eligible for that.

And then, of course, the third option, the new option, would be the exchange standardized benefits, which would include eight private insurance offerings, together with a public option.

And so my question to you is: Why are the free marketeers afraid of a public option? What are they scared of? I thought they were in favor of competition.

I yield to the gentleman.

Mr. CONYERS. Well, it's clear that many in the insurance field—remember, there are over 1,200 or 1,300 different insurance policies for health care, dozens and dozens of companies writing their own policies and plans, creating huge administrative overhead for doctors who are practicing, who frequently have to hire more and more administrative people just to sort through all of the policies of patients that come to visit them.

So they don't want competition. They don't want a free market. They want a market in which the ones that have the business and have been in it for a long time don't have to share it with anybody. And they certainly don't want to have to face the competition of an effective public option, which almost surely would be less expensive and perhaps more efficient than most of the private insurance systems. Why? Because they won't have the advertising costs, the overhead costs, the administrative costs—all of these things that burden and raise the cost of private insurance.

The same way with Medicare. Medicare costs have an overhead of 3 percent. In the private sector, the insurance policies run 10, 15, 17 percent or more in cost. All the advertising we see, at least in my area, these huge billboards, Come to this hospital because we're better at this particular health service. Another hospital, Come to this hospital; we're specialists in this particular service. And so on.

MRI equipment, the overuse of equipment. And doctors tell me if they're in a hospital and another hospital nearby gets new MRI equipment, they have to go get it to compete with theirs, and they don't really need it, but they want to have state-of-the-art, the latest thing.

And so this fee-for-services notion keeps raising the cost of health care. Many of the people that complain about these costs don't realize that the public option will almost surely lower the cost of health care.

Mr. ELLISON. Well, if the gentleman yields back, if the cost of health care is lower for families, will this allow them to be able to meet more of their basic needs and put food on the table, send kids to school, buy adequate amounts of clothing? Will this allow them to escape having to rely on credit cards and payday lenders just to be able to make it through the week?

I yield to the gentleman.

Mr. CONYERS. The answer is yes. No question about it. This is what the goal of health care reform is about, to lower the costs, which, by the way, each year the costs keep increasing and we have to find ways to deal with it.

There are other reasons that costs go up. We have got to tackle this on a realistic basis. This isn't about emotions or whether a capitalist system is being challenged or not. We have plenty of examples in which—your highway systems aren't run by different companies, your water systems, your electricity.

Health care is a matter of having it available to every citizen, regardless of their ability to pay. Of course, many of the people that end up in bankruptcy, they had health insurance. They didn't know that what they needed it for wasn't covered by the health insurance that they have.

And so, for me, it's been such an interesting field of endeavor to meet and talk with these really wonderful doctors in different parts of the country, at the medical schools, and to have made their acquaintance and then to learn of all the innumerable citizens who are so grateful to us for dealing with their problems.

By the way, this isn't some kind of circumstance that applies in rural areas as opposed to urban areas or in conservative areas as compared to liberal areas. These people are in the same fix all across the country in every one of the congressional districts.

I yield.

Mr. ELLISON. That's an interesting point. Do people who live in conservative areas where their Representatives are fighting for the status quo, are these people exempt from these escalating health care costs, these escalating premiums? And do people who live in the so-called ''red'' States, folks who are being excluded for preexisting conditions, being dropped, do people who have Representatives who fight for the status quo get some sort of a pass under our current health care system?

Mr. CONYERS. Not on your life. We're all experiencing much the same thing. I had hearings around the country on this subject. And I remember going to the Upper Peninsula of Michigan. Our good colleague, the gentleman from Michigan, BART STUPAK, had invited me up there for hearings.

I thought the urban areas were in trouble. I got a lesson. The rural areas were in even more difficulty in some respects.

□ 2220

Let me explain what I mean. They were of the opinion that they couldn't get doctors or nurses to come up there to serve their population. I remember their telling me about one doctor whose wife had said, At the end of this year, I'm leaving. I'm going back. I just don't fit in here. I'm not comfortable.

And there are people that would love to be in the Upper Peninsula of Michigan. It's beautiful. I have people rhapsodic about the beauty of the outdoors. But this wasn't for her. This was the only doctor. They were begging the doctor not to leave, and his wife. They knew if she left, he would leave, too. They were flying people from upper Michigan to Wisconsin because they didn't have any way to serve people who needed serious hospital treatment.

So we find that in Minnesota, up there at the Canadian-Michigan border, in that State, I remember distinctly talking with farmers who called their health insurance agents and said,

Please. I'm a successful farmer. Please come out and help me get insurance. I remember distinctly this one farmer said, The insurance agent said you don't want me to come out to quote you a price because I know you can't afford it. We don't even want to bother even trying to sell you insurance because I don't care how successful a farmer you are, because with you and your family, you won't be able to afford it, so we don't even need to try to sell you the policy.

There are all sorts of circumstances going on that I learn of as I accept invitations around the country to meet with health care experts in hospitals, in medical schools, in town hall meetings where people are trying to get some relief from this terrible fact that originally 37 but now 50 million people are without any insurance at all. And more people who are losing their jobs end up going into that column as well.

Mr. ELLISON. Well, if the gentleman yields back, I just want to point out that you mentioned Medicare has an administrative fee of about 3 to 5 percent. The fact is, however, that if you look at the top five health insurance companies, their administrative costs are 17 percent, and if you look at the average overall private insurance, it's about 14 percent.

What do they spend all that money on? How come they can't get down to a reasonable percentage of medical loss ratio? Does the fact that some of these CEOs just get exorbitant pay have anything to do with it? And if there was a public option—the CEO of the public option, I guess, would be Governor Sebelius, who is the Secretary of HHS, Health and Human Services. She is not making $10 million a year as a public servant. I guess my question is what are they spending all that money on. How come they can't be more efficient?

Mr. CONYERS. Well, exorbitant salaries to the chief executives and the managers of the company, as you imply, runs into millions of dollars annually, and many of them are the precise people who, through their lobbyists on K Street, are fighting any kind of serious health care reform. It's not a pretty picture.

Mr. ELLISON. Well, if the gentleman would yield, it was recently reported that the lobbyists are spending $1.4 million a day to try to stop health care. Why would they want to spend so much money? And does this amount of money, $1.4 million a day, how does that compare to the profits that they reap by, say, excluding people? They are excluding their enrollees and are not covering medical procedures.

Mr. CONYERS. Well, there is a relationship, and that's what makes it so difficult for us to come to a conclusion and to do something about this. Notwithstanding the great intellect of the President and his determination to correct the situation, there are people that put profits before health care. I'm sorry that that's the case, but that's what it really comes down to.

Mr. ELLISON. I just want to say that in this last 5 minutes that we're here tonight with this Progressive Hour that the goal and the purpose and the soul of our efforts to reform health care should focus on the word care, health care. We should act like we care. This is not widgets; this is people.

At the beginning of this hour, Mr. Speaker and Congressman CONYERS, I shared stories about people from my district. I know you could have done the same thing. You get letters. The President gets letters. We all get letters. But care should be what drives us. I believe that you, Mr. CONYERS, have worked so hard and done so much to start with a single payer, but because of your advocacy, we have gotten to a point where a public option is a real option, and I thank you for that.

But public option is not the best name. It could be called patient option or a we're-in-this-together option, an option that says that we're going to have a public plan that could compete with the private plans, that could have some real cost drivers; not just drive down cost, but can offer best practices so that we really put an emphasis on health care and wellness, not just on processing people, fee-for-service, overutilization, which, as you know, has been a very serious, serious problem.

I think as we close up, Mr. Speaker—and I want to leave the gentleman from Michigan time to make some closing remarks, and we'll give him the final word since he's so eloquent—I just want to say that it's important for us to understand that if Americans want real health care reform, the time is now, I think, Mr. Speaker, to raise your voice. I'm not saying what people should or shouldn't do, but I'm saying that if you want health care reform, this is not the time to be silent. It's a time to raise your voice. And if you happen to live in an area where you have a Representative who is not for reform, I think that this is an especially important time to have something to say about that and exercise your constitutional right and offer your views on that.

I just want to say that we've fought hard here, and this piece of legislation that we're fighting for now is every bit of a civil rights issue as the 1964 Civil Rights Act. The 1964 Civil Rights Act was passed just a few years before you came to Congress, Mr. CONYERS, so you really were in the ambit and in the aura of this great triumph of American democracy. You were a friend of Martin Luther King. In fact, Rosa Parks worked in your office for many years and was a dear friend of yours throughout her life.

I think I feel something like what you must have felt then, that we are on the doorstep of seeing great change in the American democracy, but it's going to take the energy and the prayers and the voices of everyone to get us over the line. When the President comes out on the television here at prime time, it's not just because he doesn't have anything else to do.

It's serious. It's important, and it's very essential that everybody click in, raise their voice and make sure that if you want health care reform, if you want an end to being dropped and kicked off and denied for a preexisting condition, that if you're tired of discrimination because of gender and because of age, if you feel that a public option should be able to compete with a private insurance to drive cost down, and if you really believe that in our country that a health insurance company should be able to operate with a 4 or 5, 6 or 7 percent administrative cost as opposed to 17, 18, 19 percent, completely inefficient, then it's time to step up and do something about it. It's time to step forward.

If you want to do something about health care disparities between people of color and other people, it's time to step up and do something about it. This is not the time to sit back and figure, Well, Conyers will probably save us. Obama will save us. Somebody will do the right thing. No, this is time for everybody to step up and demonstrate their own leadership.

With the moments remaining, I just want to yield—I think that's it. The gentleman from Michigan has yielded to me. Therefore, what I'm going to do is thank the Speaker for allowing us to come to the floor tonight and talk about the Progressive Caucus, arguing for a public option, starting out our debate for single-payer health care, but being reasonable and being practical and saying that we've got to have a public option, that that is where we stop compromising.

We've done our part already. We are proud that people like Congressman KUCINICH have made it possible for States to be able to pursue single-payer. We're practical Progressives. We're not doctrine here. We're practical. What we want is good results for the people of the United States so we can join the 36 other countries in this world who have national health insurance.

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

□ 2230

HILLARYCARE AND THE NEW HEALTH CARE PLAN

The SPEAKER pro tempore (Mr. MINNICK). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I want to acknowledge the presence of the chairman of the Judiciary Committee here tonight and Mr. ELLISON both. I appreciate the young man from Minnesota coming down here and spending an hour down here. I expect that out of him since he's got all of that youthful vigor. But the chairman of the Judiciary Committee could have found something else to do, and I think this is a testimonial to his commitment and his belief in the policy.

And so as much as I was tempted to engage in that debate, I was also very interested in the exchange from the gentleman of Minnesota and the chairman of the Judiciary Committee.

There are other Members off doing other things tonight, and perhaps doing nothing. But some of us are interested in the future of America.

And I wanted to point out this chart that I am sure will be something that the gentleman from Michigan (Mr. CONYERS) will recognize, or at least when I describe it he will recognize it.

This is the flow chart from Hillary's national health care plan from 1993. And it has some differences between that and the current plan that we have. But I had this chart on the wall in my construction office when it was available in 1993, and it hung there throughout the decade. And I believe it's still somewhere in my archives unsorted. They're still some things left over from that from the time I sold my business out to my oldest son.

But this chart animated me. It animated me because I'm a private-sector person. I'm a person who had to make a living competing on low-bid and being efficient producing and building things, and I provided health insurance for my employees and retirement plans for my employees. And I was one of the early people to do that. I recall back in the 1980s, that was an exception in people that were within the scope of the business that I was in and many other businesses. And I was happy to do all I could do because I wanted to keep employees working for me. I wanted to give them the best employment we could, the best employment package we could.

And when I saw this come out, this Hillary's plan, I began to look through all of this chart, all of these new programs, acronyms that I don't know that the gentleman from Michigan could come up with what these mean today. I thought I knew them all back then. But there were many of them new government programs.

And some of this is similar to the proposals that are out there today. The stark difference, is this is black and white. The new flow chart is in Technicolor. I imagine a generation from now it's going to be 3–D. But it creates whole new different programs and new different agencies, and that was enough to put the brakes on this program back in the early 1990s.

When the American people got a look at all of this government that was prescribed, all of the hoops they were going to have to jump through, they concluded that they didn't want to make that big change and didn't want to make that big leap.

So just the idea of this chart, I think, if this chart had been pulled out of the equation, I think perhaps Hillary's health care plan would have passed. But the American people can see—and in one snapshot picture—this huge growth in government that comes about and the loss in freedom. This is about freedom. And when I look down through this list, I see HMO provider plan. Global budget plan. A global budget plan for a national health care plan? All of these agencies over on this side, DOL, PWBA, I don't even know what those mean any more, but grown, creating new government. How it's interrelated with State government, a national health board. That sounds pretty familiar. Executive office of the President sitting on the top of that.

But this chart was something that caused the American people to wonder how many lines would they stand in, how many government agencies would they have to deal with. And when you look at Americans standing in line, it's pretty—you know we do that occasionally in the cities when things are busy in the grocery store or wherever. If you are standing in line, you are giving up some of your freedom, your time that you could be doing something different with. And when you stand in line for retail, you always have the opportunity to go for another line. When you stand in line for government, there is only one line, and you shall wait until that line slowly progresses through the door.

We have a new chart here, and this is the chart that reflects the new language, and this chart is—this is a chart that when the American people absorb all of the components of this, they will also understand that there is freedom that will be lost.

I put this out here because I want to make sure that the gentleman from Michigan can see this. And I want to make this point because this is a dialogue situation that we have here on the floor. When I looked at this chart, I will say that reading the bill over and over again doesn't draw a description that you can see in your head the way you can if you have the chart to follow.

This is 31 new government agencies. This is 31 new hoops that people have to jump through. They won't have to jump through every one to get their tonsils out, but they will have to jump through some new ones to get their tonsils out or a hip replacement, or a knee or whatever it might be.

But in this whole flow chart that reflects these many pages of legislation, the one that I bring my attention to—and the one that causes me concern—is this right here, this little segment down at the bottom: Traditional health insurance plans. These are the 1,200 or 1,300 plans that the chairman of the Judiciary Committee alluded to. I call that a lot of competition; 1,200 to 1,300 health insurance plans competing against each other for the premium dollar. They're out there trying to devise new packages and new ways to market and different ways to accommodate the needs of the health insurance consumer. Thirteen hundred. In fact, my number is over 1,300 of these policies.

Well, under this proposal, this new national—the House Democrats' health plan, this new health care plan, any health insurance policy that you have today would have to go into this circle, this purple circle here called the ''qualified benefits health care plans.'' They would be the private-sector plans. So these 1,300 or so plans would have to meet the newly written government regulations in order to qualify under the qualified plans.

Those regulations will not be specified out in this bill. They won't say in the bill that you have a certain deductible or a certain copayment or no copayment. There will be some regulations that will be written in there such as, perhaps, portability—which I know that we need to address—but in any case, the qualified health benefit plans, that's the pool that this whole box of 1,300 would have to go into. They will have to meet the new standards, the new standards that will be written by the Health Choices Administration Commissioner, whom we can confidently define as a health choices administration czar. It's just ''commissioners'' have a better sound to it today, because we have 32 czars. We're kind of worn down on czars, but commissioner are okay.

This commissioner will, with whatever board that directs him and whatever direction he gets from the White House, and perhaps with input from the House and the Senate, perhaps will write new regulations. And he will tell these 1,300 and some health insurance policies, You will conform to these standards in order to be qualified. If you are not a qualified health insurance plan, you will not be allowed under this law to sell insurance in the United States of America.

So, when the President promises that if you like your health insurance plan, you get to keep it, I do not believe that the President could be able—with any kind of confidence—to make that promise, because in reality, he doesn't know yet what these qualified health benefits plans are. But we do know that they aren't going to qualify every plan as it is. They may not qualify any plans as they are. But they will be pushed into this circle here, and they will have to be written in such a way that the new plan, this other purple circle, the public health plan—that's the public option that the gentlemen had been speaking about over this last hour. The public option is designed to compete against these 1,300-and-some private health insurance plans.

Now, there are a couple of things that can happen. If the public option is having trouble competing, they can either lower the premiums and subsidize them with tax dollars, or they can raise the regulations on the private plans so that the health insurance plan today that people have—one of those 1,300-and-some plans that are there—they have to meet the new government regulations. You raise the regulations, you raise the cost, you raise the premiums.

These policies will not be the same policies if this health insurance plan

changes. That's why the President can't make that promise. He can make the promise, but he can't keep it, and the American people know he can't keep it.

So the difference between this full technicolor plan and the HillaryCare plan behind us in black and white is this: That the HillaryCare plan was a single-payer plan. It was a plan that was not quite one-size-fits-all, but it was one government plan for all.

This is a transitional plan to HillaryCare plan. This is a plan that sets up and transfers all private health insurance today into government-approved, qualified health benefit plans. The government will write the regulations. They will say what's mandated. They will tell the companies what they have to provide for insurance, what they have to cover, whether they can have deductibles, whether they can have copayments, and what kind of portability may or may not exist. And I think the portability will exist.

□ 2240

By the time they write the regulations, you won't be able to tell whether you have a private health insurance plan or whether you have the public option because they will be written under the same rules. So it will just be the difference of whether someone is out there still hanging on.

I can tell you what happened in Germany. Germany has the longest history with a public health insurance plan of any country in the world. They put it in under Otto Von Bismarck, for political reasons I might add. And today, even though they have a private option as we are being promised here, 90 percent of the health insurance in Germany is the public plan. It is the plan that they write and they put the dollars into it. The 10 percent that are out there that have private plans are mostly people that are self-employed, that are making the kind of an income that allows them to go outside the government market to buy some health insurance that they think might give them a little bit better access to the health care, 10 percent private, 90 percent public, 90 percent government.

Now I don't know what is in this dialogue or in this bill that is going to change our way of thinking, that will change what happens here in the United States. But we know that as much as people say about how popular the Canadian health care plan may be, they keep coming to the United States for health care from Canada. And in Canada, there is a law that prohibits the Canadians from jumping ahead in the line. They have lines now that, let's see, the numbers, I will recall them, a 360-day waiting period for a knee joint, for a new knee joint and 196 days waiting for a new hip joint.

In America, well, we can get you in tomorrow or next week. What's your pleasure? We will make sure we adjust the schedule of the health care providers so that we do get people in for that kind of surgery, whether it is heart surgery, knee surgery, hip surgery, whatever it might be. We don't have waiting lines in the United States, unless they are waiting at the emergency room with people that are walking in there.

I will point out, also, Mr. Speaker, that the dialogue that we have heard, not just here in the previous hour ahead of me, but constantly throughout this entire health care debate, has been the blending, the merging and the confusing of the terms ''health care'' and ''health insurance.''

For example, when the gentleman said just previously, ''Millions and millions of people who don't have health care,'' that was the chairman. Well, we don't have anybody in America that doesn't have health care. Everyone in America has access to health care. But we don't have everybody in America that is insured. When we blur the terms and we say that there are millions of people that don't have health care, we need to drag that thing back to the reality of the truth and make it the point that, no, everybody has health care. At least if they will access it, they have health care. But they don't all have health insurance.

When you take the full numbers of people in the United States and you start subtracting from that the numbers of people who are just simply not exercising an option of picking up health insurance, we will hear the number that there are 44 million to 47 million people in America that are uninsured.

But when you start subtracting from that, first, I'm not interested in insuring the illegals in America. I think those people that came into the United States illegally should go home. I think we have got an obligation to put them back in the condition they were in prior to them breaking the law. We should not reward them for violating our immigration laws. So the illegals should be subtracted. Also, newly arriving immigrants are supposed to take care of themselves. They can't hardly press themselves on the public dole and plead with us that the minute they arrive here we should provide them health insurance. We provide them health care. Nobody gets turned away. But they cannot demand health insurance. Then when you subtract from that the people that are making over $75,000 a year, they could surely find a way to take care of some health insurance with some income like that.

And you shake this number down, what are we really after here? We are after a number that identifies those people who apparently can't take care of themselves, who can't take care of their own health insurance, the chronically uninsured. The chronically uninsured in America are a number between 10.1 million and 12 million, depending on whether you believe the two-professor study at Penn State University or a number that came out from one of our nonpartisan organizations here, and I hesitate to quote them.

But 10.1 to 12 million, some place in that zone, is the total number of those who are chronically uninsured in America. Divide that out, say 11 million, and divide it by 306 million, you're in the zone of about 4 percent. We have the best health care system in the world. We do spend a high percentage of our gross domestic product on health care, and we have got the best health care system in the world. I won't argue that we shouldn't take some dollars out of this, because there are a lot of dollars in our health care system. But we are looking at upsetting the best health care system in the world to try to address the 4 percent of our population that are chronically uninsured.

Why would we do that? What is our goal? Don't we know some things from all of the experience that we have had in dealing with people who have had public policies offered to them? If you look across the States, what percentage of those kids that are eligible are signed up for SCHIP? And we look at how government abuses SCHIP when in Wisconsin 87 percent of those signed up for State Children's Health Insurance Program are adults, and in Minnesota, the gentleman from Minnesota, Mr. ELLISON's, State, 66 percent were adults? They were abusing the system. They were not using the system.

If you look at the numbers of people who are eligible for Medicaid versus those who are actually signed up for Medicaid, just slightly over half of those that are eligible for Medicaid are actually signed up. So why would we think that we can fix this problem of the 4 percent of the population that is chronically uninsured even if we do bring a public plan and a public option? Why would we think that they would sign up? I don't think they are going to sign up in any greater numbers than they do for SCHIP or any greater numbers than they do for Medicaid.

One of the reasons is because a certain percentage of the population is just simply not responsible enough to step up to that responsibility. And there is supposed to be a reward in this country for people who do take the initiative and take care of themselves. But I'm concerned about this loss of freedom. I'm concerned about this transition of the traditional health insurance plans crowded into the qualified health benefits plans with new regulations written that may compel them to pay certain benefits that would be morally objectionable to many of us.

And then it is written so that they would compete with the public benefits plan. And seeing also that this is a transition to get us to the HillaryCare plan which was a complete substitution of the private health insurance in America and replaced with a government-run plan, another major moral objection that I have.

I will say this is actually the moral objection, and I will tell this in an anecdotal form. Sometime in the early

80s, at least sometime in the 80s, my Congressman was Fred Grandy. Many people will remember Fred Grandy as Gopher on ''Love Boat.'' He was a very smart guy, a Harvard graduate, a policy wonk. He still has left an impression upon colleagues I serve with here on how smart and how policy-able he is and was active in those years.

It was unusual for a Member of Congress to come to my little town. Fred Grandy did do a stop in my little town of Odebolt, and we met in the basement of the Lutheran church. There was a pretty good crowd for a small town. There were about 80 people there. I went and sat down in the front row. Most of the reason is because I can't hear very well in the back row. Of those 80 people there, Congressman Fred Grandy proposed his model for a national health care plan. As he described it, I listened to it carefully.

Then he stopped, and he said, how many of you in the room are employers? I raised my hand. I remember looking around the room, and there were 12 of us with our hands up, a dozen out of 80 or so that were employers. And then he asked the question, how many of you provide health insurance for your employees? I left my hand up. But it was the only hand up out of the 80 in the room. And then Congressman Grandy came directly in front of me, and he leaned down and he said, and of the way I have described this national health plan, how much will this change the way you do business? And I gave him the answer that was in the front of my head, and I think I would do that pretty much today, as well. I said, well, Congressman, it probably won't change the way I do business very much unless you're going to compel me to pay for abortion, in which case I quite likely will no longer be an employer. That was my answer. It was a blunt answer, and it was exactly what I was thinking. And the place erupted in applause. I had no idea that there was a nerve out there to be touched in that fashion. I had no idea that I would ever enter into public life in any fashion. I had no idea that I'd be serving on the Judiciary Committee at a time like this, no idea I would be standing here on the floor of Congress relating a story that was more than 20 years old where I found out it wasn't just me that considers requiring Americans to pay tax, to take their tax dollars to fund the ending of innocent human life and calling that the expansion of freedom is abhorrent to many Americans.

□ 2250

And that, at the core of this, I don't know how this administration avoids the position that they have taken, but I don't know how American people step up and get out their checkbook and write a check to the IRS if that check is going to go into—or write a check for health insurance premiums for that matter—if that check is going to go into Planned Parenthood, the abortion clinic, into the snuffing out of innocent human life.

When it gets to the point where it is a moral principle, the American people, I don't believe, will tolerate the imposition of a policy like that. And this policy, some will say, well, we don't have any proof that it's going to be, we're going to be compelled to pay for abortion in this health insurance plan. The history of the entire funding of abortions since Roe v. Wade has been, if there is not a specific exemption in the bill, if there's not a specific exemption passed by Congress, then government will fund abortions. That's how it has been since 1973.

And so this bill, when it was offered in committee to prohibit any of this money from going to abortions, that amendment was shot down on almost exactly a party-line vote. So this Congress has already spoken. If anybody thinks that this massive, technicolor flowchart, new health care plan, crowd your private plan into competing against the public plan and eventually the public plan swallowing all of the private plans, if anybody thinks this isn't designed today by the people in power in this Congress to fund abortion, they would be wrong.

And we had the opportunity of the White House Budget Director, when asked the question, he would not rule it out that they would be funding abortions under this program. So, we all have to take them at their word, their spoken or unspoken word. But if the legislation doesn't explicitly exclude abortion, we know that they are going to be seeking to fund abortion.

Sixty-nine percent of Americans oppose taxpayer funding for abortion according to a Zogby poll just last year, 69 percent oppose. And in May of 2009, a Gallup poll finds that 51 percent of Americans identify themselves as pro-life. But if you start dropping off some of the exceptions, you go right on up the line as high as 75 or more percent. And no one can win the argument, if you ask them what instant their life began if they believe in the sanctity of human life, unless they take the position that they are pro-life.

And so I think that this legislation that goes after a big chunk of our economy, at least 17 percent of our economy, it goes directly after a strong moral objection that many of us hold against abortion itself, let alone compelling people to fund abortions here in the United States or in a foreign land.

And now, Mr. Speaker, I take you back to the President's basic principles that he's argued about as to why he says we need to establish this national health care plan. His principle is this: The economy is a mess. It's not quite any longer in free fall, but we are in an economic situation that's quite difficult. And he says, President Obama, health care is broken. And he also contends that we can't fix our economy unless we first fix health care. Well, health care/health insurance, let's put that all together, because now I think he's talking about the package.

And so here's the situation. The economy is in a shambles. It's limping along. It doesn't show any signs of recovery. It may still be declining. And so with a bad economy, and the President says we have to overhaul the health care system in America in order to recover economically, here's the principle.

How do you bring something out economically if you're going to propose a $1.2 trillion to $2 trillion plan that's going to require increasing taxes by $800 billion or $900 billion and leave, by all accounts, at least a negative $239.1 billion deficit created by all of this?

How do you, if we can't afford a health care plan that we have, how do you create one that costs $1 trillion to $2 trillion more, increases the deficit and increases the taxes, how do you create all that and say that's a fix? It looks to me like no, it's more like an addiction on increasing taxes and increasing government.

Here's a conclusion that I've come to, Mr. Speaker. No matter what kind of logic this side of the aisle will apply, no matter what the metrics are from an economic approach, no matter what we can point to that shows that this is the best health care system in the world—and by the way, before I get to the conclusion on the no matter whats, I want to list the things that I do agree on.

We spend too much money on health care in this country, too high a percentage of our GDP. We have to do something about portability in America, because when people move from job to job, they should not have to stay in a job because their health insurance doesn't go with them if they leave. We agree on those things.

Something else that's missing from this flowchart, though, is liability reform. Medical malpractice insurance is too high, and it is a significant part of this, but, you know, if you can produce all government workers producing all the health care, then you can end up with sovereign immunity and we can maybe get rid of this litigation in the end, if that's where it's going. I suspect it's not.

So those are the two things that we agree on. Costs too much money, we need to make it portable. Aside from that, there are many other solutions that I would apply.

One of them would be if health insurance premiums are deductible for anyone, if they're deductible for the corporation or the employer, they should be deductible for everyone. The same kind of commodity should be deductible for an individual, for the ma and pa shop, for the farms. They should be deductible for everybody in America in the same fashion that they're deductible for a company. That would move a lot of people out of their existing programs and let them market or shop and own their own policy. So I'm for full deductibility.

I'm for expanding health savings accounts. I'm for limiting the liability

under medical malpractice, adopting the language that we passed out of the Judiciary Committee and off the floor of this House about 3 or 4 years ago that caps the noneconomic damages at $250,000. I'm for doing those things.

I don't know anybody that's for doing nothing. We want to do all we can to fix this program, but we want to keep the competition in place and we want people to keep their freedom. But it does not follow logically, Mr. Speaker, for the President to claim that we are in an economic difficulty of proportions not seen since the Great Depression and that we can't fix the economy without first fixing health care/health insurance, and that the fix for health care and health insurance is a $1 trillion to $2 trillion government spending program with an $800 billion and $900 billion tax increase, with a $239.1 billion deficit.

How does going further in debt, spending more money, solve a problem for a health insurance program that already spends too much money? If you put more money into the system, where are they taking it out? I don't see where they're taking it out except squeezing down Medicare. That's one of the components that are there, and I've seen numbers as high as $500 billion that might be, not in here on this flowchart, but in the finer print of the bill.

If they squeeze down Medicare, Medicare that, in my district and on average is paying only 80 percent of the cost of delivering the service, and in Iowa, out of the 50 States, we have the lowest Medicare reimbursement State in the entire country. We have the lowest reimbursement rate. We are in the top five in quality year after year. There are a number of different categories. Sometimes we're number one in some of the categories. But out of all 50 States, when you look at the aggregate of the quality of the health care, Iowa ranks in the top five consistently year after year after year, and we are last in reimbursement rate in the country year after year after year.

And so this idea of squeezing $500 billion out of the Medicare reimbursement rates because they think somebody's making too much money, what happens is it pushes those costs over onto the private payers, called cost shifting. You shift the cost. At some point, this bubble has to burst. I think that this bill squeezes it to the point where the bubble bursts.

And so I would make this point, too, that we should get our verbiage right. We should call health care health care. That's the providers. That's the service. That's when we are taking care of patients. We should call health insurance health insurance. That's when a premium gets paid to an insurance company and the insurance company pays the liability that comes when there's a claim, when there's health care provided.

□ 2300

That's the difference. I've watched this verbiage get confused over the immigration debate over the last few years, too. I made the point then—and in fact it was to the White House at the time—that they couldn't get past the idea that they were proposing amnesty. They tried to redefine amnesty, and the American people didn't buy it. We can't redefine this language around health care. The American people are not going to buy it. They know the difference between health insurance and health care. And they like to know where it is because they know their very lives are at stake, and they don't want to stand in line.

I have a chart here that describes the quality of American health care. This is the survival rate of cancer patients compared to different regions. Here's prostate cancer, here's breast cancer. There's two good indicators that are there. If you look at the United States, our survival rates are at the top in both prostate and breast cancer. And then when you see the—shall I call it burgundy here—that's Canadian. Canadian survival rates are higher, substantially higher, especially for prostate, than they are for Europe or for England. Europe and England are down, Canada's up, the U.S. is better than Canadian. It's also the case when you look at breast cancer, only it's not so stark, the difference between Europe and England and the United States.

I look at this and I think, how did Canada be so close to the United States with survival rates of cancer? We have the best survival rates here, by the way. How can Canada be so close? Could some of it be that because Canada is so close, Mr. Speaker? Could it be that Canadians come from Canada down into Detroit to get their cancer treatment? Could it be that they're coming down to the Mayo Clinic in Minnesota to get their cancer treatment, and could that be one of the reasons why their survival rates are better in Canada as compared to the other countries that have a socialized medicine program?

But make no mistake, Mr. Speaker, this is socialized medicine. It's the government writing the rules. It's taking away your freedom. You can't own your health insurance policy the way you own it today. The government will interfere and intervene and will write new rules. And when the President says that you get to keep your plan if you like it, I guess maybe if you're working for a company, you may get to keep your plan if you don't like it. But when Wal-Mart makes a decision, as they did a couple of weeks ago, that they would endorse an employer mandate health insurance plan, that should tell us something.

Why would Wal-Mart do that? They insure about 52 percent of their people. Their competition insures about 46 percent of theirs. So there's a little push there competitively. But surely they have to think that the health insurance for their employees is going to be cheaper if it's under a public plan.

So when the President says if you like your health insurance plan, you get to keep it, what does he say if Wal-Mart, for example, should decide that they're going to drop all of their private insurance carriers and policies and go over onto the public plan? Doesn't Wal-Mart or any employer have the option to shift if we offer? If we offer people a public plan over here in this chart, is it the President's position, that a company can't switch? Is he saying to a company that's providing health insurance to their employees, if your employees like these plans, you have to keep it? Is he saying that to the descendants of Sam Walton?

I don't think so. I think companies will make that decision. It will be an economic decision. It may well be a moral decision for a lot of our responsible employers as well. But the President cannot guarantee that you get to keep your health insurance plan. That decision will be made by the employer if he provides it. And if you're an individual that owns your own plan, that plan will still have to qualify to be sold in the United States of America. It will not be legal to sell health insurance in America unless you comply under this circle with the qualified health benefits plans, the rules of which will be written by the health insurance czar.

Thirty-one different agencies there. There's a lot of freedom that's lost, a lot of lines will be created, a lot of freedom will be lost, some lives will be lost, and we know that people die in line.

Mr. Speaker, I have a couple of subjects that I wanted to address when I came here tonight, and I wanted to just take this little moment while the Chair of the Judiciary Committee was here and ask, as we've had many of these discussions and dialogues, if he would be open to a little colloquy. I would make the point to the gentleman from Michigan that today the Government Reform Committee released a report on ACORN. I have read the executive report on ACORN. From my perspective if the 82 pages of report that's released support the statements made in that executive summary, it is earthshaking for me to read all the implications of that.

I know that you've had some real interest in looking into ACORN to examine the propriety of the operations that they have, with the very breadth of all the corporations that are affiliated, and I would just inquire if the gentleman has had an opportunity to read the executive summary of the Government Reform report at this point.

Mr. CONYERS. If the gentleman will yield, I haven't read it yet. But I will be reviewing it tomorrow and I will be prepared to discuss this with him next week.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman for that commitment. I look forward to having

that dialogue. This is something that you know I've been very concerned about for many months. I know that the chairman of the Judiciary Committee has taken a real interest in this. This is real evidence, as I understand it, real definitive evidence that's now in the CONGRESSIONAL RECORD in a composite form.

Hopefully the chairman and his committee staff could take a real thorough look at this and either produce a response to the evidence that's there, or I would be very interested in opening up hearings so we could examine ACORN.

Would the chairman have any inclination on what he might do at this point?

Mr. CONYERS. Not until I've examined the document the gentleman has referred to.

Mr. KING of Iowa. Reclaiming my time, I thank the chairman for his indulgence in this. Again I appreciate it. It's late at night here, and JOHN CONYERS is here engaging in this health care debate and paying attention to the things that matter. I did intend to bring up the ACORN issue at this point, so it wasn't an injection into the dialogue.

If the gentleman had further points, I would be happy to yield.

Mr. CONYERS. Well, I haven't seen the report that you've reviewed. But I will be happy to look at it next week. We're in dialogue. We see each other every day that we're in session. I will be delighted to discuss it with you.

Mr. KING of Iowa. Reclaiming my time, I thank the chairman again for his indulgent attention to the matter. I will at this point, then, move on to that subject matter. And unless the gentleman from Texas came to speak on health care and health insurance, I would be happy to yield.

Mr. GOHMERT. I appreciate my friend from Iowa yielding and that is something I did want to mention, as I am still so deeply disturbed by the fact that this Congress would be censored, where we did not have the freedom to debate, when that ability is what gave us this country, is what started this country. If you go to the Speaker's Web site, you will find all kinds of references that are clearly political and clearly demeaning to Republicans. Yet I don't know of any Republican that has said that she needs to personally pay for her Web site since it's political.

Yet here we find out today that we're not allowed to use the term ''government-run health care'' because that is considered political and demeaning to the Democrats' plan and, therefore, if we're going to put that in any correspondence, then we have to personally pay for it. We can't do like the Democrats have done, when they send out all this mail trashing Republicans, some of it valid, a few years ago, that we were overspending.

And so I thought perhaps the silver lining would be when they got the majority they'd do what they said and cut spending, but it's gone the other direction. Nonetheless, in the chart, as I'm sure my friend from Iowa has pointed out, that has these 31 different new created entities, we're not allowed to put that, we're told, on our Web site. Otherwise, we'll have to pay for the Web site. We're not allowed to send that out in any literature because the fact of the business is, that might educate people on just what it is that's going on here. But we were told we have to use the term ''public option'' rather than ''government-run health care.''

□ 2310

JOHN CARTER was told today that if he was going to use the term ''government-run health care,'' he would have to pay for his mail-out. He couldn't use franking to do so. That he would have to use the term ''public option.''

It is so outrageous that in this body we're being censored by people who have made a living out of being political. It is just outrageous. And I've got too many friends on the other side of the aisle that I can't believe would condone that kind of conduct. Because they should have the freedom to criticize any Republican plan. We should have the freedom to criticize any Republican plan. And we both should have the freedom to criticize the Democratic plan. That's supposed to be constitutional. Yet, we're told we can't use political, demeaning terms to their health care plan.

I'm telling you, it is socialized medicine on its way. It is nationalized health care. It is the government's effort to take over your body.

I've got three daughters, my friend knows. While somebody is under my roof and I'm paying their health care bills, then I feel like I've got the right to tell them you need to eat better, you need to do this, you shouldn't do that, because I'm paying for their health care bill. And if they're going to run it up doing something, then I have a right to have some injection and control over that. That's what this is about.

I've said it months ago, that what we're running into in this body is the GRE, the Government Running Everything. And that's what is taking over health care.

Once the government has this government-run program, let's face it, you cannot in the private sector compete with a government, especially a Federal Government program. Because it can run in the red and it can count on being funded by the government. You can't compete with that if you're in private business because you can't run in the red. You've got to run in the black or you go bankrupt. Well, it used to be you went bankrupt, unless the government wants to run in and bail you out because you're good buddies with people in the government.

Nonetheless, I talked today, this morning, with a lady from Tyler. And I love her delightful British accent, because she's originally from England. And she had called wanting to speak with me, really needing to speak with me about health care.

She told me that her mother died of cancer and she herself was later found to have breast cancer, and that if she had been under the system her mother was, she would have died. But she's alive because she's in the United States and is a citizen here. Her mother is dead because her mother was in England and she didn't get the kind of care she would have here in the America that Sue got. I don't want people dying like that unnecessarily. And the government has to put you on lists.

I will yield to my friend from Iowa. Have you quoted the President on that town hall? I see my friend shaking his head.

This was Pam Stern was on the town hall meeting with the President and talked about her mother, that she's now 105, but over 5 years ago her doctor said that he couldn't do any more to help her unless she had a pacemaker. But she's nearly 100 years old.

And the daughter felt like—her doctor—that she ought to get a pacemaker. Everybody was in favor of it, except her arrhythmia specialist, who had never met her. So her s doctor said, He needs to meet you, because that's going to be worth a thousand words.

So he makes an appointment with the arrhythmia a specialist. He meets with Pam Stern's mother and he realizes—and, according to Pam—that because he saw her and her joy of life, then he said he was indeed going to go forward with the pacemaker because this woman had a real zeal for life and was enjoying life and doing well.

And so Ms. Stern went on and said to the President—was asking about his plan and was wondering what treatment someone elderly could have, and asked this, basically: Outside the medical criteria for prolonging life for someone who is elderly, is there any consideration that can be given for a certain spirit, a certain joy of living, quality of life, or is it just a medical cutoff at a certain age?

And I went online early this morning and watched this YouTube and typed it up myself and went back and forth to make sure I got everything right. I left out two or three uhs.

Anyway, he says, ''We're suggesting—and we're not going to solve every difficult problem in terms of end of life care. A lot that is going to have to be—we as a culture and as a society starting to make better decisions within our own families and—and—for ourselves.''

I've have got to pause here. The woman is 105. She got a pacemaker 5 years ago, and her quality of life is excellent. How does she need to make better decisions within her family? Her family is supposed to tell her you can't have a pacemaker because it's time for you to just roll over and die?

But the President goes on. He says, ''But what we can do is make sure that

at least some of the waste that exists in the system that's not making anybody's mom better, that is loading up on additional tests or additional drugs that the evidence shows is not necessarily going to improve care, that at least we can let doctors know and your mom know that, You know what, maybe this isn't going to help. Maybe you're better off not having the surgery but taking a—a painkiller.''

The woman got a pacemaker and has had a wonderful quality of life, a zeal and a joy for life and, according to this President, maybe what we just should have told her is, You don't need a pacemaker. You need a painkiller.

It is just unconscionable. We value life more than that in this country. And what grieves me most—and I heard on the news; I don't know if it's true—that AARP is now endorsing this. If they are, then at some point, bless their hearts, they're going to owe their members an apology. Because if we go to this proposed plan that supposedly on the news they said today they were endorsing the President's plan, then the people who will be hurt dramatically will be the seniors. They will go on lists like Sue's mother did in England and they will die because that's what will happen.

That's how you keep a socialized medicine plan from going broke. You put people on long lists, they stay there, and then they die.

Mr. KING of Iowa. Briefly reclaiming my time, I hope to come back to the gentleman from Texas. I would add to this that in this bill there's also language in there that sets up government counselors to go and see the family and talk to the children of people who are aging and presumably to counsel them on hospice care and end of life decisions in order to avoid the cost of taking care of people when they get older.

This is going to be an economic equation that's going to be counseled by people who will go to college to learn how to do that and they'll get a check from the Federal Government to go and visit the children of our senior citizens, and perhaps our senior citizens, and counsel them in why a pacemaker is not a good option; why pain pills are a good option instead.

This changes our values. When I think about the President answering that question with recommending a prescription for pain pills, even after the fact, what kind of arrogance does it take for an individual who, let me just say, has no medical training, has not examined the patient. Just simply tosses out a prescription because he is President of the United States. That is a very high degree of self-confidence and that is very much an understatement on my part.

I'd illustrate also what happens with the health insurance. When you see the private health insurance plans get crowded into the public health benefits plan and they have to compete against the public, they will have set up under this bill a very similar scenario to what we had when the Federal Government decided to get into the flood insurance business.

□ 2320

Now, you can look across the country and try to buy a private flood insurance plan, and all you can find out on the market is a Federal flood insurance plan because the Federal plan crowded out the private plans and crowded it out because they didn't charge premiums that reflected the risk. And the result is, the Federal flood insurance plan is $18 billion in the red. They've starved out all the competition. The government has a monopoly on flood insurance. They set the premiums, and the taxpayers in America are subsidizing the flood insurance for other Americans to the tune of $18 billion. That's the deficit.

When government gets in this business, we lose those automatic checks and balances that come with competition, and we lose the human nature of dealing with people individually. I don't want to be in these end-of-life decisions. I don't want to write the rules for that, and I wouldn't think that a President would want to make such a prescription of take the pain pills. It's what you have. Old age is terminal, so take a pain pill until it's over. That's what I hear was prescribed to this lady.

I yield to my friend from Texas.

Mr. GOHMERT. My friend from Iowa's words are exactly right. Like my friend from Iowa said, this is after the fact, after we know it's helped, he still says that at least we can let the doctors know and your mom know that, you know what, maybe this isn't going to help. Maybe you're better off not having the surgery but taking a painkiller.

But let me also point out, the President is a very smart individual, well educated, extremely articulate, obviously very good and persuasive, but he won't be the one making the decisions. It will be some bureaucrat who is not as smart as the President. That's where this is going.

I have shared on this floor before about a gentleman from Canada I've talked to whose father died in the last year or so, whose father was on a list to get a bypass surgery for 2 years, and some bureaucrat kept moving people in front of his father. I said I thought it was a crime to move up the list in Canada. He said it is illegal to pay somebody to move you up, but it's not a crime. In fact, it's required that the government has bureaucrats in little cubicles somewhere that are not nearly as smart as President Obama who read these things, look at this stuff and say, you know what, let's move this guy in front of his father and this guy. They kept moving people in front of him for 2 years, and he died because the bureaucrat was wrong. His father really did need the surgery.

So it's scary enough that the President would say about a woman who had successful pacemaker surgery 5 years ago that, you know what, maybe we just should have said to her, You're better off without the surgery. Take a painkiller. Well, imagine somebody who is not even as smart as he is making those decisions for you. So this is really dangerous stuff before us.

And if I might add one more thing, you know, some people say that this debate over health care is all about politics. I just want to say, if this debate over health care were really just about politics, the smartest thing that my friend from Iowa and I could do is sit back, say nothing and let this bill pass, not point out all the dangerous stuff in this thing, the life-ending stuff in this, the freedom-ending stuff in it, just sit back and not say anything, because what would happen is the bill would pass if we didn't stand up against it and didn't let the people in America know how bad it is so they didn't inform their Congressman. Just sit back and let America find out how many freedoms are taken away, how many loved ones they lose because they're in this system. The American public, I believe, would be so irate, they would turn out the Democratic majority for at least two or three more generations, they would be so irate. That's the political side of it.

But the factual side is, this is so bad, and we care so deeply because we know where this goes. I saw socialized medicine in the Soviet Union as an exchange student there in '73. I don't want this. I know how it goes. I would rather stay in the minority and be free of this kind of government intervention that ends lives and takes money for abortions and takes money to have people take a painkiller and die instead of having the pacemaker they need. I would rather do that and stay in the minority than have people endure this kind of plan. That's politics. And if we were smart politically, we wouldn't point out all the problems. We would just go home and let America find out and then put us in the majority party.

Mr. KING of Iowa. Reclaiming my time, I completely agree with the judge in that statement. This is a horrible policy for America. I would put it out this way: This is the HillaryCare plan. This is 1993 HillaryCare, the flowchart that I think sunk HillaryCare. The chart that scared the American people and mobilized them to ring the phones off the hook then, to run ads and raise their resistance because they did not want to have a government-run plan that took away their freedom. That's HillaryCare. This is ObamaCare. If you hated HillaryCare, you can't like ObamaCare.

This flowchart, the black-and-white HillaryCare flow chart, was devastating to a national health care agenda. Can I say, a government-run health care program? Can I say that about the old one, I wonder? I wonder if this one was mailed off by frank mail. I wonder if the people in charge then in 1993 had ruled that there wasn't freedom of speech on the part of Members

of Congress. I will bet that this chart went into all kinds of envelopes and got spread all the way across America, and people opened it up and put it on their kitchen counter and stuck it up with magnets on the refrigerator and thought, What are they doing there in Washington, D.C.? We didn't send them there to grow a Big Government program. They rejected it. That was the end of the momentum of the Clinton Presidency then when HillaryCare went down.

Now we have ObamaCare, and the censoring of this—first of all, I want to make this point that I don't really need to show this chart and send it to my constituents. They already know what we're going into. They know that my vote on this and my effort on this thing are pretty well settled. I have said for years that I'm going to oppose any national health care plan.

No amount of logic is going to change the minds of the people over on this side of the aisle. They have come to a political conclusion, a conclusion that they're going to band together and they're going to pass something that President Obama will sign. He'll sign most anything as long as it says that it's got the public health plan in it. If it has the public health plan in it, it will starve out the private and we will have what almost all of them have said from the beginning.

They want a single-payer plan, a government plan. They don't believe in private health insurance. They don't believe in the best health care system of the world. They do believe in censoring, but the American people cannot be censored. We have Internet. We have Twitter. This kind of a chart can be forwarded all over this country, and by tomorrow morning it could be on every computer if the American people just decided they wanted to make sure that you could see it. You can't understand this health care program if you read the print, but if you look at this chart on your screen, you will pick up the phone, and the American people will be scared enough, I think, to jam the phone lines again in field offices.

I yield to the gentleman from Texas.

Mr. GOHMERT. I realize the gentleman's time is going to expire at 11:30, but I just wanted to finish. This is about freedom of life, pursuit of happiness. This is about freedom and life, and Mark Levin's book Liberty and Tyranny, he has got so many tremendous quotes, but I just wanted to make this final comment.

President Reagan—this quote's in the book—said ''Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free.'' That's why we're here fighting.

I yield back the balance of my time.

Mr. KING of Iowa. When men were free. Reclaiming my time, and concluding. I want to conclude. However appropriate it was, the statement made by the gentleman from Texas, that when the President says if you like your health insurance plan, you can keep it, here is what the bill actually says.

Section 102, ''By the end of the 5-year period, a group health plan must meet the minimum benefits required under section 121.'' That set qualified plan I talked about, no plan is going to be the same in 5 years as it is today. If you like your health insurance plan that you have, as John Shadegg said, get ready to lose it or rise up and defend your freedom.

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

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SALAZAR, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 30.

Mr. JONES, for 5 minutes, July 30.

Mr. DANIEL E. LUNGREN of California for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Friday, July 24, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2778. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Reporting (DFARS Case 2007-D006) (RIN: 0750-AF77) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2779. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water [Docket No.: FDA-2008-N-0446] received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2780. A letter from the Director, Office of Personnel Management, transmitting a report on agencies' use of the Physicians' Comparability Allowance Program for fiscal year 2008, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Oversight and Government Reform.

2781. A letter from the Acting Chief Acquisition Officer, Office of the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-35; Introduction [Docket FAR 2009-0001, Sequence 6] received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2782. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2783. A letter from the General Counsel, 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.

2784. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for Fiscal Year 2008 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2785. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2786. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2787. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2792. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2793. A letter from the General Counsel & Senior Policy Advisor, Executive Office of the President, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2794. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2008 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2795. A letter from the General Counsel, FHFA, Federal Housing Finance Board, transmitting the Board's final rule — Privacy Act Implementation (RIN: 2590-AA07) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2796. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2008; to the Committee on Oversight and Government Reform.

2797. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2798. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Disclosure and Amendment of Records Pertaining to Individuals Under the Privacy Act — received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2799. A letter from the Chairman, Postal Regulatory Commission, transmitting the Commission's annual report for fiscal year 2008 on the Federal Employee Antidiscrimination and Retaliation Act of 2002, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

2800. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2008, pursuant to 20 U.S.C. 57; to the Committee on Oversight and Government Reform.

2801. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Recovery Act Measurement Science and Engineering Research Grants Program [Docket Number: 090306283-9284-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2802. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Recovery Act Measurement Science and Engineering Research Fellowship Program [Docket Number: 090306281-9287-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2803. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Professional Research Experience Program (PREP); Availability of Funds [Docket Number: 090401620-9621-01] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2804. A letter from the Director, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Foreign Medical Program of the Department of Veterans Affairs — Hospital Care and Medical Services in Foreign Countries (RIN: 2900-AN07) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. House Resolution 602. Resolution requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; with an amendment (Rept. 111–221). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 683. Resolution providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–222). Referred to the House Calendar.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3219. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes (Rept. 111–223). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3155. A bill to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; with an amendment (Rept. 111–224). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2770. A bill to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; with an amendment (Rept. 111–225). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1293. A bill to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services (Rept. 111–226). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, and Mr. HARE):

H.R. 3303. A bill to amend the Port-to-Portal Act of 1947 to suspend the statute of limitations for certain rights of action under the Fair Labor Standards Act during investigations by the Secretary of Labor; to the Committee on Education and Labor, 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. YARMUTH (for himself, Mr. ROGERS of Kentucky, Mr. DAVIS of Kentucky, Mr. GUTHRIE, Mr. WHITFIELD, and Mr. CHANDLER):

H.R. 3304. A bill to designate the current and future Department of Veterans Affairs Medical Center in Louisville, Kentucky, as the ''Robley Rex Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. SULLIVAN (for himself, Mr. LUCAS, Mr. BOREN, Mr. COLE, and Ms. FALLIN):

H.R. 3305. A bill to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. TANNER (for himself and Mr. SAM JOHNSON of Texas):

H.R. 3306. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. JONES, Mr. MCINTYRE, Mr. BROWN of South Carolina, Mr. CRENSHAW, Mr. STEARNS, Mr. WESTMORELAND, and Mr. MILLER of Florida):

H.R. 3307. A bill to direct the Secretary of Commerce to conduct a study of the population of the South Atlantic red snapper fishery, and to limit the authority of the Secretary to promulgate any interim rule that prohibits fishing in the South Atlantic red snapper fishery; to the Committee on Natural Resources.

By Mr. SHULER (for himself, Mr. ALTMIRE, Mr. ARCURI, Mr. BARROW, Ms. BEAN, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. DAVIS of Alabama, Mr. GORDON of Tennessee, Mr. HILL, Mr. KAGEN, Mr. KANJORSKI, Mr. MARSHALL, Mr. MCINTYRE, Mr. MELANCON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SPACE, Mr. STUPAK, Mr. TAYLOR, Mr. VISCLOSKY, Mr. CHILDERS, Mr. BOYD, Mr. NYE, Mr. KISSELL, Mr. KRATOVIL, Mr. GRIFFITH, Mr. BRIGHT, Mr. MINNICK, Mr. DONNELLY of Indiana, Mr. ROSS, Mr. ELLSWORTH, Mr. RODRIGUEZ, Mr. CARNEY, Mr. BARRETT of South Carolina, Mr. BOOZMAN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMPBELL, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. DUNCAN, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. LINDER, Mr. MCCAUL, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. POE of Texas, Mr. ROHRABACHER, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ROE of Tennessee, Mr. MCCLINTOCK, Mr. CULBERSON, Mr. OLSON, Mr. WHITFIELD, Mr. TIAHRT, Mr. LAMBORN, Mr. HUNTER, Mr. BILBRAY, Mr. MCHENRY, Mr. ROYCE, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Mr. GOODLATTE, Mr. GRAVES, Mr. MANZULLO, Mr. LUETKEMEYER, Mrs. CAPITO, Mr. MORAN of Kansas, and Mr. DEAL of Georgia):

H.R. 3308. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLSON:

H.R. 3309. A bill to amend the Fair Labor Standards Act of 1938 to postpone the increase in the minimum wage for 1 year; to the Committee on Education and Labor.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. SMITH of Texas, Mr. FRANKS of Arizona, Mr. ISSA, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. PRICE of Georgia, Mrs. BIGGERT, Mrs. CAPITO, Mr. JONES, Mr. POSEY, Mr. LANCE, Mr. MARCHANT, Mr. ROYCE, Mr. LEE of New York, Mr. LUCAS, Mr. ROSKAM, Mrs. BACHMANN, Ms. JENKINS, Mr. BARRETT of South Carolina, Mr. SCALISE, Mr. GOODLATTE, Mr. GERLACH, and Mr. RYAN of Wisconsin):

H.R. 3310. A bill to reform the financial regulatory system of the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, Transportation and Infrastructure, the Judiciary, Agriculture, Oversight and Government Reform, the Budget, Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 3311. A bill to direct the Secretary of the Treasury to establish a pilot program to study alternatives to the current system of taxing motor vehicle fuels, including systems based on the number of miles traveled by each vehicle; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Ms. DELAURO, Ms. HERSETH SANDLIN, Mr. PERRIELLO, Mr. SMITH of Washington, Mr. FARR, Mr. CROWLEY, Mr. MCGOVERN, Mr. OBEY, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. DOYLE, and Mr. LANGEVIN):

H.R. 3312. A bill to provide for programs that reduce the number of unplanned pregnancies, reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER (for himself, Mr. LEVIN, Mr. DINGELL, Mr. PETERS, Ms. KILPATRICK of Michigan, Mr. KILDEE, and Mr. CONYERS):

H.R. 3313. A bill to modify and waive certain requirements under title 23, United States Code, to assist States with a high unemployment rate in carrying out Federal-aid highway construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHAUER (for himself, Mr. LEVIN, Mr. DINGELL, Mr. PETERS, Ms. KILPATRICK of Michigan, Mr. KILDEE, and Mr. CONYERS):

H.R. 3314. A bill to amend title 23, United States Code, to assist States with a high unemployment rate under the equity bonus program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Indiana (for himself, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. STARK, Mr. SHIMKUS, Mr. MEEKS of New York, Mr. GRAYSON, and Mr. SABLAN):

H.R. 3315. A bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks of child care providers; to the Committee on Education and Labor.

By Mr. HOLDEN:

H.R. 3316. A bill to suspend temporarily the duty on 11-Aminoundecanoic acid; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 3317. A bill to direct the Commissioner of Food and Drugs to revise the Federal regulations applicable to the declaration of the trans fat content of a food on the label and in the labeling of the food when such content is less than 0.5 gram; to the Committee on Energy and Commerce.

By Ms. KILROY:

H.R. 3318. A bill to establish by law a permanent Investor Advisory Committee within the Securities and Exchange Commission to give investors a greater voice in the Securities and Exchange Commission's work; to the Committee on Financial Services.

By Mr. MCCLINTOCK (for himself, Mr. BILBRAY, Mr. NUNES, Ms. WATSON, Mr. CALVERT, Mr. BACA, Mr. RADANOVICH, Ms. LINDA T. SÁNCHEZ of California, Mr. GALLEGLY, Mr. HERGER, Mr. MCKEON, Mr. SCHIFF, Mrs. BONO MACK, Mr. FARR, Mr. THOMPSON of California, Mr. DANIEL E. LUNGREN of California, Mr. MCNERNEY, Mrs. DAVIS of California, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. MCCARTHY of California, Ms. LEE of California, Mr. GARY G. MILLER of California, Ms. MATSUI, Ms. HARMAN, Ms. WATERS, Ms. WOOLSEY, Mr. WAXMAN, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. ISSA, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mr. COSTA, Mr. HUNTER, Mr. ROYCE, Mr. LEWIS of California, Mr. CAMPBELL, Mr. HONDA, Mrs. CAPPS, Mr. SHERMAN, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. RICHARDSON, Mr. BERMAN, Mr. DREIER, Mr. STARK, Ms. SPEIER, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. CHU, and Mr. FILNER):

H.R. 3319. A bill to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MOORE of Kansas (for himself and Mr. PAYNE):

H.R. 3320. A bill to amend title 28, United States Code, to provide an exception to the requirement of motion to the court of appeals before filing certain second or subsequent petitions for habeas corpus, and for other purposes; to the Committee on the Judiciary.

By Ms. MOORE of Wisconsin (for herself and Mr. CARSON of Indiana):

H.R. 3321. 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; to the Committee on Education and Labor.

By Mr. MURPHY of New York (for himself and Mr. TONKO):

H.R. 3322. A bill to respond to the current over-supply of milk by temporarily increasing the payment rate for payments under the milk income loss contract program and by directing the Secretary of Agriculture to facilitate the efforts of producer associations and other third parties to remove dairy cows from production, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 3323. A bill to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Armed Services.

By Mr. HALL of New York (for himself, Mr. FILNER, Mr. RODRIGUEZ, Mr. CAPUANO, Ms. BORDALLO, and Mr. ALTMIRE):

H. Con. Res. 168. Concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; to the Committee on Armed Services.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CAO, and Ms. ZOE LOFGREN of California):

H. Res. 672. A resolution calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom; to the Committee on Foreign Affairs.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. MCCARTHY of California, and Mr. HARPER):

H. Res. 674. A resolution extending the deep gratitude of the House of Representatives to the men and women of the United States Capitol Police for the vigilance, courage, and professionalism that they demonstrate daily in protecting Congress from all manner of threats; to the Committee on House Administration.

By Mr. PRICE of North Carolina (for himself, Mr. DREIER, Mr. WEXLER, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. MANZULLO, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms. HIRONO, Mrs. CAPPS, Ms. GRANGER, Mr. FORTENBERRY, Mr. BOOZMAN, Mr. BOUSTANY, Ms. ROYBAL-ALLARD, Mr. FARR, Ms. SCHWARTZ, Mr. ETHERIDGE, Mr. ELLISON, Mr. MILLER of North Carolina, Mr. POMEROY, Mr. MCDERMOTT, Mr. LEVIN, Mr. COOPER, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BUCHANAN, Mr. GINGREY of Georgia, Mr. DELAHUNT, Mr. GORDON of Tennessee, Ms. WOOLSEY, Mr. SABLAN, and Ms. MOORE of Wisconsin):

H. Res. 675. A resolution condemning the July 17, 2009, terrorist bombings in Indonesia and expressing condolences to the people of Indonesia and the various other countries suffering casualties in the attacks; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. EDWARDS of Maryland.

H.R. 24: Mr. SHERMAN, Mr. SESTAK, and Mr. SCHOCK.

H.R. 39: Mr. HINCHEY, Mr. MCGOVERN, Mr. HEINRICH, Mr. INSLEE, Ms. SPEIER, Mr. RYAN of Ohio, and Mr. SERRANO.

H.R. 42: Mr. BERMAN.

H.R. 52: Mr. WEXLER.

H.R. 122: Mr. MARCHANT.

H.R. 213: Mr. WITTMAN and Ms. HERSETH SANDLIN.

H.R. 268: Mr. WITTMAN.

H.R. 333: Mr. TURNER and Mr. CHAFFETZ.

H.R. 433: Mr. WITTMAN.

H.R. 482: Mr. BUYER.

H.R. 510: Mr. KING of Iowa.

H.R. 690: Mr. SHULER, Mr. ISRAEL, and Mr. ROONEY.
H.R. 718: Mr. PAUL and Mrs. MYRICK.
H.R. 827: Mr. CARSON of Indiana.
H.R. 836: Mr. CUELLAR, Mr. PASTOR of Arizona, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. BACA, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 881: Mr. KLINE of Minnesota and Mr. MORAN of Kansas.
H.R. 905: Mr. EHLERS.
H.R. 930: Mr. BARTLETT.
H.R. 953: Mr. KAGEN.
H.R. 1032: Ms. HERSETH SANDLIN.
H.R. 1076: Mr. PLATTS.
H.R. 1091: Mr. GEORGE MILLER of California.
H.R. 1103: Mr. CRENSHAW.
H.R. 1132: Mr. BRADY of Pennsylvania, Mr. NADLER of New York, Ms. HERSETH SANDLIN, and Mr. SPACE.
H.R. 1177: Mr. MCINTYRE, Mr. POSEY, and Mr. GRAVES.
H.R. 1215: Ms. KILPATRICK of Michigan, Ms. HIRONO, and Mr. HINCHEY.
H.R. 1250: Mr. WEXLER, Mr. BISHOP of New York, Mr. ROGERS of Kentucky, Ms. BEAN, and Mr. BONNER.
H.R. 1313: Mr. HALL of New York, Ms. FALLIN, and Mr. THOMPSON of California.
H.R. 1327: Mr. MARSHALL and Mr. MARCHANT.
H.R. 1351: Ms. SPEIER.
H.R. 1352: Mr. DAVIS of Alabama, Ms. FOXX, Mr. ROTHMAN of New Jersey, and Mr. KIND.
H.R. 1410: Mr. ROTHMAN of New Jersey.
H.R. 1425: Mr. PIERLUISI.
H.R. 1441: Mr. LATHAM, Mr. PAYNE, Mr. CRENSHAW, and Mr. MORAN of Kansas.
H.R. 1474: Mr. TONKO.
H.R. 1547: Mrs. EMERSON.
H.R. 1557: Mr. HIMES.
H.R. 1585: Mr. MOORE of Kansas.
H.R. 1589: Ms. WATERS and Mr. KUCINICH.
H.R. 1646: Mr. HARE.
H.R. 1670: Mr. FARR.
H.R. 1702: Mr. MCNERNEY.
H.R. 1716: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1818: Mr. CAPUANO.
H.R. 1826: Mr. JACKSON of Illinois.
H.R. 1829: Mr. BARROW.
H.R. 1831: Mr. PASCRELL, Mr. MURTHA, Mr. ABERCROMBIE, and Mr. GORDON of Tennessee.
H.R. 1844: Mr. GRIJALVA, Mr. JACKSON of Illinois, and Mr. PASTOR of Arizona.
H.R. 1894: Ms. MATSUI.
H.R. 1925: Mr. HIGGINS, Mr. LOEBSACK, and Mr. MICHAUD.
H.R. 1956: Mr. CASTLE.
H.R. 1974: Mr. GRIJALVA.
H.R. 1977: Ms. SCHAKOWSKY and Ms. JACKSON-LEE of Texas.
H.R. 2000: Ms. BERKLEY.
H.R. 2002: Mr. BOOZMAN, Mr. PRICE of North Carolina, and Mr. SARBANES.
H.R. 2035: Mr. KILDEE.
H.R. 2058: Mr. HOLT and Mr. ROTHMAN of New Jersey.
H.R. 2061: Mr. GARRETT of New Jersey.
H.R. 2084: Mr. GORDON of Tennessee.
H.R. 2113: Mr. GRIJALVA.
H.R. 2122: Mr. BURTON of Indiana.
H.R. 2137: Mr. JACKSON of Illinois, Mr. HINOJOSA, and Mr. BUTTERFIELD.
H.R. 2190: Ms. BALDWIN, Mr. FILNER, Mr. PAYNE, Ms. ESHOO, Mr. MILLER of North Carolina, and Mr. HOLT.
H.R. 2194: Mr. WAMP, Mr. HONDA, Mr. ISSA, Mr. SMITH of Texas, Mr. JORDAN of Ohio, Mrs. CAPITO, Mr. KENNEDY, Mr. SCOTT of Georgia, Mr. ROGERS of Kentucky, Mr. MARSHALL, Mr. AL GREEN of Texas, Mr. BUYER, and Mr. KINGSTON.
H.R. 2222: Mr. HOLDEN and Mr. MILLER of North Carolina.
H.R. 2254: Mr. LUCAS.
H.R. 2256: Mr. JOHNSON of Georgia and Mr. MEEKS of New York.
H.R. 2262: Ms. SCHAKOWSKY, Mr. SMITH of Washington, Ms. WATERS, Mr. PASTOR of Arizona, and Mr. GUTIERREZ.
H.R. 2268: Mr. MINNICK.
H.R. 2269: Mr. JACKSON of Illinois and Mr. GRIJALVA.
H.R. 2277: Mr. COHEN.
H.R. 2296: Mrs. HALVORSON, Mr. LATTA, and Mr. BOYD.
H.R. 2329: Mr. LOBIONDO, Mr. MORAN of Kansas, Mrs. BONO MACK, Mr. PUTNAM, Mr. ROONEY, and Mr. ROTHMAN of New Jersey.
H.R. 2396: Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KAGEN.
H.R. 2455: Ms. SHEA-PORTER, Mr. STARK, and Mr. RANGEL.
H.R. 2476: Mr. HELLER.
H.R. 2480: Mr. PATRICK J. MURPHY of Pennsylvania and Mrs. MALONEY.
H.R. 2493: Mr. MCHENRY and Mr. CARNAHAN.
H.R. 2542: Mrs. DAVIS of California.
H.R. 2561: Mr. GRAYSON.
H.R. 2565: Mr. THOMPSON of California.
H.R. 2648: Mr. CHANDLER.
H.R. 2681: Mr. CARSON of Indiana and Mr. SABLAN.
H.R. 2692: Mr. COSTELLO.
H.R. 2710: Mr. PRICE of North Carolina and Mr. CONYERS.
H.R. 2732: Mr. WILSON of South Carolina.
H.R. 2733: Mr. BONNER.
H.R. 2759: Mr. LARSON of Connecticut, Mr. MICHAUD, Mr. MCINTYRE, and Mr. JACKSON of Illinois.
H.R. 2766: Mr. BAIRD.
H.R. 2787: Mr. YOUNG of Alaska.
H.R. 2799: Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, and Mr. RANGEL.
H.R. 2801: Mr. YOUNG of Alaska.
H.R. 2831: Ms. SCHAKOWSKY.
H.R. 2894: Mr. COSTELLO.
H.R. 2902: Mr. DEFAZIO.
H.R. 2906: Mr. ROGERS of Michigan and Ms. BERKLEY.
H.R. 2946: Mr. SPACE and Mr. GORDON of Tennessee.
H.R. 2964: Mr. LOBIONDO.
H.R. 2992: Mr. JOHNSON of Illinois.
H.R. 2993: Mr. LUCAS.
H.R. 3017: Ms. HIRONO and Mr. THOMPSON of California.
H.R. 3020: Mr. KRATOVIL.
H.R. 3036: Mr. JOHNSON of Illinois.
H.R. 3042: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. BRADY of Pennsylvania, Ms. KILROY, and Mr. CONNOLLY of Virginia.
H.R. 3043: Mr. CARSON of Indiana, Mr. DOGGETT, Mr. FILNER, Mr. MCDERMOTT, and Ms. WOOLSEY.
H.R. 3053: Mr. STARK.
H.R. 3057: Mrs. LOWEY, Mr. BISHOP of New York, and Mr. RYAN of Ohio.
H.R. 3070: Mr. GRIJALVA, Mr. MCMAHON, and Ms. KILPATRICK of Michigan.
H.R. 3092: Mr. WEXLER.
H.R. 3102: Ms. KILPATRICK of Michigan.
H.R. 3106: Ms. KILPATRICK of Michigan and Mr. GRIJALVA.
H.R. 3110: Mr. FILNER and Mr. MCMAHON.
H.R. 3116: Mr. ROSS.
H.R. 3131: Mr. COBLE, Mr. LATTA, Mr. BROUN of Georgia, Ms. FOXX, Mr. GINGREY of Georgia, Mr. SHADEGG, Ms. FALLIN, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. ISSA, Mr. PENCE, Mr. CONAWAY, Mr. CHAFFETZ, Mr. KINGSTON, Mr. FLEMING, and Mr. PITTS.
H.R. 3144: Ms. GIFFORDS.
H.R. 3164: Mr. HONDA and Mr. NYE.
H.R. 3168: Mr. MCDERMOTT.
H.R. 3186: Mr. FILNER.
H.R. 3212: Mr. PAULSEN and Ms. SCHAKOWSKY.
H.R. 3221: Mr. HONDA, Ms. CHU, Mr. HALL of New York, Mr. DINGELL, and Mr. LEVIN.
H.R. 3225: Mr. HINCHEY, Ms. HIRONO, Mr. OLVER, and Mr. STARK.
H.R. 3232: Ms. KAPTUR, Mr. DRIEHAUS, and Ms. WATERS.
H.R. 3245: Ms. EDWARDS of Maryland and Mr. DAVIS of Illinois.
H.R. 3250: Mrs. LOWEY, Ms. CLARKE, Mr. KING of New York, Mr. LEE of New York, and Mr. CAO.
H.R. 3264: Ms. BORDALLO.
H.R. 3265: Mr. MORAN of Virginia.
H.R. 3269: Ms. WATERS.
H.J. Res. 26: Mr. WEINER.
H. Con. Res. 51: Mr. PENCE, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. SIRES, Mr. CROWLEY, and Mr. WILSON of South Carolina.
H. Con. Res. 74: Mr. MURPHY of Connecticut.
H. Con. Res. 98: Ms. WOOLSEY.
H. Con. Res. 121: Mr. BISHOP of Georgia, Mr. HUNTER, and Mr. TURNER.
H. Con. Res. 126: Mr. SNYDER and Mr. MCDERMOTT.
H. Con. Res. 128: Ms. SHEA-PORTER, Ms. ROS-LEHTINEN, and Mr. MCGOVERN.
H. Con. Res. 157: Mr. ROHRABACHER, and Mr. WILSON of Ohio.
H. Con. Res. 159: Mr. ACKERMAN, and Mr. MILLER of North Carolina.
H. Con. Res. 163: Mr. KILDEE, Mr. ORTIZ, Mr. DOGGETT, Mr. MCGOVERN, and Mr. SABLAN.
H. Con. Res. 167: Mr. COSTA.
H. Res. 57: Mr. TIBERI.
H. Res. 175: Mr. ROTHMAN of New Jersey.
H. Res. 252: Mrs. BONO MACK.
H. Res. 267: Mr. ROGERS of Michigan.
H. Res. 291: Mr. ISRAEL, Mr. CAPUANO, Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. KING of New York.
H. Res. 333: Mr. STARK.
H. Res. 403: Mr. COHEN.
H. Res. 459: Mrs. BIGGERT, Mr. COSTELLO, Mr. JOHNSON of Illinois, and Mr. HARE.
H. Res. 494: Mr. MILLER of North Carolina, Mr. ORTIZ, and Mr. JOHNSON of Georgia.
H. Res. 510: Mr. CONYERS.
H. Res. 511: Mr. MCDERMOTT, Mr. GRIJALVA, Mr. DELAHUNT, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. DINGELL, Mr. PAYNE, Ms. HIRONO, Mr. TIERNEY, Mr. TANNER, and Ms. JACKSON-LEE of Texas.
H. Res. 555: Mr. HONDA, Mr. ROTHMAN of New Jersey, Mr. REHBERG, Mr. WILSON of South Carolina, Mr. SIRES, Mr. GALLEGLY, Ms. ZOE LOFGREN of California, Mr. FORTENBERRY, and Ms. MCCOLLUM.
H. Res. 569: Mr. CONYERS, Mr. HOLT, Ms. GIFFORDS, Mr. BOSWELL, Mr. OLVER, Mr. FILNER, Mr. RANGEL, Ms. KAPTUR, Mr. CONNOLLY of Virginia, Mr. DELAHUNT, Mr. SMITH of Washington, Mr. KING of Iowa, Mr. ELLISON, Ms. MCCOLLUM, and Mr. HONDA.
H. Res. 583: Mr. SABLAN.
H. Res. 599: Mr. HINCHEY.
H. Res. 605: Mr. CULBERSON, Mr. PRICE of North Carolina, Mr. HUNTER, Mr. DENT, and Ms. KILROY.
H. Res. 608: Ms. BORDALLO.
H. Res. 611: Mr. CULBERSON.
H. Res. 619: Mr. BROWN of South Carolina, Mr. SHIMKUS, Mr. STEARNS, and Mr. NUNES.
H. Res. 630: Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. FATTAH, Mr. BISHOP of Georgia, and Mr. RODRIGUEZ.
H. Res. 659: Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Ms. CLARKE.
H. Res. 663: Ms. GINNY BROWN-WAITE of Florida.

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 OBEY of Wisconsin, or a designee,

to H.R. 3293, the Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3293

OFFERED BY: MR. KLINE OF MINNESOTA

AMENDMENT NO. 1: Page 2, line 19, after the dollar amount, insert ''(reduced by $195,000,000)''.

Page 6, line 7, after the dollar amount, insert ''(reduced by $195,000,000)''.

Page 8, line 3, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 8, line 12, after the dollar amount, insert ''(reduced by $130,000,000)''.

Page 8, line 21, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 43, line 16, after the first dollar amount, insert ''(reduced by $300,000,000)''.

Page 43, line 20, after the dollar amount, insert ''(reduced by $300,000,000)''.

Page 84, line 17, after the dollar amount, insert ''(reduced by $100,000,000)''.

Page 84, line 18, after the dollar amount, insert ''(reduced by $100,000,000)''.

Page 86, line 25, after the dollar amount, insert ''(reduced by $148,000,000)''.

Page 87, line 9, after the dollar amount, insert ''(reduced by $38,000,000)''.

Page 91, line 23, after the dollar amount, insert ''(increased by $1,000,150,000)''.

Page 91, line 24, after the dollar amount, insert ''(increased by $1,000,150,000)''.

Page 94, line 8, after the dollar amount, insert ''(reduced by $88,000,000)''.

Page 94, line 9, after the dollar amount, insert ''(reduced by $4,400,000)''.

Page 94, line 11, after the dollar amount, insert ''(reduced by $83,600,000)''.

Page 95, line 23, after the dollar amount, insert ''(reduced by $88,000,000)''.

Page 107, line 7, after the dollar amount, insert ''(reduced by $111,615,000)''.

Page 107, line 8, after the dollar amount, insert ''(reduced by $8,997,000)''.

Page 107, line 9, after the dollar amount, insert ''(reduced by $102,618,000)''.

Page 107, line 16, after the dollar amount, insert ''(reduced by $21,607,000)''.

Page 107, line 18, after the dollar amount, insert ''(reduced by $7,500,000)''.

Page 107, line 21, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 108, line 1, after the dollar amount, insert ''(reduced by $5,210,000)''.

Page 108, line 11, after the dollar amount, insert ''(reduced by $47,139,000)''.

Page 109, line 11, after the dollar amount, insert ''(reduced by $9,208,000)''.

Page 109, line 15, after the dollar amount, insert ''(reduced by $1,188,000)''.

H.R. 3293

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 2: Page 14, line 11, insert before the period the following: ''*Provided*, That not less than $20,000,000 shall be used for technology-based overpayment prevention, detection, and collection infrastructure investments to conduct such reviews''.

H.R. 3293

OFFERED BY: MR. BUYER

AMENDMENT NO. 3: Page 29, line 7, after the dollar amount, insert the following: ''(increased by $10,359,000)''.

Page 28, line 8, after the dollar amount, insert the following: ''(increased by $10,359,000)''.

Page 107, line 7, after the dollar amount, insert the following: ''(reduced by $10,359,000)''.

Page 107, line 9, after the dollar amount, insert the following: ''(reduced by $10,359,000)''.

H.R. 3293

OFFERED BY: MR. BUYER

AMENDMENT NO. 4: Page 29, line 7, after the dollar amount, insert the following: ''(increased by $12,670,000)''.

Page 107, line 7, after the dollar amount, insert the following: ''(reduced by $12,670,000)''.

Page 107, line 9, after the dollar amount, insert the following: ''(reduced by $12,670,000)''.

H.R. 3293

OFFERED BY: MR. CAO

AMENDMENT NO. 5: Page 44, line 4, after the dollar amount, insert ''(reduced by $17,000,000)''.

Page 47, line 5, after the dollar amount, insert ''(increased by $17,000,000)''.

H.R. 3293

OFFERED BY: MR. CAO

AMENDMENT NO. 6: Page 84, line 17, after the dollar amount, insert ''(increased by $30,000,000)''.

Page 94, line 8, after the dollar amount, insert ''(reduced by $16,000,000)''.

Page 94, line 9, after the dollar amount, insert ''(reduced by $16,000,000)''.

Page 102, line 7, after the first dollar amount, insert ''(reduced by $14,000,000)''.

H.R. 3293

OFFERED BY: MR. BUYER

AMENDMENT NO. 7: Page 97, line 18, after the first dollar amount, insert the following: ''(increased by $16,000,000)''.

Page 107, line 7, after the dollar amount, insert the following: ''(reduced by $16,000,000)''.

Page 107, line 9, after the dollar amount, insert the following: ''(reduced by $16,000,000)''.

H.R. 3293

OFFERED BY: MR. LAMBORN

AMENDMENT NO. 8: Page 110, strike line 23 and all that follows through page 12, line 16.

H.R. 3293

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 9: At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available under this Act may be used to fund Presidential Rank Award payments for Distinguished Executive or Meritorious Executive award recipients.

H.R. 3293

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 10: At the end of the bill, before the short title, insert the following:

SEC. ____ Appropriations made in this Act are hereby reduced by 0.05 percent.

H.R. 3293

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 11: At the end of the bill (before the short title) insert the following:

SEC. 524. None of the funds made available in this Act may be used in contravention of the Defense of Marriage Act (Public law 104–199).

H.R. 3293

OFFERED BY: MR. CAMP

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by any entity receiving funds under this Act, other than the Centers for Medicare & Medicaid Services, to alter Medicare reimbursement rates under part A or B of title XVIII of the Social Security Act.

H.R. 3293

OFFERED BY: MR. CANTOR

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC. 524. None of the funds appropriated or made available under this Act may be used by the Corporation for Public Broadcasting to find that the broadcast of a religious service by a recipient of Community Service Grants is in violation of the eligibility criteria for community service grants.

H.R. 3293

OFFERED BY: MR. CARTER

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to promulgate, amend, or repeal any regulation pursuant to the Federal Family Education Loan program under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

H.R. 3293

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to establish or implement any requirement that an individual receive vaccination for human papillomavirus (HPV) as a condition of school admittance or matriculation.

H.R. 3293

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. 524. None of the funds made available in this Act may be used to implement subsections (a) and (c) of section 7131 of title 5, United States Code.

H.R. 3293

OFFERED BY: MR. GRAVES

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to promulgate, issue, implement, administer, or enforce any regulation that requires an owner of a small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632) to offer a health benefits plan to an employee.

H.R. 3293

OFFERED BY: MS. JENKINS

AMENDMENT NO. 18: Add at the end, before the short title, the following new section:

SEC. ____. Section 1820(c)(2)(B)(i) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)) is amended by inserting '', or was located in such a rural area at the time that the hospital was originally designated as a critical access hospital under this paragraph (but subsequently such a rural area was redesignated as an urban area, as defined in section 1886(d)(2)(D)),'' after ''(or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D))''.

H.R. 3293

OFFERED BY: MR. SAM JOHNSON OF TEXAS

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

SEC. 524. None of the funds made available in this Act may be used to fund the defense of the case Brian Hall et al v. Leavitt et al (case number 1:2008cv01715) being heard in United States District Court for the District of Columbia.

H.R. 3293

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

SEC. 524. None of the funds made available in this Act shall be made available to the Association of Community Organizations for Reform Now, Acorn Beneficial Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn Children's Beneficial Assoc., Arkansas Community Housing Corp., Acorn Community Land Assoc., Inc., Acorn Community Land Assoc. of Illinois, Acorn Community Land Association of Louisiana, Acorn Community Land Assoc. of Pennsylvania, ACORN Community Labor Organizing Center, ACORN Beverly LLC, ACORN Canada, ACORN Center for Housing, ACORN Housing Affordable Loans LLC, Acorn Housing 1 Associates, LP, Acorn Housing 2 Associates, LP, ACORN Housing 3 Associates LP, ACORN Housing 4 Associates, L.P., ACORN International, ACORN VOTES, Acorn 2004 Housing Development Fund Corporation, ACRMW, ACSI, Acorn Cultural Trust, Inc., American Environmental Justice Project, Inc., ACORN Fund, Inc., Acorn Fair Housing Organization, Inc., Acorn Foster Parents, Inc., Agape Broadcast Foundation Inc., Acorn Housing Corporation, Arkansas Acorn Housing Corporation, Acorn Housing Corp. of Arizona, Acorn Housing Corp. of Illinois, Acorn Housing Corp. of Missouri, New Jersey ACORN Housing Corporation, Inc., AHCNY, Acorn Housing Corp. of Pennsylvania, Texas ACORN Housing Corporation, Inc., American Institute for Social Justice, Acorn law for Education, Rep. & Training, Acorn Law Reform Pac, Affiliated Media Foundation Movement, Albuquerque Minimum Wage Committee, Acorn National Broadcasting Network, Arkansas New Party, Arkansas Acorn Political Action Committee, Association for Rights of Citizens, Acorn Services, Inc., Acorn Television in Action for Communities, Acorn Tenants' Union, Inc., Acorn Tenant Union Training & Org. Project, AWA, Baltimore Organizing Support Center, Inc., Bronx Parent Leadership, Baton Rouge ACORN Education Project, Inc., Baton Rouge Assoc. of School Employees, Broad Street Corporation, California Acorn Political Action Committee, Citizens Action Research Project, Council Beneficial Association, Citizens Campaign for Fair Work, Living Wage Etc., Citizens Consulting, Inc., California Community Network, Citizens for April Troope, Clean Government Pac, Chicago Organizing and Support Center, Inc., Council Health Plan, Citizens Services Society, Campaign For Justice at Avondale, CLOC, Community and Labor for Baltimore, Chief Organizer Fund, Colorado Organizing and Support Center, Community Real Estate Processing, Inc., Campaign to Reward Work, Citizens Services Incorporated, Elysian Fields Corporation, Environmental Justice Training Project, Inc., Franklin Acorn Housing Corporation, Flagstaff Broadcast Foundation, Floridians for All PAC, Fifteenth Street Corporation, Friends of Wendy Foy, Greenwell Springs Corporations, Genevieve Stewart Campaign Fund, Hammurabi Fund, Houston Organizing Support Center, Hospitality Hotel and Restaurant Org. Council, Iowa ACORN Broadcasting Corp., Illinois Home Day Care Workers Association, Inc., Illinois Acorn Political Action Committee, Illinois New Party, Illinois New Party Political Committee, Institute for Worker Education, Inc., Jefferson Association of Parish Employees, Jefferson Association of School Employees, Johnnie Pugh Campaign Fund, Louisiana ACORN Political Action Committee, Louisiana Acorn Fair Housing, Inc., Labor Neighbor Research & Training Center, Inc., Service Employee Int UNION L100, Local 100 Health and Warfare Fund, Local 100 Political Action Committee, Local 100 Retirement Plan, Service Employees International Union L880, Local 880 SEIU Political Action Committee, Local 880 SEIU Power Political Action Committee, Massachusetts ACORN Political Action Committee, Maryland ACORN Political Action Committee, Mott Haven ACORN Housing Development Fund, Mutual Housing Association of New York, Inc., MHANY A/A/F Neighborhood Restore HDFC, MHANY 2003 Housing Development Fund Corporation, Missouri Home Day Care Workers Association, Inc., McClellan Multi Family Corporation, Minnesota ACORN Political Action Committee, Neighbors for Athelia Ray, Neighbors for Maria Torres, Neighbors for Ted Thomas, New Mexico ACORN Fair Housing, Inc., New Mexico ACORN Political Action Committee, New Mexico Organizing Support Center, New Orleans Campaign for a, New York Agency for Community Affairs, Inc., New York Acorn Political Action Committee, New York Organizing and Support Center, Oregon ACORN Political Action Committee, Pennsylvania ACORN Political Action Committee, Pugh Election Committee, People's Equipment Resource Corporation, Progressive Houston, Pennsylvania Institute for Community Affairs, Inc., Phoenix Organizing and Support Center, Inc., Progressive St. Louis, Referendum Committee for an Accountable Future, Rhode Island APAC, Sixth Avenue Corporation, San Jacinto Street Corp, St. Louis Organizing and Support Center, Inc., St. Louis Tax Reform Group, Inc., Service Workers Action Team, Texas United City-County Employees, Texas United School Employees, Inc., United Security Workers for America, Local, Volunteers for America, Inc., Voting for America, Inc., Washington ACORN Political Action Committee, WARN, Working Families Association, Inc., Wal-Mart Workers Association, 385 Palmetto or 650 Political Action Committee.

H.R. 3293

OFFERED BY: MR. LEWIS OF CALIFORNIA

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Secretary of Health and Human Services to promulgate, issue, implement, administer, or enforce any regulation with respect to a program of health insurance not in existence as of July 15, 2009.

H.R. 3293

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to make coverage or reimbursement decisions resulting from comparative effectiveness research in any health insurance plan administered by the Secretary of Health and Human Services.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, JULY 23, 2009 No. 112

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by American Legion national chaplain Rev. Lawrence L. Vollink from Ypsilanti, MI.

The guest Chaplain offered the following prayer:

Let us pray.

For all of our honorable Senators and staff, we pray, eternal God. We thank You for all of the blessings You have bestowed upon us, especially for this great Nation we are privileged to serve. We ask that You be with all of our leaders who are making the decisions that affect us, that You would endow them with courage and conviction, adding wisdom to their knowledge and flavoring it with humility.

May our motivations be out of our love for all people to help them to live peacefully. We ask for tasks that are suited to our strength, but we ask for Your strength for any task You have given us. Help us to live in the knowledge that You have matched us to this hour in history and that the place and time of our service to You and to our country is not random but by Your wisdom and direction.

Father, walk close to our Senators, that they may not fail. Remind all of us, Lord, that Your wisdom is not found in an hour, a day, or a year but in a process that lasts a lifetime, with You, Lord, by our side. We ask for patience, for understanding, as our Senators serve this beloved country.

We ask that You watch over our Armed Forces this day and always.

O Lord, You are our strength and shield. Bless us with Your abiding presence, now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of the Department of Defense authorization bill. Last night, I filed cloture on this bill. The vote is expected to occur 1 hour after we come in tomorrow. Germane first-degree amendments must be filed at the desk prior to 1 p.m. today in order to be considered postcloture. Rollcall votes in relation to amendments are expected to occur throughout the day and into the evening. This is the time for people who have indicated they want to offer amendments to do so. We had a lot of down time in which Members could have, but we are making progress on the bill. It is my understanding, from speaking to the managers, that for the most contentious issues, there is a pathway to completion. I hope that in fact is the case.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK VII, DAY II

Mr. MCCONNELL. Madam President, last night, the President, to his credit, reiterated what the American people have been saying for weeks: that the Democratic health care proposals we have seen so far aren't where they need to be. I couldn't agree with him more. President Obama also said that rising health care costs are an imminent threat to our economy and that any reform must reduce these long-term costs.

The problems the President highlighted are real and, here again, Republicans agree with him. Unfortunately, the solutions to these problems are not in the Democrat plans now working their way through Congress. In fact, the bills we have seen would make these problems even worse. The director of the Congressional Budget Office has said that these proposals would increase overall health care spending, not reduce it. All of us want health care reform. But we want reform that brings down costs and long-term spending, not a so-called reform that makes things even worse.

The President also said health care reform must not increase the national

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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debt. Republicans agree with that too. But, again, both Democrat bills we have seen would saddle Americans with hundreds of billions of dollars of additional debt, making the situation even worse. Just yesterday, the Chairman of the Federal Reserve warned that unless we get serious about spending and debt, we are endangering not only our recovery from the current recession but also endangering future economic growth. That is why he said any health care reform must get control of costs. Otherwise, it could bankrupt both our government and eventually our entire economy.

So the last thing we need is a flawed health care bill that adds to the national debt and increases long-term health care costs. Instead of trying to rush through proposals that don't work, we need to take the time to do it right and make the reforms the American people are asking for—reforms that won't put us on the road to bankruptcy.

DEBT AND SECURITY

Mr. McCONNELL. Madam President, earlier this year I came to the Senate floor and outlined a number of foreign policy principles that have served our Nation well in the past and which I believe would serve us well in the future. In doing so, it was my hope that these principles would serve as the basis of steady bipartisan cooperation between the Senate and the new administration. These principles transcend party; they are time-tested; and they can be summed up in a single sentence: the cornerstone of U.S. National security policy lies in maintaining a strong and ready defense and in keeping our alliances strong.

As the Senate continues to debate the Defense authorization bill, I would like to take the opportunity to reiterate the importance of this fundamental principle of action and to highlight something that seriously endangers our ability to uphold it. I am referring to our Nation's staggering National debt.

The national debt threatens our way of life; it threatens the value of our national currency; and it threatens our ability to pay for entitlements that millions of Americans depend on. Yet, just as importantly, the national debt also endangers our position in the world, the long term capabilities of our military, and the long-term viability of the all-volunteer force that is currently serving us so ably and courageously in two very challenging wars. And that is why it is increasingly urgent that we focus on this growing threat and do something about it.

Let us put the current situation in context. The story of the American military over the past century reflects what historians have described as a feast or famine approach to defense. The pattern goes back at least as far as our entry into World War I and extends through our involvement in World War II, the Korean war, and Vietnam. In every case, the U.S. military underwent an abrupt expansion of manpower and armaments only to be followed by calls for a drawdown in the size of our force and a reduction in defense spending. This pattern, though not always well-advised, may have been understandable in some cases in the past. But the nature of our current threats and position in the world makes it indefensible today.

With developments in weapons technology, America no longer has the luxury of isolation. And September 11 showed us that we can no longer leave ungoverned territories unwatched. The demands on today's military are constant. We are either on offense, or we are at risk. Feast or famine and isolationism no longer work.

And this is why our ever-growing national debt is so perilous—because even those who believe as I do that a strong and ready defense is the cornerstone of our security will not be able to guarantee it if current fiscal trends persist. Put simply: if we do nothing to pay down this debt and address the needs of Social Security, Medicare, and Medicaid, then America risks finding itself so weakened financially that some day in the not-too-distant future we just will not have the resources we need to equip and maintain our forces in the places they are needed most.

Consider the fact that the Federal Government is now spending an average of $100 million a day just to pay the interest on a single piece of legislation, the $1 trillion stimulus bill that Congress passed earlier this year. Or that it is estimated we will pay $347 billion in interest on just this one bill over the next 10 years. At current rates of spending, that is enough to provide health care for our Nation's veterans for more than 5 years. It is enough to cover the salaries and benefits of all our active-duty and reserve forces for 2½ years. Or it is nearly $350 billion we could put back into the pockets of the American people at a time when they could really use it.

And that is just one piece of legislation. Now imagine what it costs to finance our entire national debt. By the end of the decade, it is estimated that under the President's budget we will spend nearly $800 billion a year just to cover the interest on the national credit card—not reducing what we owe, but just keeping the creditors from knocking on the door. Here is the frightening part of where we are: by 2017, the amount of money we are expected to spend on interest alone will exceed the amount of money we are expected to spend that year on all of defense.

The implications of this for our national security are clear. More and more, our ability to deploy forces with state-of- the-art weaponry is in competition with our financial obligation to the countries that hold our debt, and we get closer to the day when countries that hold large amounts of U.S. debt, such as China and Saudi Arabia, could directly influence the foreign policy decisions of a future President.

We also get closer to the day when our allies and partners will rethink the value of a relationship with the United States.

Sooner or later, we will have to face the fact that we are on a path that leads to some very unpleasant choices. Either we default on our debts, which we will not do, print more money to cover those debts and tempt a massive inflationary spiral, or be forced to withdraw from our security commitments, just as Great Britain did at the end of the Second World War.

America's all-volunteer force costs a lot of money to maintain. Indeed, one of the major reasons we have been able to avoid conscription in this country since the Vietnam war has been our ability to maintain recruiting and retention policies through an attractive retirement system, recruiting bonuses, incentive pay and sensible housing allowances. In current dollars, military personnel costs have increased from $69 billion to $131 billion a year over the past decade.

But these necessary expenses will soon be crowded out by the growing cost of long-term entitlements and the growing principal and higher and higher interest payments on our debt. And spending increases we now regard as necessary may no longer be possible. The choice is clear: in order to provide for the common defense, we must reform entitlement programs that are consuming a larger and larger share of our budget and reduce the national debt.

Cutting $100 million here or there in discretionary costs will not do the trick. In 1965, discretionary spending accounted for 62 percent of the budget. Today, it accounts for just 38 percent. As discretionary spending has become a smaller and smaller part of the pie, mandatory spending on entitlements and debt has become a bigger and bigger part of the pie. In 1965, mandatory spending and interest accounted for 38 percent of the budget. Today, they account for 62 percent or nearly two-thirds of the entire budget.

This means that in order to face our problem head on, we will have to address the problem of entitlement spending. And the only serious option on the table is the Conrad-Gregg proposal which would provide a clear pathway for fixing these long-term challenges by forcing us to get debt and spending under control.

I have had a number of good conversations about this proposal with the President. Based on those conversations, I am hopeful it will be given serious attention. For the safety and security of our Nation, the Conrad-Gregg proposal deserves broad bipartisan support.

Every Secretary of Defense must confront the tension between America's near-term readiness and future investment. But some future Defense Secretary will no longer be able to make

either choice if we do nothing to address the problem of long-term debt. Regardless of the global threats we face, we will be forced to field a smaller and less capable force. The money will not be there.

When most Americans think about threats to our security, they come up with a standard list. But few people include our growing national debt. They should—because it is real and it is serious.

Based on current trends, it is quite possible to imagine some future Chairman of the Joint Chiefs of Staff walking into the Oval Office one day and informing the Commander in Chief that he has no choice: he can either protect the sealanes in the Persian Gulf or he can protect the sealanes in the Sea of Japan, but he cannot do both. On that day the United States of America will no longer be the guarantor of the international trading system, sea lines of communication, the security of our allies, or even our own independence.

All of this should matter to Members of the Senate. Americans trust our Nation's intelligence and uniformed personnel to protect them from distant threats. But it is incumbent upon the men and women of this body—those of us who control the purse strings—to make sure the Nation's resources are managed in a way that enables these forces to do their work. The men and women of the Senate must look beyond the narrow demands of a single political term in office or the next election to the long-term security of our Nation and, indeed, the world. No one else can protect the American people from the diminishment of power and capability that come with our dangerous and ever-increasing national debt.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BRIAN L. GORHAM

Mr. McCONNELL. Madam President, with sadness I rise today to speak about a fallen warrior from my home State of Kentucky. On December 31, 2007, PFC Brian L. Gorham succumbed to injuries sustained earlier that month when an explosive device struck his vehicle while on patrol in Afghanistan.

Private First Class Gorham hailed from Woodburn, KY. He was 21 years old and was able to spend the last days of his life not halfway around the world but back in America—in a hospital in Fort Sam Houston, TX, to be precise—surrounded by his loving family.

For his bravery in uniform, Private First Class Gorham received several medals, awards, and decorations, including the Army Good Conduct Medal, the Purple Heart, and the Bronze Star Medal.

At Brian's funeral service in Franklin, KY, hundreds of people came to offer their sympathies to his family and friends. Brian's father, Toney Gorham, said:

> It's hard to believe that so many people, a lot of them I don't know, walked up to me, shook my hand or patted me on the back, and told me, ''We're proud that your son fought for us and sacrificed for us.''

Maybe it is not so surprising if you know the dedication Brian put into everything he did from a very early age. Jack Wright, Brian's Sunday school teacher, remembers when Brian was a young middle school student who would participate in the two-hand touch football games that were played after Bible study services on Wednesday nights.

''Brian was never the biggest or fastest,'' Jack says, ''But no one put more effort into the game and no one enjoyed playing any better than Brian.''

That enthusiasm carried over when Brian joined the football team at Drakes Creek Middle School. Brian also liked basketball and baseball and could often find a pickup game with the neighborhood kids many nights after school.

In high school, Brian joined the Junior ROTC Program, and just like in those football games, he put his all into becoming the best. He succeeded by being in the first group to complete his ROTC Program's Leadership Academy.

That achievement was symbolized, on Brian's dress uniform, by a silver band around his right shoulder. Jack Wright remembers Brian would proudly wear his ROTC uniform to services at Woodburn Baptist Church for many years.

Brian still found time for fun, of course. He loved to fish, explore the caves near his house, and float down the creek in his friend's boat. One time Brian and some of his friends were racing go-carts and decided to hold a contest to see who could drive through a huge mud puddle and come out the muddiest.

This is one contest Brian's parents are probably glad he did not win. Another boy was so muddy that when his mom came to pick him up, she made him ride home in the trunk rather than on the seat.

Brian was close to his sister Brandie and his brother Henry. When they were kids, Brandie made Brian play dolls with her, although the easy-going Brian did not seem to mind. Henry was his big brother's little shadow. The two would watch wrestling together and act out the wrestling moves.

Henry remembers during one of his football games at school, both his parents were unable to attend. Henry was not doing so well until he heard his big brother Brian cheering him on from the sidelines. That gave him the extra confidence he needed.

Brian's mother Shirley also remembers a time when she and Toney went away for the weekend, and Brian called her to say he was cooking dinner for some friends and not to worry, they were sharing the cost. He said he would have food ready for them, too, when they got back.

So Shirley and Toney came home to find Brian had barbecued, and they sat down to a wonderful meal. It was not until the next day when Shirley realized Brian had emptied out the freezer, and there was nothing left in the house to cook.

Brian graduated from Greenwood High School in 2003, and after serving as commander of his school's Junior ROTC Program, he enlisted in the Army. He was assigned to Company D, 1st Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade Combat Team, stationed in Vicenza, Italy.

Brian's family remembers how Brian loved what he was doing and took pride in his work. His mother Shirley was proud of her son's humanitarian work in uniform. In Afghanistan he distributed seeds to the Afghan farmers and helped provide security for the engineers to build roads and rebuild the country.

Madam President, we must keep Brian's family and friends in our thoughts as I recount his story for the Senate today. We are thinking of his mother and father, Shirley and Toney Gorham; his sister Brandie Dixon, and her husband Lawrence; his brother Henry; his maternal grandparents, Roger and Esther Bunch; his paternal grandmother, Neil Tabor; his aunt, Regina Peterson; and many other beloved family members and friends.

Madam President, Brian had a 1976 Chevy pickup that was passed down through the family. He called it Old Blue. He would often have a hard time starting it and had to wake up his sister to start it for him on some days.

When Brian was in the hospital in Texas, he told his father that he wanted the two of them to work on restoring Old Blue together. Brian did not get to finish that task. But Toney has the pickup in his garage now, and he promises to fulfill his son's wish.

Our country must also fulfill a promise to PFC Brian L. Gorham and forever honor his service. It is the least we can do after his tremendous sacrifice.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

> Kyl amendment No. 1760, to pursue United States objectives in bilateral arms control with the Russian Federation.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, we are now back on the bill, as the clerk has indicated, and as the Acting President pro tempore has indicated. It was agreed to last night in our unanimous consent request that I offered and was accepted that the next order of business would be to take up the Kyl amendment, and there would be protected either a second-degree or a side-by-side amendment to that amendment; and then we would move, after that, to an amendment by the Senator from Connecticut, Mr. LIEBERMAN, and a side-by-side or second-degree amendment could then be offered by the Senator from Indiana, Mr. BAYH.

Madam President, I see my friend from Arizona is here. In a moment, I am going to suggest we reverse the order of that because of Senator KERRY's requirements this morning. I have no objection at some point to entering into a time agreement on Kyl, by the way, at all. That is not the purpose, to delay that to a cloture moment. But I think the minority would want to see the language of any side-by-side before there was an agreement to a time agreement. If not, I am happy to enter into a time agreement on Senator KYL's and any second degree or side-by-side at any time my good friend from Arizona wants to do that.

But in order for the convenience of the parties, if Senator LIEBERMAN and Senator BAYH could come down now—if they can do that—I would like to inquire about that and dispose of their amendments first and then take up the Kyl amendment with a time agreement—just to reverse the order of those two because of the Finance Committee's meetings this morning, which Senator KERRY needs to attend.

I have not had a chance to talk to my friend from Arizona about this just because of the way the morning goes. That is what I would like to suggest. If that can be done, it would simplify things.

There are also a number of other things we need to do. We have—and I think the Senator from Arizona is familiar with this—an amendment on voting rights for the troops which I think has been cleared. It is a bipartisan amendment which is going to need about 15 minutes of debate, I understand. That could be done as well, hopefully.

But my goal, if it is agreeable to the Republican manager, would be to basically flip the two, with time agreements for both, going first to the Lieberman and Bayh amendments, if they are able to do it.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, let me just say to my friend, the distinguished chairman, all of our Members have very busy schedules. The Senator from Arizona, whose amendment it is, happens to be the second ranking Republican and has heavy responsibilities. I would point out that we waited for a couple hours yesterday for the same Senator yesterday afternoon to be able to come to the floor to address another amendment. At the same time, the clock is running because the majority leader has filed cloture on the bill.

So are we going to run the proceedings here, consideration of the authorization bill, based on the priorities of one Senator or are we going to carry out what we all agreed to last night in the unanimous consent agreement? There was no objection last night from the Senator from Massachusetts. He could have objected. So now we want to turn everybody else's schedules on their heads because one Senator has some other priorities.

Obviously, we are going to finish the bill because the majority leader filed cloture, and we have to close out the bill, after spending nearly a week on two issues, hate crimes and guns, neither of which had a single thing to do with the Defense authorization bill—because, unprecedented in the 20-some years I have been a member of the Armed Services Committee, the majority leader of the Senate came to the floor and proposed a hate crimes bill that had not been through the committee of jurisdiction and was, obviously, very controversial on this side.

So after getting bollixed up for a week and a half—or at least a week—on those two issues, we enter into a unanimous consent agreement when the majority leader files cloture to close off debate on this side. That is the reason it is done. So now we are supposed to overturn, some 10 hours later, a unanimous consent agreement because one Senator cannot fit it into his schedule, when the sponsor of the amendment is the No. 2 ranking member on this side? There is something wrong with that process.

I will be glad to discuss it with the distinguished chairman and we will try and see if we can adjust to it. In the meantime, the clock continues to run and we have fewer and fewer amendments that will be germane and be allowed to be discussed, because we find out this morning, after a unanimous consent agreement which could have been objected to last night, one Senator has a schedule that dictates we turn the unanimous consent agreement on its head.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. LEVIN. Madam President, if the Senator would withhold that request for a moment so I may comment.

Mr. MCCAIN. I withhold my request.

Mr. LEVIN. Madam President, I was not suggesting that we not proceed this morning; I was suggesting that we reverse the order to accommodate a Senator who is going to be offering a second-degree amendment. If that is not acceptable, we do not need to do that. I was simply trying to accommodate the Senator so that the second-degree or side-by-side amendment that was in the unanimous consent proposal last night could be offered by him. If that is not agreeable to the Republican side, then I obviously am not going to make the suggestion. But it would not delay anything; all it would do would be to change the order of events to accommodate us. If that is not acceptable to the minority, then I will obviously not make that unanimous consent proposal.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I would ask the distinguished chairman, then, in the spirit of compromise, can we arrange a time agreement on the Lieberman amendment that is reasonable so that perhaps we could take up the Kyl amendment later in the morning so that at least that might not upset his schedule, since we are making accommodation for the sponsor of a second-degree amendment, which seems to be our priority.

Mr. LEVIN. Madam President, of course, that is exactly what I was proposing. I appreciate the willingness of the Senator from Arizona to try to work that out.

There is no problem with the time agreement on the Lieberman-Bayh matters because the reason we couldn't do that is that the Bayh language was not available in time for the minority side to consider a time agreement. We would be happy to have a time agreement of 1 hour on the Lieberman amendment, 1 hour on the Bayh amendment; 2 hours together, in other words. We are happy to have a time agreement on Senator KYL's amendment, but we were only suggesting that we reverse the order to accommodate things here. It would not result in any additional use of time; it would not delay anything; it would simply reverse the order for the accommodation of the Senator who needs to be here to offer a second-degree amendment, if we are going to do it, or a side-by-side to Senator KYL's first-degree amendment.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, obviously, whatever is most convenient to the chairman and ranking member is fine, subject to I had planned, because of our conversations last night, to be able to do this this morning. By this afternoon, I am going to have a lot of conflicts. In fact, I too am on the Finance Committee where Senator KERRY is right now and I am supposed to be there but made this arrangement.

I don't believe the business before the Finance Committee is going to last very long at all. In fact, it was a very quick matter to be resolved. So as long as we can try to get the amendments relating to the START treaty resolved before afternoon, I am perfectly willing to agree to anything that is acceptable to everybody else here, and it seems to me we should be able to accomplish that.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, let me say we can have 1 hour for each side on the Lieberman amendment and then move directly to the Kyl amendment, if that is agreeable.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, what we need to do along that line is to see if we can get an agreement from Senator LIEBERMAN and from Senator BAYH on a time agreement on those two amendments. I would suggest, as the Senator from Arizona did, that there be an hour equally divided on each, which will be a total of 2 hours, and then if the majority leader is agreeable to this——

Mr. MCCAIN. Maybe we need a quorum call for a moment.

Mr. LEVIN. I suggest the absence——

Mr. LIEBERMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I wanted to say that as the overnight proceeded, there are a number of people who want to come down and speak on our side, so I wish to ask that on our amendment we have at least an hour and a half, perhaps two. I hope not to use it, but I think this is going to be a significant debate.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I suggest that we seek an agreement that there be 2 hours on the two amendments together, one equally divided between the Senator from Connecticut and the Senator from Indiana.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for consideration of amendments this morning be switched and that the Senate now consider the Lieberman amendment No. 1627 and the Bayh amendment No. 1767; that the amendments be debated concurrently for a total of 150 minutes, with 90 minutes under the control of Senator LIEBERMAN and 60 minutes under the control of Senator BAYH; that no amendments be in order to either amendment; that upon the use or yielding back of time, the vote in relation to the amendments occur at a time to be determined, with the first vote in relation to the Bayh amendment, to be followed by a vote in relation to the Lieberman amendment, with 2 minutes of debate prior to the second vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer and I thank my colleagues for working this out to try to accommodate all of us the best we can.

I yield the floor.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1627

Mr. LIEBERMAN. Madam President, I have consulted with the chairman of the Armed Services Committee, Senator LEVIN, and the ranking member, Senator MCCAIN, and they have urged me to go forward and call up my amendment on the alternate engine and begin debating it to expedite matters while we are awaiting Senator BAYH to come over. I call it up at this time.

The ACTING PRESIDENT pro tempore. The clerk will report.

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. MCCAIN, Mr. REED, Ms. SNOWE, Mr. SCHUMER, Mr. INHOFE, Mr. DODD, Mrs. HUTCHISON, Ms. COLLINS, Mr. KYL, and Mr. CORNYN, proposes an amendment numbered 1627.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to make certain certifications with respect to the development of an alternative propulsion system for the F–35 Joint Strike Fighter program before funds may be obligated or expended for such system and to provide, with offsets, an additional $282,900,000 for the procurement of UH–1Y/AH–1Z rotary wing aircraft and an additional $156,000,000 for management reserves for the F–35 Joint Strike Fighter program)

On page 39, strike lines 4 through 17, and insert the following:

SEC. 211. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM; INCREASE IN FUNDING FOR PROCUREMENT OF UH–1Y/AH–1Z ROTARY WING AIRCRAFT AND FOR MANAGEMENT RESERVES FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F–35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

(A) reduce the total life-cycle costs of the F–35 Joint Strike Fighter program; and

(B) improve the operational readiness of the fleet of F–35 Joint Strike Fighter aircraft; and

(2) will not—

(A) disrupt the F–35 Joint Strike Fighter program during the research, development, and procurement phases of the program; or

(B) result in the procurement of fewer F–35 Joint Strike Fighter aircraft during the life cycle of the program.

(b) ADDITIONAL AMOUNT FOR UH–1Y/AH–1Z ROTARY WING AIRCRAFT.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is increased by $282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH–1Y/AH–1Z rotary wing aircraft.

(c) RESTORATION OF MANAGEMENT RESERVES FOR F–35 JOINT STRIKE FIGHTER PROGRAM.—

(1) NAVY JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by $78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) AIR FORCE JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by $78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) OFFSETS.—

(1) NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby decreased by $219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800N) for F136 development.

(2) AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800F) for F136 development.

Mr. LIEBERMAN. This amendment I am introducing with Senator MCCAIN as my lead cosponsor, and with a strong bipartisan group of cosponsors, including Senator REED of Rhode Island, and Senators SNOWE, SCHUMER, INHOFE, DODD, HUTCHISON, COLLINS, KYL, and CORNYN. I am very grateful for that support.

To state it briefly, and then to go into some detail, this amendment would remove funding from this bill that was added by way of amendment in the Armed Services Committee for $439 million to build a second engine for the Joint Strike Fighter plane.

I will argue, on behalf of the amendment I have introduced with Senator MCCAIN and others, that it is a waste of $439 million to build for a plane a second engine, which we don't need. In fact, estimates are that continuing acquisition of this second engine will cost over $6 billion of taxpayer money that we don't need to spend because there has been a competition for the engine to be used in the Joint Strike Fighter, which is now the heart and soul of America's hopes for the future when it

comes to tactical aviation—particularly after the Senate terminated the F–22 program the other day.

So there was a competition to build the engine for the Joint Strike Fighter. General Electric, in its proposal, lost that competition. Pratt & Whitney won that competition.

Now, by way of legislation, the proponents of the second engine for this plane are trying to achieve, by legislation, what they could not achieve by competition. It is not only that it is an unnecessary expenditure of $439 million in the coming year, and more than $6 billion, for a second engine that we don't need for that plane, but it has consequences. It is not just that we are spending taxpayer money, but I will go into this in some detail in a moment.

Regarding putting that money to use on that second engine, a general from the Air Force overseeing this Joint Strike Fighter program told our committee it would delay the Joint Strike Fighter, which our services are desperately waiting for. They need this tactical fighter. So it would delay the program and, in fact, this Air Force general testified to our committee that putting money into the bill for the second engine, and continuing to fund it, would result, over the next 5 years, in a reduced capacity to build Joint Strike Fighters by 53 planes.

So to spend the money to build a second engine for a plane, when we don't need a second engine—because the first one won the competition and is performing very well—we are going to reduce the buy of this tactical fighter that our military needs by 53 planes over the next 5 years.

How do my friends who support the second engine pay for it? Well, in the Armed Services Committee bill, which is before us, which Senator MCCAIN, I, and others are trying to remove, they defund the acquisition of helicopters, which are desperately needed by our marines, particularly those fighting in Afghanistan.

There will be an alternative proposal made this morning in the amendment Senator BAYH will introduce, I presume, because there has been so much protest to defunding this acquisition of helicopters that the marines need in battle in Afghanistan, in order to pay for a second engine, which is unnecessary, for the Joint Strike Fighter. Instead, the amendment will defund the acquisition of C–130s, which are specially fitted for our special operations forces. Again, they are carrying out extremely dangerous and critical missions in Afghanistan, Iraq, and other places, where they are courageously taking on particularly the terrorists who attacked us on 9/11.

That is the essence of the argument. This second engine is a program President Obama has described as ''an unnecessary defense program that does nothing to keep us safe, but rather prevents us from spending money on what does keep us safe.''

That warning from President Obama about the consequences of funding the second engine for the Joint Strike Fighter is realized already in the part of the bill Senator MCCAIN and I and others are trying to withdraw and in the amendment my friend from Indiana will introduce because it takes money from the Marines and the Air Force special operations community in areas they and we desperately need.

I wish to add that, this morning, I was grateful and honored to receive a letter from Secretary of Defense Robert Gates, in which the Secretary of Defense strongly and clearly expresses his opposition to the alternate engine, the second engine, an unnecessary engine—the $6 billion unnecessary engine for the Joint Strike Fighter—and his support for the amendment that Senator MCCAIN and I and others have introduced.

I ask unanimous consent that the letter from Secretary Gates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE PENTAGON,
Washington, DC, July 22, 2009.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Defense supports striking from legislation any provision that would require the development or procurement of an alternative propulsion system for the F–35 Joint Strike Fighter.

The current engine is performing well with more than 11,000 test hours. In addition, the risks associated with a single engine provider are manageable as evidenced by the performance of the F–22 and F/A–18E/F, both Air Force and Navy programs supplied by a single engine provider. The Air Force currently has several fleets that operate on a single engine source. Thus, further expenditures on a second engine are unnecessary and will likely impede the progress of the overall F–35 program.

It is my belief that the JSF program presented in the President's budget request is in the best interests of national security. If a final bill is presented to the President containing provisions that would seriously disrupt the F–35 program, the President's senior advisors will recommend that the President veto the bill.

Sincerely,

ROBERT M. GATES,
Secretary of Defense.

Mr. LIEBERMAN. I will read from the letter. It is three paragraphs:

The Department of Defense supports striking from legislation any provision that would require the development or procurement of an alternate propulsion system for the F–35 Joint Strike Fighter.

The current engine is performing well with more than 11,000 test hours. In addition, the risks associated with a single engine provider are manageable as evidenced by the performance of the F–22 and F/A–18/F, both Air Force and Navy programs supplied by a single engine provider. The Air Force currently has several fleets that operate on a single engine source.

I draw back from the letter. What is unusual is to have a second engine. Logically, if we want to buy a car, it would be nice to have a second engine in the garage but would we pay the extra money for it if we had a perfectly good engine in the car? Back to the letter:

Thus, further expenditures on a second engine are unnecessary and will likely impede the progress of the overall F–35 program.

It is my belief that the JSF program presented in the President's budget request is in the best interests of national security. If a final bill is presented to the President containing provisions that would seriously disrupt the F–35 program, the President's senior advisors will recommend that the President veto the bill.

I intend to show in my argument this morning that, in fact, this Armed Services Committee bill—if the amendment Senator MCCAIN and I are proposing is not adopted—will seriously disrupt the F–35 program, the Joint Strike Fighter program and, therefore, will be occasion for the President's advisers to recommend he veto this entire and critically necessary bill.

I thank Secretary Gates for expressing support for the amendment Senator MCCAIN and I and others—Senator SCHUMER, Senator DODD, Senator KYL—have offered to strip this unnecessary expenditure of money from the bill.

Our amendment, as I have said, would restore funding that was taken from the U.S. Marine Corps helicopter, the Huey, when the committee voted to fund the alternate engine. The vote to cut 10 Marine Corps helicopters comes at a time the Marines are conducting a major offensive in the mountains of Afghanistan where the high altitudes and hot weather require the best capabilities Congress can provide them, including these Hueys.

In fact, in recent statements from the Joint Staff and Marine Corps leadership, it is clear how urgently the Marines need the enhanced capabilities of the UH–1 Huey on the battlefield. Speaking before the Armed Services Committee of the Senate on Thursday, July 9, the Vice Chairman of the Joint Chiefs, General Cartwright, said to the members of the committee:

Those helicopters are, in fact, critical.

He continued:

The helicopter for the Marines is one of their most lethal weapons. They are the most effective in the battlefield, particularly in the counterinsurgency arena.

They are effective in built-up urban areas and in compounds because they can be discreet, so the value of those helicopters is significant.

The day after General Cartwright appeared, I received a letter from the Commandant of the Marine Corps, GEN James Conway.

Madam President, I ask unanimous consent to have printed in the RECORD the letter from General Conway.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 10, 2009.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SIR: The Marine Corps greatly appreciates your interest in the UH–1Y/AH–1Z program. Procurement of less than the optimum

ramp of 28 H–1s during Fiscal Year 2010 will lead to continued reliance on aging helicopters that should have been retired from the inventory years ago. This happens at a time when the Secretary of Defense appears poised to issue guidance to the Military Departments to increase rotary-wing assets to conduct current and future Irregular Warfare conflicts.

As we focus on operations in Afghanistan, sustaining the introduction of the H–1 is vital to our future success. We have prioritized UH–1Y deliveries early in the program in an effort to quickly replace our aging fleet of UH–1N helicopters. While the UH–1N has served us well for many decades, it has now reached the point where its available power and key aircrew systems are simply not adequate for robust combat operations. As typically configured, UH–IN loads are often reduced to just two or three combat configured Marines when operating at high density altitudes. Because of these severe operational limitations, we have been very aggressive in transitioning to the significantly improved capabilities of the UH–1Y. Our frist Marine Expenditionary Unit detachment of three new aircraft deployed to the Central Command AOR this year when only ten UH–1Ys had been delivered to the fleet. In November 2009, we plan to deploy our first full squadron to Afghanistan where the UH–1Y's improved payload and airspeed in that challenging environment will serve our Marines well.

Once we deploy the UH–1Y to theater, we want to keep it there. However, in order to sustain our anticipated combat deployment schedule, production must remain on track. With recent deliveries occurring well ahead of schedule and substantial contractor investments in tooling and long-lead materials, there is tangible evidence that the production rate of 28 helicopters contained in the President's budget request can be met.

I greatly appreciate the opportunity to correspond with you and expand on this important subject. The supporting documentation you requested is attached. If you have any additional questions, please do not hesitate to call on me. I also thank you for your leadership and longstanding efforts on behalf of our men and women in uniform.

Sincerely,

JAMES T. CONWAY,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

Mr. LIEBERMAN. Madam President, in his letter, General Conway writes:

Procurement of less than the optimum ramp up of 28 H–1s in fiscal year 2010 will lead to continued reliance on aging helicopters that should have been retired from the inventory years ago. As we focus on operations in Afghanistan, sustaining the introduction of the H–1 is vital for our future success.

He continues:

Because of the severe operational limitations of the Corps' legacy helicopters, the Marines are transitioning toward the significantly improved capabilities of the UH–1Y.

General Conway points out that the Corps has already sent three UH–1Y to Afghanistan and will deploy its full squadron of them this November. This is a plane the Marines desperately need in combat today.

I also want to read from a letter I received from Major General Bockel, retired, Army Reserve, now acting director of the Reserve Officers Association. General Bockel says in his letter to me:

The Reserve Officers Association, representing 65,000 Reserve Component members, supports the Lieberman-McCain Alternate Engine Amendment. This amendment restores critical funding to procure helicopters that the United States Marine Corps urgently needs in Afghanistan.

I suspect the Reserve Officers Association will no more support an effort to ask our special operations forces, as the second-degree or side-by-side amendment Senator BAYH will offer, to pay the bill for an unnecessary second engine than he was to see our Marines foot the bill.

I ask unanimous consent to have printed in the RECORD Major General Bockel's letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESERVE OFFICERS ASSOCIATION,
Washington, DC, July 21, 2009.

Hon. JOSEPH LIEBERMAN,
Hart Office Building,
Washington, DC.

DEAR CHAIRMAN LIEBERMAN: The Reserve Officers Association, representing 65,000 Reserve Component members, supports Lieberman-McCain Alternate Engine Amendment. This amendment restores critical funding to procure helicopters that the United States Marine Corps (USMC) urgently needs in Afghanistan.

In the Senate Armed Services Committee's mark of the National Defense Authorization Act, the bill would cut funds for the procurement of Marine Corps UH–1Y helicopters and the AHI–Z Super Cobra in order to fund an unnecessary ''alternate engine'' for F–35 Joint Strike Fighter.

The Bell UH–1Y Venom is a twin-engine medium size utility helicopter, part of the USMC's H–1 upgrade program, replacing the Marines aging fleet of UH–IN Twin Huey light utility helicopters first introduced in the early 1970s. The Corps' current fleet of utility helicopters face noticeable operational limitations at high altitudes, which is not a problem for the new UH–1Y. Because of the severe limitations, which can have an impact on operational agility, the USMC is aggressively transitioning to the new aircraft.

The Pentagon had requested 28 AH–1Z and UH–1Y helicopters, but NDAA markups have reduced these numbers to offset funding. This amendment would restore $482.9 in funding that was stripped from the U.S. Marine Corps UH–1Y program, which is an action that ROA supports.

Thank you for your efforts on this key issue, and other support to the military that you have shown in the past. Please feel free to have your staff call ROA's legislative director, Marshall Hanson, with any question or issue you would like to discuss.

Sincerely,

DAVID R. BOCKEL,
MAJOR GENERAL, USAR (RETIRED),
Acting Executive Director.

Mr. LIEBERMAN. Madam President, let me talk now about what this amendment would do. It would essentially remove the funding for the second engine, but it does it in a way that I think is thoughtful. It requires that there be no obligation of any funds on the development of a second engine for the Joint Strike Fighter unless and until the Secretary of Defense certifies to Congress that the development and procurement of such an engine will reduce the total life-cycle costs of the program, improve the operational readiness of the F–35 fleet, and avoid either disrupting the Joint Strike Fighter Program or resulting in procurement of fewer Joint Strike Fighter aircraft during the life cycle of the program.

Why do we propose these conditions? Because they are the benefits the proponents of the second engine claim it will deliver. So we ask that the second engine be judged on its alleged merits. And I hope my colleagues will agree that this is a fair way to go at this.

I have spoken already at the outset about the fact that there was a competition for the engine for the Joint Strike Fighter that took place in 1996. Ultimately, one engine won the competition while the other lost. Understandably, but not acceptably, the makers of the engine that lost have come back to achieve by legislation—or attempt to—what they could not achieve by competition.

The proponents of the second engine have also claimed that it would lower costs on the Joint Strike Fighter Program overall. I have cited numbers that come from the Pentagon and elsewhere arguing on the other hand that this program will cost over $6 billion of taxpayer money without any showing, really, that it will save money. Developing a second engine, quite logically and following common sense, would require the Department of Defense to maintain two logistics operations to support it—tails, as it is called in the military, two tails, two sets of training manuals, two sets of tooling component improvement parts. These additional and unnecessary expenses would raise operations and sustainment costs for the Joint Strike Fighter throughout the life cycle of the program.

I want to get to the impact funding a second engine—an unnecessary engine, a costly engine—would have on the Joint Strike Fighter Program.

On June 9, the Armed Services Committee Subcommittee on Air and Land, which I have the honor of chairing, heard testimony from LTG Mark Shackelford, Military Deputy Officer to the Secretary of the Air Force for Acquisition. He is in charge of acquisition. I asked General Shackelford whether development of a second engine would disrupt the Joint Strike Fighter Program. His explanation is detailed but important to hear. It has a very strong message:

The fiscal year 2010 production quantity for the joint strike fighter is 30 aircraft, split between three variants.

That means with three different services.

If forced to pay for the alternate engine, we would have to reduce that to two to four, depending on which of the variants. That has a negative effect on the unit cost of the remaining aircraft if you are buying fewer. It also ripples into next year's quantities, and then as we take that 2010 increment of dollars and extend that out through the future year defense program—

Which is the 5-year so-called fit up that the Pentagon does planning on—

there are equal decrements in terms of the numbers of aircraft that we can buy with the remaining dollars.

After hearing that—decrements, decreases, reduction in the number of aircraft we can buy—I asked General Shackelford how many fewer Joint Strike Fighters would be purchased over that 5-year period if we went ahead with the second engine. He responded:

Over the 5-year period, it would be 53.

I cannot emphasize that enough—53 fewer aircraft that we otherwise would have purchased for the Air Force, Navy, and Marine Corps that are desperately in need of them over the next 5 years; 53 fewer planes because we are going to spend that money buying a second engine we do not need. That really would be a major disruption to the Joint Strike Fighter Program. But it is avoidable, and it is avoidable by adopting the amendment Senator MCCAIN and I, Senator SCHUMER, Senator DODD, Senator KYL, Senator HUTCHISON, Senator COLLINS, and Senator SNOWE—a very broad bipartisan group—have offered.

I close this opening statement in support of our amendment and in opposition to the amendment my friend from Indiana will offer with this quote from President Obama when he sent the defense budget to us on May 15. Here is the quote from the President:

We're going to save money by eliminating unnecessary defense programs that do nothing to keep us safe but rather prevent us from spending money on what does keep us safe. One example is a $465 million program to build an alternate engine for the joint strike fighter. The Defense Department is already pleased with the engine it has. The engine it has works. The Pentagon does not want and does not plan to use the alternate version.

President Obama concludes:

That is why the Pentagon stopped requesting this funding 2 years ago.

That is why I respectfully ask my colleagues, in the interest of the taxpayers, in the interest of the Joint Strike Fighter Program, to protect funding for the Marines, for the Hueys, the special operations forces of the Air Force, for the C–130s, to protect the Navy, Air Force, and Marines, who are waiting for the Joint Strike Fighter. I ask you to vote against the amendment offered by my friend from Indiana and for the amendment I have the honor to offer.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

AMENDMENT NO. 1767

Mr. BAYH. Madam President, I ask unanimous consent to call up my amendment No. 1767.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Indiana [Mr. BAYH] proposes an amendment numbered 1767.

Mr. BAYH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the continued development of a competitive propulsion system for the Joint Strike Fighter program and additional amounts, with an offset, for UH–1Y/AH–1Z rotary wing aircraft and Joint Strike Fighter program management reserves)

On page 39, strike lines 4 through 17, and insert the following:

SEC. 211. CONTINUED DEVELOPMENT OF COMPETITIVE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) IN GENERAL.—Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation for the F–35 Lightning II aircraft program, not more than 90 percent may be obligated until the Secretary of Defense submits to the congressional defense committees a written certification that sufficient funds have been obligated for fiscal year 2010 for the continued development of a competitive propulsion system for the F–35 Lightning II aircraft to ensure that system development and demonstration continues under the program during fiscal year 2010.

(b) ADDITIONAL AMOUNT FOR UH–1Y/AH–1Z ROTARY WING AIRCRAFT.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is hereby increased by $282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH–1Y/AH–1Z rotary wing aircraft.

(c) RESTORATION OF MANAGEMENT RESERVES FOR F–35 JOINT STRIKE FIGHTER PROGRAM.—

(1) NAVY JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by $78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) AIR FORCE JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by $78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) OFFSET.—The amount authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force is hereby decreased by $438,900,000, with the amount of the decrease to be derived from amounts available for airlift aircraft for the HC/MC–130 recapitalization program.

Mr. BAYH. Madam President, I wish to begin by thanking my colleague from Connecticut and my friend, JOE LIEBERMAN. We have worked together on so many issues and so well that I find this to be an odd set of circumstances today where we have a difference of opinion on this issue. But even here, we have worked collegially to call up our respective amendments in a timely manner.

I regret the order of offering the amendments was changed because I know the Senator had speakers on his approach to this issue, as I had. I wish their voices could be heard. I am grateful Senator LEVIN will be speaking shortly in support of my approach. I think the fact he is chairman of the Armed Services Committee lends some credence to our approach. I thank the Senator for his cooperation and courtesy. I so much enjoy, as with Senator MCCAIN as well, our working together on so many different issues. I thank Senator MCCAIN for his courtesy in trying to respect the time of the various Members who planned their schedules and planned to speak here. I thank Senator LIEBERMAN for all that. We do, however, have a difference of opinion on this important issue.

This amendment will restore funding for Marine Corps helicopters and the Joint Strike Fighter management service reserves. Let me repeat for my colleagues who are concerned about funding for the Marine Corps helicopters or the number of Joint Strike Fighters which will be purchased, my amendment deals with those concerns. So many of the very appropriate comments Senator LIEBERMAN was making about the Marine Corps, about the helicopters, about the testimony of the services in favor of those helicopters, those are no longer relevant. Under my amendment, the helicopters are provided for, so many of his comments about the need for Joint Strike Fighters and the number of tails, the number of planes, those comments are no longer relevant. We have full funding for the number of Joint Strike Fighters.

I know this debate has proceeded rapidly, it has changed rapidly, but all of that commentary about helicopters and the number of Joint Strike Fighters has been taken care of by my amendment and is no longer relevant to the consideration of the underlying issue, which is the importance of competition and how best to go about saving money and procuring engines for this vitally important program.

I should also say that a number of statements were read about the President and his points of view. I think it is important for my colleagues who care about the comments from the President's staff about a recommendation of a veto to point out that in those comments, they were speaking directly to the number of planes, which has now been taken care of. That has now been addressed. They were not referring to the underlying opinion of the GAO and the whole fiscal aspect of this, which is a legitimate debate, but those comments and concerns were not raised as legitimate grounds for a veto threat by the President of the United States. So that has been taken care of as well.

What is on the table is preserving competition in the Joint Strike Fighter Engine Program. My friend and colleague's amendment No. 1627 strikes funding for this commonsense program. I wish to set the record straight by preserving this competition.

The Joint strike Fighter is a massive acquisition program. By 2030, this fighter will make up the vast majority of our tactical air fleet. Investing now to ensure competition over the life of the JSF is good government and sound management practice. Understanding

this, my colleagues in the Armed Services Committee prudently included $439 million to continue development of the competitive engine.

As most of our colleagues know, I am very concerned with our Nation's growing deficit. I have consistently opposed bills that spend too much, including the omnibus spending bill and the recent budget. I have supported amendments to strike wasteful spending.

I understand the importance of restraint, and I would not be here today if I did not truly believe this competitive engine strategy will save the taxpayers money.

I am not alone in this view. In 1996, Congress initiated the F–136 competitive engine program because we knew then, as we still know now, competition results in lower cost, improved performance, increased reliability, and greater contractor responsiveness. Since then, Congress has maintained unwavering support for this program for 13 consecutive years.

I want to be clear that there was never a competition for the GSF engine development. I heard the word ''competition'' used repeatedly by my friend and colleague. I hold in my hand copies of the contracts, the contracts for the engine that has just been alleged to have been let competitively. The first contract was on January 23, 1997, to Pratt & Whitney, in the sum of $804 million. It sets in bold print ''this contract was not competitively procured.''

Let me repeat that in plain English. This contract for the engine program about which it was just stated repeatedly that there was a competition, was, in fact, not competitively let. It is in plain English. A Federal Government document refutes that contention.

The second contract, dated October 26, 2001, once again to Pratt & Whitney, in the sum of $4,830,000—this contract was not competitively procured. There was no competition for the engine program. It is a matter of public record in plain black and white. If you care about competition, you will support my approach to dealing with this issue.

This is an engine program whose total cost will top $100 billion. There is simply no justification for awarding a sole-source noncompetitive contract in this area. The General Accounting Office has consistently supported funding a second engine as a fiscally responsible approach that would yield long-term cost savings for taxpayers.

On May 20 of this year, the GAO reaffirmed this view when discussing the cost to complete the second engine and stated:

> A competitive strategy has the potential for savings equal to or exceeding the amount across the life cycle of the engine. Prior experience indicates it is reasonable to assume that competition on the GSF engine program could yield savings of at least as much. As a result, we remain confident the competitive pressures could yield enough savings to offset the costs for competition over the GFS program's life.

GAO went on to elaborate on the nonfinancial benefits of procuring a second amendment:

> Our prior work, along with studies by the Department of Defense and others, indicate there are a number of nonfinancial benefits that may result from competition, including better performance, increased reliability, and improved contractor responsiveness.

The long history in the Department of Defense is that when you award sole-sourced, noncompetitive contracts to a single provider, costs go up, responsiveness goes down, the taxpayers suffer. That is what my amendment will avoid.

Further, in light of the increased investment Secretary Gates and the administration have chosen to make in the GSF program, limiting the Department of Defense to a single source has implications for our readiness and strategic posture. If we have problems with the primary engine, we will have no alternative. There will be no second supplier with any ability to produce a comparable engine. Production delays or engine failures could prove catastrophic for an already thin tactical air fleet.

Anybody who thinks that a large contract to a single vendor without competition—again I reiterate, as the contracts specifically indicate, they were not competitively bid—anyone who thinks that is a good way for the government to do business should support the Lieberman amendment.

Some may very well argue that my amendment constitutes business as usual or is, in fact, wasteful, but many of these individuals have, in fact, supported this approach as good public policy in the past. They were right then. I am right today.

We need to keep the primary contractors honest and the only way to do that is through competition. There was no competition in the award of these contracts. We now maintain that competition through the adoption of this amendment.

There were several other Senators who were intending to speak on behalf of this amendment. Because of the change in schedule, they may not be able to be with us. We will have to wait and see about that, but again I thank Senator MCCAIN for his courtesy in attempting to ensure that they could speak. I know there were some in opposition to my approach who wanted to speak as well. Senator KENNEDY cosponsors my amendment and is fully supportive. Because of health care concerns he could not be here today. I do wish to share with our colleagues and for the record a statement he issued on June 24, as a part of the Armed Services Committee markup on this issue, in support of my approach.

Senator KENNEDY, a longstanding member of the Armed Services Committee:

> For the fourth year in a row, the Department of Defense continues to ignore the will of the Congress on the production of an alternate Joint Strike Fighter engine in order to reduce risk to our forces, protect against any cost overruns, preserve the U.S. industrial base and support our international partners.

That is what our amendment is designed to accomplish and that is why Senator KENNEDY supports it. He goes on to say:

> I remember well the ''Great Engine Wars'' of the 1980s, and the development of an acquisition strategy, considered controversial at the time, that ultimately delivered stronger and more cost-effective fighter aircraft to the nation. That issue began a decade earlier, when the decision to sole-source the F–15's F100 engine resulted in rushed development to meet program timelines, inadequate responses to program shortfalls, and mounting frustration over our inability to address these discrepancies without additional resources. Ultimately, the Air Force, the Navy and Congress agreed that the short-term and long-term benefits of industrial competition would meet these challenges and deliver results.
>
> That experience is as relevant today as it was then, because we face a similar challenge. The Joint Strike Fighter is one of the largest military aircraft programs in history, with $100 billion allocated for engines alone. In light of recent defense acquisition challenges and the growing ''fighter gap'' in our air forces, these decisions could not be more important, or their results more far-reaching.
>
> Critics emphasize the short-term cost savings of the sole-source procurement strategy and cite reports showing different timelines to re-coup program costs. But dramatic long-term opportunity costs are missing from this debate, and are conspicuous in their absence.

That is what the GAO was referring to in the study I cited before.

> Competition for the Joint Strike Fighter engine has compelling advantages and avoids past pitfalls. Dual-sourcing will build vital operational redundancy into the fleet, avoiding a single point of failure for the engine malfunctions and spare parts shortages experienced in the past with other fleet-wide groundings. Competition delivers an inherent incentive for manufacturers to absorb and contain cost growth, even as it encourages responsiveness by contractors, continuous product improvement, and innovation. All of these factors are less evident in sole-source contracts.
>
> The alternate engine program appropriately diversifies capability and capacity across the U.S. industrial base and ensures that sustained production, maintenance, and availability of critical components are not concentrated in a single provider. In addition, the F136 alternate engine program considers the sustained participation of key international partners and stakeholders, especially the United Kingdom, and Australia, Canada, Denmark, Italy, the Netherlands, Norway, and Turkey as well. Their commitment is important to the future of the Joint Strike Fighter program and our basic security relationships.
>
> For these reasons, I strongly support the addition of $438 million in the FY 2010 National Defense Authorization Act to sustain the F136 alternate Joint Strike Fighter engine program.

Those are the words of Senator KENNEDY.

In conclusion and by way of summary, the Marine Corps helicopter issue has been taken care of. That is no longer an issue. We fully provide for that.

Allegations about the number of procurements for the Joint Strike Fighters has been taken care of. That is no longer an issue.

Statements by the President's staff with regard to a possible Presidential

veto related to the potential reduction in the number of fighters, that issue has been taken care of.

As I mentioned, the contracts for the engines themselves, in black and white, given to Pratt & Whitney on the dates in these legal documents, say very clearly, and I quote once again: ''This contract was not competitively procured.''

That is a matter of public record. This debate is about competition, the benefits of competition. I support them. That is why I urge my colleagues to support our amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I rise in support of the amendment which has been described by the proponent and opponent. Obviously, it would strip from the Defense authorization bill a provision that authorizes funding for an alternate engine for the F–35 Joint Strike Fighter.

Underscoring Senator LIEBERMAN's point and as was the case with the provision this body addressed in the F–22 program, funding for an alternate engine for the JSF at this time is something the Department of Defense has not asked for and does not want. It is not reflected in either the President's budget request or any of the Services' unfunded priorities list.

I believe there is good reason why neither the Department nor any of the services at this time want an alternate engine for the JSF. That reason is perhaps best expressed in a letter that Senator LIEBERMAN has already quoted from and had printed in the RECORD, from Secretary Gates. He concludes by saying:

> It is my belief that the Joint Strike Fighter Program presented in the President's budget request is in the best interests of national security. If a final bill is presented to the President concerning provisions that would seriously disrupt the F–35 program, the President's senior advisers will recommend that the President veto the bill.

Before I go much further, I would like to apologize to all Members who had planned to speak on this very important amendment and had arranged their schedules to do so. We have obviously changed the timing, despite the unanimous consent agreement to the contrary, apparently to accommodate one Senator's schedule.

I hope, because this is a very important issue, that Senators both in support of Senator BAYH's position and in support of this amendment would seize the opportunity to come down and address this issue.

Some have cited the benefits of competition as a reason to pursue a second engine for the Joint Strike Fighter, but a competition for this engine was already conducted. It was already conducted as a part of the original flyoff competition for the Joint Strike Fighter itself. The current airframe manufacturer and engine team won.

In 1996, Lockheed Martin, Boeing, and McDonnell Douglas originally competed for the two Joint Strike Technology Concept Demonstration Awards. In connection with that, each of those airframe manufacturers solicited engine proposals from Pratt & Whitney and General Electric. Pratt & Whitney won the competition as to Lockheed Martin and Boeing, and General Electric won separately as to McDonnell Douglas. Lockheed Martin and Boeing were selected to proceed to concept demonstration—where Lockheed Martin ultimately won in 2001.

That is exactly how most military aircraft engines are selected—as a team, combining an airframe with a powerplant. That makes sense, I might say. Obviously, we do not want them being developed separately. So with regard to a second engine, we are not talking about competition, we are actually talking about another bite at the apple.

I hope the great engine war is over. I know of no data or analysis that supports that taxpayers will see any net savings from subjecting the engine for the JSF to any further competition.

I do not believe there is anybody who believes more in competition than the Senator from Connecticut and me, including the chairman. We need to have competition. But there comes a point where you have to make a decision in the development of both the aircraft and the engine and move forward. At some point you have to abandon the alternate engine or, in some cases, there have been advocates of an alternate aircraft itself, to perform the same mission, as in the case of the tanker, and to move forward in order to proceed in a fashion which is in the best interests of the taxpayers and the defense of the country.

That is why the Secretary of Defense feels so strongly on this issue that he says the President's senior advisers will recommend that the President veto the bill if the Lieberman amendment is not adopted.

The fact is also funding an alternate engine over the next 6 years has been estimated to cost the program about $5 billion, the equivalent of 50 to 80 aircraft, according to the program manager.

Also, given that continuing development of a second engine would require in excess of $600 million in fiscal year 2010 alone, according to the Military Deputy to the Assistant Secretary of the Air Force for Acquisitions, GEN Mark Shackelford. Paying for the engines in just that year would require cutting production of at least two Joint Strike Fighters this year alone.

There may be some nonfinancial benefits to subjecting the engine program for the Joint Strike Fighter to additional competition—improved contractor performance at the margins, for example.

Like Senator LIEBERMAN, I am not persuaded those benefits are worth an additional cost of $5 billion to the Joint Strike Fighter's bottom line over the next 6 years. Certainly there are more cost-effective ways of ensuring contractor performance.

In my view, the possibility of a fleetwide grounding due to a single engine—that is another argument that is made by proponents of a second engine—is overstated. In fact, the only other U.S. military aircraft with an alternative engine is the F–16. All other aircraft have single-engine sources and have worked well.

There is no doubt the cost growth of the engine has been a huge problem. From fiscal year 2007 to 2008, the engine costs have grown specifically to meet the needs of the Marine Corps for a version capable of short takeoff and vertical landing. But I suggest the challenge there is to ensure that development costs leading to production remain stable, not to introduce a new engine to the program that will most assuredly add more uncertain testing requirements, complexity, and ultimately cost to the program.

So I believe the provision currently in the bill would be seriously disruptive because one of the offsets it uses to fund developing and buying a second engine derives from research, development, and testing and evaluation efforts supporting the program itself.

Also, it is my understanding the offset is of the C–130, which obviously is very much required in our operations in Iraq and Afghanistan. Remember, Secretary Gates restructured the Joint Strike Fighter Program this year precisely to provide for more robust developmental testing over the next 5 years to ensure that the program stays on its planned budget. Taking money out of the program's research, development, and testing and evaluation effort will, in my view, most assuredly disrupt the program.

One of the lessons of history on this program is its stability in funding is absolutely vital to executing that program soundly, the instability in funding—the disruption that the provision introduces into the bill—brings the bill within the scope of a veto threat.

For these reasons, I urge my colleagues to support the amendment under consideration and prohibit any additional funding for an alternate engine program for the Joint Strike Fighter.

Let me also point out to my colleagues, I think this Secretary of Defense has decided, in an incredible act of courage, to take on certain institutions and the way we do business. I think this Secretary of Defense has decided to take on—and I know he has—the military-industrial-congressional complex which lards on porkbarrel projects and unnecessary spending which, in many respects, places parochial interests over the national interests. Obviously, he feels so strongly about it that he would recommend a veto by the President of the United States. That would be regrettable, obviously, because we have so many important provisions in this bill for the

men and women who are serving this country, from the wounded warriors, to a pay raise, for so many things—to the amendment of Senator LIEBERMAN's that we adopted yesterday that we would provide an additional 30,000 members of the U.S. Army so we can better pursue the conflict in Iraq and Afghanistan.

So, obviously, as of yesterday, the Secretary of Defense feels so strongly on this issue that he would recommend that the President veto the entire bill. Does that mean it would kill a bill? No. But it does mean there would be a significant period of delay in passing this legislation and therefore delay the ability of the Pentagon and the military to implement some of the very important provisions of this legislation.

So I would urge my colleagues to examine this issue carefully, as I am sure they do all of the issues before this body. Also I would hope they would take into consideration the views of our distinguished Secretary of Defense.

I do not agree on every issue with the Secretary of Defense, and neither does my colleague, Senator LIEBERMAN. But I think he is on the right track. I think he can bring about change, at least on how we acquire weapons and how we spend money, and end these atrocious, outrageous cost overruns we have experienced in literally every single weapon system in recent years, which have cost the taxpayers incredible amounts of money, and end this earmarking and porkbarrel process that I will talk more on today.

Every day just about we pick up a paper and hear about, or go on line and hear about, some organization that got an earmark and their waste, mismanagement, and in some cases criminal behavior as far as use of the taxpayers' dollars are concerned. We have to do the big things and the small things. This is a big thing.

I respect, enormously, the Senator from Indiana. There has been no more valuable member of the Armed Services Committee than Senator BAYH. I respect his views. I understand where he is coming from in the name and sake of competition.

Senator LIEBERMAN's and my argument is that the time for competition is over, and it is time to move forward with a tested engine that will, one, accelerate the development and operational entrance by the F–22, and also save some $5 billion of the taxpayers' money.

So I hope my colleagues will examine this issue very carefully and support the Lieberman amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I wanted to speak very briefly because I note the presence on the floor of the Senator from Ohio. I want to speak simply to thank Senator MCCAIN for his very strong and thoughtful statement. I am honored that he is the cosponsor of the amendment.

Senator MCCAIN has enormous credibility in two areas that have come together in this amendment. The first is his support of the men and women of our military. The second is his opposition to wasteful spending of taxpayer dollars. And the two come together here.

Of course, as he has argued so compellingly, there are a lot of times when the wasteful spending of taxpayer dollars for military acquisitions is not only harmful in itself because it is wasteful, but it takes money away from things we need more.

That is the case here. The money that will be spent, $5, $6, $8 billion over the next 6 years by various estimates, will result in 50 to 80 fewer Joint Strike Fighters produced in that time. The Navy, Air Force, and Marines are waiting with anxiety for these tactical fighters.

In addition to that, the folks who want to fund this second engine have to find the money somewhere. They find it not only by delays in the Joint Strike Fighter Program, but by either, as the amendments today give the alternative—the first one was to take it from the Marine Corps for helicopters that are needed in Afghanistan.

The one that Senator BAYH has before us will take the money from the Air Force special operations community for C–130s that they need for Iraq, Afghanistan, and throughout the world. It is not worth it.

I thank Senator MCCAIN for his strong statement and for his cosponsorship.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. VOINOVICH. Who is managing this side of the debate?

The ACTING PRESIDENT pro tempore. Senator BAYH and Senator LIEBERMAN.

Mr. VOINOVICH. I ask unanimous consent that I take some of the time of Senator BAYH, who is supposed to be managing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I rise today to speak in support of the competitive sourcing for the Joint Strike Fighter engines. Senator BAYH's compromise amendment continues our support for competition for the Joint Strike Fighter engines and restores the funding for the Marine Corps helicopters that I know a number of my colleagues are concerned about.

From my understanding of what happened is that in the Armed Services Committee, Senator BAYH was concerned that the committee did not have money in the budget for competition for the Joint Strike Fighter. As a result of that, he moved to amend and took money away from the helicopters that Senator LIEBERMAN is so concerned about.

Today we are here because the Senator from Connecticut wants to restore that money for those helicopters, and at the same time, those of us who are concerned about competition would like to see the money included so we can continue competition for the Joint Strike Fighter.

As most of you know, I am a former Governor and mayor who has been an ardent champion of fiscal responsibility and total quality management in government. I am not a Johnnie-come-lately to this whole business of efficiency in terms of our defense budget.

Since 1990, the Department of Defense acquisition management has been under GAO's high risk list, and that is why, in my capacity as chair and now ranking member of the Subcommittee on Oversight and Government Management, I strongly supported reforms at the Defense Department that address contracting weaknesses and promote good business practices to support our men and women in uniform.

I want everyone to understand, this is not the F–22. This is about competition, fiscal responsibility, and good government management. When I came to the Senate, I remember Dwight D. Eisenhower talked about the military-industrial complex. I must say, since I have been a Senator, he had it wrong. It is the military-industrial-congressional complex.

If you watch how things are done on the floor of the Senate, a lot of it has got to do with protecting the business in our States, even though in some instances it is not in the best interests of our country. I am proud to say, in spite of the fact that in my State we lost about 500 jobs, I voted to eliminate the F–22.

That is what we should see more of here. But too often, when we make our decisions, it has got more to do with the corporations in our respective States and the jobs than it has to do with what is in the best interests of the country or what is fiscally responsible.

I think all of us should be concerned about it. I am going to leave here at the end of next year. But it seems to me if we do not start paying more attention to that, we are going to continue to be in trouble.

In testimony before the House Armed Services Committee this past May, the Government Accountability Office stated that competition, competition for the Joint Strike Fighter engine will yield long-term cost savings for taxpayers.

Does that mean it is not going to cost a little more at the front end because we are going to have more than one company competing for that engine? Of course it is going to cost a little bit more. But that testimony GAO gave cited an example of engine competition for the F–16. OK? We had competition for the F–16. Let's remember that this Joint Strike Fighter is going to be the fighter for all of the Federal agencies. It is going to be with us for the next 25 or 30 years.

That testimony for the F–16 said: It reduced engine costs for the F–16 by

over 20 percent. In other words, by putting a little money up front and having competition between the companies that wanted to do the engines, we, over the contract, saved 20 percent.

I commend to my colleagues the GAO testimony before the Subcommittee on Air and Land Forces, Committee on Armed Services, House of Representatives. This is quite a report. For those who are really interested in the subject, I ask them to read this or have their staff look at it. It is entitled ''Joint Strike Fighter Strong Risk Management Essential as Program Enters Most Challenging Phase.''

It is interesting the way the company that was originally chosen to do this has had cost overruns even in the beginning—and the two companies that were competing with them have been on budget and on time for the RECORD. By the way, it is right here in this GAO report. All you have to do is read the report. It is there.

Let me read what the report says:

> A competitive strategy has the potential for savings equal to or exceeding that amount across the life cycle of the engine. Prior experience indicates that it is reasonable to assume that competition on the Joint Strike Fighter engine program could yield savings. . . . As a result, we remain confident that competitive pressures could yield enough savings to offset the [upfront] costs of [development] over the JSF program's life.

Let me repeat that:

> As a result, we remain confident that competitive pressures could yield enough savings to offset the [upfront] costs of [development] over the [Joint Strike Fighter] program's life. Most of us understand competition.

We have laws against antitrust, trying to make sure that one company doesn't get an advantage over another. I think most of my colleagues understand competition brings out the best and the lowest price.

The GAO testimony goes on to address the impact competition has on quality of product and incentives to perform:

> Our prior work, along with studies by the [Department of Defense] and others, indicate there are a number of nonfinancial benefits that may result from competition, including better performance, increased reliability, and improved contractor responsiveness.

I heard the Senator from Arizona speak eloquently about all of the overruns and expenses and everything else about it. If he were here, I would say to him: Hey, what we want to do is have some competition on this engine so we get the best price, the best quality, the most responsiveness.

We don't need the GAO to confirm common sense. We all know that competition leads to lower cost, improved performance, increased reliability, and helps to keep our contractors honest. Without a competitive engine, over 90 percent of our fighter aircraft will be powered by one engine by 2030. Think about that. One company will have that contract. Giving an extraordinarily large contract to a single vendor without competition is reckless and irresponsible. Our government has an obligation to keep our contractors honest, and the surest way to achieve that honesty is through competition. I urge colleagues to support the Bayh compromise amendment that preserves competitive sourcing for the Joint Strike Fighter engine.

We have an opportunity. I can understand the Senator from Connecticut was upset because we took money out of the helicopters to maintain the competition. What Senator BAYH is trying to do is come up with an amendment that will restore the money so we can buy the helicopters and, at the same time, maintain competition on the Joint Strike Fighter.

I urge my colleagues to study this issue. Please, if they have a chance, they or their staffs ought to look at this report by the GAO. It substantiates the reasons why we are so ardent in terms of our support for competition for the Joint Strike Fighter.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I yield myself such time as I need from the time allotted.

Let me respond to a few points made in this debate.

First, as was clear, the original place that proponents of this second engine, which I believe is an unnecessary engine or unnecessary expenditure of taxpayer money, the place from which they would take the money originally for the Huey helicopters for the marines, I think there was a lot of upset about that. So the choice that Senator BAYH has put before us today would cut the HC–130 and MC–130 aircraft which would seriously impact both the Air Force's air combat command and the special operations command. This is a late-breaking development this morning, the change of source of the funding, but we asked for a response from the office of the Secretary of Defense and it was this, that this ''take'' from these two variants of the C–130s that the Air Force special operations command is using in Afghanistan, Iraq, and elsewhere, wherever they are needed in the world, the Secretary of Defense says this would slow down the rate at which the aircraft would be delivered.

The argument Senator BAYH made is that in the supplemental we adopted earlier, three additional MC–130s and four HC–130s were included, seven planes. But the Air Force says to us this morning: Based on the JROC validation requirements—that is the joint operating committee that determines acquisition—the Air Force has validated requirements for 37 MC–130s and 78 HC–130s.

The Air Force, including the Air Force special operations command and air combat command, is grateful for the seven the supplemental gave them, but they need many more. They need 115 total, and so far we have given them 7. Removing the nine planes that were in the President's budget for the Air Force to fund the unnecessary second engine is not a costless move. It would do damage to the Air Force and its program.

I know Senator REED is here and wants to speak on the amendment before us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I rise in support of the Lieberman-McCain amendment. I commend both of them for their efforts in this regard. This represents part of what I believe Secretary Gates is trying to do, which is to focus on immediate consequential threats and necessary equipment while we continue to maintain deterrents for the future.

This second engine has not been fully validated by the Secretary of Defense. This amendment requires such validation. In addition, one of the aspects of the underlying legislation is that the alternate engine for the Joint Strike Fighter would be paid for in part by taking away funds to purchase additional UH–1Y helicopters for the Marine Corps. This request was in the President's budget. These helicopters are absolutely critical to ongoing operations in Afghanistan and throughout the world. The wear and tear on equipment, particularly in Afghanistan and Iraq, has been considerable. If we don't upgrade or repair these pieces of equipment on a regular basis, we will not have the lift to combat our opponents across the globe.

By comparison, right now in Great Britain there is an argument about the sufficiency of helicopters their forces have. We don't want to get into such an argument down the road. We want to make sure our forces in the field have the equipment they need to carry the fight to our opponents.

I think this amendment is extremely well crafted. It puts the money where it should be to help our tactical airlift, marines particularly, helicopter airlift. It requires the Secretary to justify and validate that a second engine would reduce the whole life cycle cost and improve the operational readiness of the F–35. We should go forward with helicopters and let the Secretary make a judgment about the efficacy of the second engine.

I thank the Senator for yielding to me.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Rhode Island, Senator REED, for taking the time to come over to the Chamber. I know the schedule changed. We had to adjust things. His presence and the strength of his statement—he is a senior member of the Armed Services Committee—and his support mean a lot to this cause.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Michigan.

Mr. LEVIN. I yield myself 10 minutes of the time of Senator BAYH.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 10 minutes.

Mr. LEVIN. Madam President, I oppose the Lieberman amendment that would eliminate funding for the Joint Strike Fighter alternate engine. The committee voted 12 to 10 to keep this competition going. I emphasize, this is not a new engine that is being introduced. This effort is to have a competitive engine. This effort has been supported by Congress for many years. Indeed, our Armed Services Committee had a vote on this 2 years ago where we determined to maintain the competition. This year's vote was 12 to 10.

A fundamental tenet for reforming the Defense Department's acquisition system is ensuring competition throughout the development and production cycle of major acquisition systems, whenever and wherever that makes sense. In the case of the Joint Strike Fighter Program, Congress has concluded repeatedly that competition makes sense because of the size of this buy.

The JSF program is planned to be one of the largest acquisition programs ever undertaken by the Defense Department. The Defense Department intends to buy more than 2,400 JSF aircraft, with our foreign partners slated to buy at least another 600. That means we are talking about a program of more than 3,000 aircraft. That means more than 3,000 engines. The cost of the engines alone will exceed $50 billion over the life of the program. This is not an issue such as whether we add F–22s. This is a matter of whether we are going to have competition in a program everybody supports and where we intend to purchase about 3,000 planes.

A number of studies have been done trying to estimate the economic costs and benefits of developing a second engine. The analysis of our Government Accountability Office, which Congress directed to review this, came out a few years ago. Michael Sullivan, GAO Director of Acquisition and Sourcing Management, testified as follows in March 2006 before the House Armed Services Committee:

> The current estimated remaining life cycle cost for the JSF engine under the sole-source scenario is $53.4 billion. To ensure competition by continuing the JSF alternate engine program, an additional investment of $3.6 billion to $4.5 billion may be required.

This was back in 2007. It is a lot less than that now to complete this program.

Continuing from the testimony:

> However, the associated competitive pressures from this strategy could result in savings equal to or exceeding that amount across the life cycle of the engine. The cost analysis that we performed suggests that a savings of 10.3 to 12.3 percent would recoup that investment, and actual experience from past engine competitions suggests that it is reasonable to assume that competition on the JSF engine program could yield savings of at least that much. These results are dependent on how the government decides to run the competition, the number of aircraft that are ultimately purchased, and the exact ratio of engines awarded to each contract. In addition, DOD-commissioned reports and other officials have said that non financial benefits in terms of better engine performance and reliability, improved industrial base stability, and more responsive contractors are more likely outcomes under a competitive environment than under a sole-source strategy. [Department of Defense] experience with other aircraft engine programs, including that for the F–16 fighter, has shown competitive pressures can generate financial benefits of up to 20 percent during the life cycle of an engine program and/or the other benefits mentioned. The potential for cost savings and performance improvements, along with the impact the engine program could have on the industrial base, underscores the importance and long-term implications of [Department of Defense] decision making with regard to the final acquisition strategy.

A few months ago, before the Armed Services Committee, in May of 2009, that same Mr. Sullivan of the GAO said that his study of 2007 is still relevant and the same conclusions can be drawn.

This is not a new engine which is being introduced. This is an engine development program to provide competition which has been long underway. The Department of Defense and Congress have approved, authorized, and appropriated spending so far of $2.5 billion for this alternate engine. The most important point I think I can make is this is not $4 billion or $5 billion or $6 billion additional funds we are talking about. In order to complete the development of this competitive engine, it will require $1.8 billion. So that $2.5 billion is already sunk into this engine development program. That is probably two-thirds of its cost already sunk into it. The question is, do we complete the development of this alternative engine at a cost of about $1.8 billion? That would conclude the cost for the engine contractor and other government costs for that program, for testing activities and for oversight. So again, the issue is not whether to introduce a new engine. The question is, do we complete the development of a second engine which is already two-thirds paid for?

We received a letter this morning—I received a letter this morning—from the Secretary of Defense, and the letter concludes that if the final bill presented to the President contains provisions that would seriously disrupt the F–35 program, the President's senior advisers will recommend that the President veto the bill.

If the final bill presented to the President contained provisions that would seriously disrupt the F–35 program, I would recommend to the President that he veto the bill. There is no serious disruption to the F–35 program that would occur whether or not the Bayh amendment is adopted. The Bayh amendment makes triply sure there will be no disruption at all, even a minute disruption, in the F–35 program. It is not going to be disrupted at all.

The funding for this alternate engine in the bill which the committee approved came from a Marine helicopter program, a part of which could not be produced this year. So the committee determined that it could safely take funds that were requested for that program, which could not be spent this year. A question has been raised about that. There is no one on this committee, there is no one in this Senate, who wants to slow down a Marine helicopter program. None of us will permit that to happen. That program is a vital program. We have spent a lot of money on it. It is critically necessary.

The decision, which was made by the Armed Services Committee, was to simply take funds which could not be spent for that program, because of development delays, and to spend that, instead, for the second engine. However, what the Bayh amendment does is to make triply sure, to reassure everybody there cannot possibly be any impact on a Marine helicopter program, by finding a separate, a different, a distinct source, an alternate source, for this second engine.

So the Bayh amendment removes any question about Marine helicopters. If adopted, that will be off the table. It was off the table in any event. But everybody wants to assure the Marines, assure our people that there is not going to be any impact on a Marine helicopter program for any reason, much less a second engine.

There is another question which some have raised about whether two engines—

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Mr. LEVIN. I thank the Acting President pro tempore.

Madam President, how much time is left for Senator BAYH?

The ACTING PRESIDENT pro tempore. Twenty-seven minutes.

Mr. LEVIN. I would, in that case, conclude my statement. If there is additional time for Senator BAYH, I will then ask at a later point for some of that time. But for those reasons, and more, which I have not yet been able to reach, I very much support the Bayh amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LIEBERMAN. Madam President, I yield to the Senator from Georgia, Mr. CHAMBLISS, such time as he requires.

Mr. LEVIN. Madam President, if I could ask the Senator from Georgia, about how much time does he believe he would be using?

Mr. CHAMBLISS. No more than 10 minutes.

Mr. LEVIN. Madam President, I ask unanimous consent that after that 10-minute time is used Senator KERRY be recognized for a period of up to 10 minutes on Senator BAYH's time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I thank the Senator from Connecticut for yielding time on this critically important issue.

As we have been here debating on the floor for the last 2 weeks now the respective issues relative to the priorities from a Defense authorization standpoint, we have done everything other than going from increasing pay for our military personnel to the termination of what I argued on the floor last week and this week of the latest, most technologically advanced warfighting machine that has ever been produced by mankind. But the decision was made to terminate the F–22.

The F–22, not only from a technology standpoint, was providing valuable test material for the follow-on fighter, but it also is powered by two engines, one engine of which is going to be on the F–35. And here we are now talking about the issue of whether we should continue with a competitive second engine for an airplane that now has an engine that is being flown, has been flown, has been tested by the Air Force on the F–22. It has successfully flown on the F–22 for years now, and also has flown successfully in what limited testing has been done on the F–35.

We have put all of our eggs in the F–35 basket now. As I said during the debate on the F–22, I am a big supporter of the F–35. It is a great airplane. I know it is going to succeed. But we are at a point, with respect to the cost of all weapons systems, where we have to look more toward where we are going to be in future years from a cost standpoint and with regard to what we are able to provide our men and women.

When you look at items that need to be included in the mix from a competition standpoint, there is nobody who supports competition more than I do. That is the reason I supported the second engine—up to a point in time. But when it came up again last year, it was pretty obvious we were at a point where the engine, manufactured by Pratt & Whitney—two of which fly on the F–22; only one of which is needed for the F–35—is a good engine. It is doing the job. It has passed the test. So I decided last year we needed to move away from the spending of the money on the second engine, and let's concentrate on providing, obviously, the two engines for the F–22, and the one engine on the F–35.

We have something else thrown into the mix. I did not support Senator BAYH's amendment in committee, for what I still think are all of the right reasons from the standpoint of: Do we need competition for an engine that is successful? For an engine we know is working? For an engine for which we know what the cost is today?

Why do we need the second engine? Well, I know detractors have said—and they have made the argument to me—that: Look, that engine may fail. Something may happen to that engine. I agree for a point in time that could have happened. But we have been at this with respect to the engine that is powering the F–35 for years now, and it is a success. So I reached a point in time last year when I decided we did not need the additional competition from the standpoint of the second engine and, obviously, the committee reached that same result this year.

Now we are changing horses a little bit more. Instead of using the discontinuance of the helicopters, the Marine helicopters, we are taking money from six C–130Js to fund the competitive second engine for the F–35, and the competition is going to be between the new engine we have tested and have had in production now for several years against an engine we know to be successful.

Well, the issue has gotten even more sensitive to me because I know how critically important the C–130J is to our men and women who are in combat today—not those who might be going into combat and might need this weapon system somewhere down the road. Our men and women in theater today depend every single day on the C–130J, and on the C–130Hs, even, that are old airplanes, that are in theater, that are flying our men and women. They are looking to get the new C–130Js to help them transport themselves as well as equipment from one part of the theater to the other, from outside the theater into the theater. Our special operations men and women are looking to the C–130J for the gunship operations they carry out.

Here we are going to say to those men and women: Well, we think it is more important to have competition for a second engine against an engine we know is successful than it is to provide you with the latest, most technologically advanced airlift capability we can give you. That makes no sense whatsoever to me from a national security standpoint.

All of us have been to Iraq and Afghanistan at some point or another. I have been to Iraq eight times. I have been to Afghanistan twice. When we go over there, we fly into either Kuwait or Jordan or some neighboring country. Then we are transported from that country into Iraq or into Afghanistan. What have we flown on? I would say not 99 percent of the time but 100 percent of the time when we are transported into theater, we fly on C–130s. All of us have had the experience of seeing date plates on C–130s we are flying on into theater, where rockets are being fired occasionally at those weapons systems, and we have had some issues relative to that. But the date plates on those airplanes we fly on almost consistently are in the 1960s or 1970s.

So today what we are asking our men and women to do is to fly C–130s that are 40 years old, 30 years old, or whatever it may be, that are not equipped with the latest, most technologically advanced weapons systems, and here we are saying to those men and women that we are going to take away from you the entrance of additional C–130Js into theater because we think it is important we have competition for a second engine on the F–35.

This makes absolutely no sense from either a fiscal standpoint or a national security standpoint. The C–130J is a great airplane. We have nine of them in this authorization bill. This particular amendment takes six of those nine out of the bill and pays for the funding—the remainder of the funding—on the second engine. That second engine is a great engine. It has performed magnificently. But it is competing with an engine that also is performing magnificently.

So to say we now ought to take a weapons system, such as the C–130J that our men and women depend on every single day to fly them around within Afghanistan—because they need these airplanes to land, they need an airplane that can land on a short runway; and the C–130 has that capability to fly our men and women around Iraq, to fly our men and women who carry out special operations and missions and have the gunships—the guns that are mounted on the C–130J to be transformed into a gunship—we are going to take away that capability and that need from our men and women to fund a second engine for an airplane that already has an engine on it, that is performing well, that we know is successful, for which we know how much it costs today. It is not like we are going to see a reduction in price on the engine of the F–35 because we complete the testing and the procurement of an alternative engine. That is not going to happen, and that is not the issue. The issue comes down to the point of are we going to take, in this case, a weapon system away from our men and women to fund a second engine to compete with an engine that is already successful.

I would say that, obviously, I felt very strongly and was very emotional about the discontinuance of the F–22 for all of the right reasons, but this is one of those issues that makes even less sense than the discontinuance of the F–22. We need to make sure we spend tax money wisely. We have had the competition on the F–35. It is time we move down the road of building and procuring as many of those as we can. With the ramp-up this bill calls for, under the direction of the chairman, we are going to be buying a lot of F–35s in a short period of time. They have a great engine on them today. It works. It is successful. That is where we need to concentrate. That is where we need to spend our money. We don't need to spend the money on the second engine, nor do we need to take six C–130 airplanes out of this budget to pay for an engine we are probably never going to buy.

So I would simply urge my colleagues to vote in support of the Lieberman amendment and to vote against the Bayh second-degree amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Madam President, I rise to join my colleague, Senator KENNEDY, in opposing the Lieberman amendment to eliminate funding for the Joint Strike Fighter alternative engine. I disagree with the arguments that were just made by the Senator from Georgia who actually is inaccurate by saying it is going to take away a weapon system from our military at the current time. It doesn't take any weapon system away whatsoever. It simply changes the schedule of production with respect to the C–130s, but all of the C–130s will be built. So no system is taken away. It is important to try to be accurate about what is at stake here.

As does Senator KENNEDY and a lot of other people, including Senator BAYH and others, I believe the alternative engine is critical to reduce risks to our forces, to protect against cost overruns, to preserve the U.S. industrial manufacturing base, and to support our international partners. It is a little strange, I might add, to have some of our friends on the other side of the aisle who are usually quick to come up here and support competition in the American marketplace arguing that we shouldn't have competition and that we ought to have a single-source production for engines, where we have already seen that there are problems frequently in those single-source production lines.

I strongly support the second-degree amendment offered by Senator BAYH and Senator KENNEDY that would provide more than $156 million for the management reserves of the Joint Strike Fighter Program and more than $280 million for the Marine Corps helicopter fleet. This will allow the Senate to preserve funding for the vital Marine Corps helicopters without eliminating competition for the Joint Strike Fighter's competitive alternative engine program.

Let me say the funding for the Joint Strike Fighter alternative engine has been important to Senator KENNEDY for a long period of time. As we all know, he is being treated back in Massachusetts and is not here today, but his statement in support of the amendment he is offering with Senator BAYH has already been put into the RECORD by Senator BAYH. I wish to simply reference one thing Senator KENNEDY has said:

> Competition for the Joint Strike Fighter engine has compelling advantages and avoids past pitfalls. Dual-sourcing will build vital operational redundancy into the fleet, avoid a single point of failure for the engine malfunctions and spare part shortages experienced in the past with other fleet-wide groundings. Competition delivers an inherent incentive for manufacturers to absorb and contain cost growth, even as it encourages responsiveness by contractors, continuous product improvement, and innovation.

All of us know that is the way we are most effective at producing all of our goods in this country. We do it through competition. It is that kind of competition that spurs innovation, and it avoids cost overruns. Senator KENNEDY is 100 percent accurate in his analysis of this issue, and I hope Senators will weigh his measurement of this based on his years of experience on the Armed Services Committee as well as on the facts regarding this particular engine proposition.

The alternate engine program spreads capability and capacity across the U.S. industrial base. What it does is it ensures the production, maintenance, and availability of critical components so they are not concentrated in the hands of one single producer.

Why does that matter? Well, the current engine for the Joint Strike Fighter has had testing issues. It is simply not appropriate to stand here and suggest that everything is absolutely hunky-dory with the single-source program. The fact is, there have been two engine blade failures within the past 2 years requiring a redesign, remanufacture, and delays in the flight test program. In fact, the engine has yet to even be flight tested in the most stressing flight regime—the vertical landing mode. Those tests have been delayed for up to 2 years, and they are now scheduled to take place in September.

It is precisely that kind of delay that begs for this kind of alternative engine program. In fact, the 2007 Institute of Defense Analysis study concluded:

> Competition has the potential to bring benefits in addition to reduced prices, including force readiness, contractor responsiveness, and industrial base breadth.

So I don't believe it is in the best interests of our military to have the major part of the fighter fleet dependent on a single-engine type provided by a single manufacturer. It is simply too risky, and experience tells us it is too risky.

In the 1970s, many of the F–15s and F–16 fleets were grounded as a result of reliability and durability issues because the aircraft were dependent on one engine type. Similarly, the AV–8 Harrier was grounded for 11 months due to engine problems. With over 2,400 F–35s currently planned for procurement and each of the services going to be dependent on one engine and one aircraft type for the vast majority of its capability, it simply doesn't make sense to put all of it into one engine manufacturer—one engine and one producer. We certainly don't want to take the risk of the entire F–35 fleet being grounded. Competition will avoid that potential.

So I ask my colleagues to oppose the Lieberman amendment, support the Bayh-Kennedy amendment to provide additional funding to the Joint Strike Fighter Program and to the Marine Corps helicopter fleet. I believe that is the way we best eliminate risk and best serve the armed services and the needs of this particular aircraft.

Madam President, I reserve the remainder of the time to Senator BAYH. Does the Senator from Ohio wish to speak?

Mr. BROWN. Madam President, I wish to speak to thank Senator BAYH for his work and Chairman LEVIN and Senator KERRY in opposition to the amendment.

Mr. KERRY. Madam President, I yield the Senator such time as he may use on behalf of Senator BAYH.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I wish to thank Chairman LEVIN for his leadership and Senator BAYH for his work.

This debate is about competition. It is about how our government spends money.

Earlier this year, the Senate passed a comprehensive DOD procurement reform law. Now we are debating a Defense authorization bill of more than $660 billion. We need to continue to reform the procurement process. We need to make sure Congress is not just a rubber stamp.

We are debating today whether we should end a near monopoly on engines and long-term maintenance for the Joint Strike Fighter to one company. The Department of Defense created the alternative engine program in the mid-1990s because DOD knew such a program would foster competition between engine manufacturers. Competition fosters cost savings and improved performance and flexibility. Now we are debating whether the Senate should create a monopoly in buying just one engine for more than 2,400 aircraft.

What would happen if we end the alternative engine program? One engine manufacturer, frankly, would have us over a barrel. The government would have no option. The government would have no bargaining power. That is what we are talking about today. We are debating whether we should clear the field and have no competition, not even the threat of competition, for our Nation's most important aerial defense program.

What would happen if performance standards changed? I tell my colleagues, we will become price-takers. The company will tell us how much they want for making the required changes. We will have to accept it. What would happen if the manufacturer decided they can't deliver the engine at the agreed price? We would be price-takers again.

What if we needed to ramp up production to defend our Nation but we have only one production line? We would be in trouble. What if there are skyrocketing costs in production? We would have to pay them.

If this amendment passes, we are setting the stage for inflated costs. We are setting the stage for inadequate capacity.

So as we work to find ways to save money in this bill, as we work to reduce our budget deficit, we are contemplating cutting funding for a program that could lower the cost of the JSF and save our government billions of

dollars while creating a more reliable aircraft, and we are debating whether to limit the military's ability to pick the best engine possible.

We have been talking about an alternate engine program, but that is a bit of a misnomer. It is not an alternate engine; it is a competition between engines to ensure we pick the right one. Remember the famous competition between engine manufacturers for the F–16. The so-called great engine war saved our government billions of dollars and provided our military with the best engine possible.

The F–16 has kept our Nation safe for a generation. It is in large part because the military was able to pick the best possible engine. That competition made it possible to avoid massive cost overruns, to avoid production problems, to avoid performance issues. That is why we have a competitive engine program now. We are not talking about one alternate engine; we are talking about two engine alternatives. It is an important distinction. It is about competition.

What we are debating is an effort by some to declare the competition over, even though this body has provided funding for two engines over and over. We are going to buy more than 2,400 Joint Strike Fighters and costs will keep going up. According to news reports, we are talking at least $300 billion.

We need to make sure we spend this money wisely. By eliminating the alternate engine program just to save a few dollars today, we are jeopardizing billions later—$300 billion, 2,400 planes, the next generation aircraft that will serve the entire military for decades.

We have to get this right the first time. There are no do-overs. The JSF is a single-engine fighter. Any problem with its engine could ground the entire fleet. This would waste billions of tax dollars, and even more importantly, it would jeopardize our military's ability to defend our Nation.

We need to get this right. We need to make sure we are not granting a monopoly today that we are going to be stuck with for 10 years or 20 years or 30 years from now. Let's keep the second engine program going. Let's have a competition. Let's make sure our military has the best plane possible.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I wish to respond to a few of the statements that have been made by the proponents of the second engine which I feel very strongly is a costly waste of taxpayer money and is unnecessary.

The argument has been made: why stop competition? I can't say it often enough that there has been competition. There was a competition in the 1990s between these two great engine manufacturers: Pratt & Whitney and General Electric. Pratt & Whitney won the competition fair and square. They did it, as Senator CHAMBLISS said, with an engine that has now had an enormous amount of experience. The Air Force has had experience with it in the F–22, and it has worked extraordinarily well.

Secretary Gates, in his letter to us today, says the current engine is performing well with more than 11,000 test hours. So there has been a competition. General Electric, which manufactures the second engine which lost the competition, is trying, in my opinion—I love this company. I respect them. They are headquartered in Connecticut, but they are trying to achieve through legislation what they could not achieve through competition, and it is costly.

It is costly. It delays the Joint Strike Fighter Program. Earlier this week, we terminated the F–22 technical air fighter program. That means we are all in the Joint Strike Fighter Program. This is our single hope and the specific program to take us to the future for American tactical air war combat.

This second engine—the money for it—according to testimony before the Senate Armed Services Committee will cost the Air Force between 50 and 83 fewer Joint Strike Fighters for the Air Force, Army, and Navy over the next 5 years. That is a lot to pay for.

There has been competition and it is over. This engine that has been selected is a good one, and it will continue to perform well and not delay the program.

I want to say a few other things about what has been said. There has been some citing of a GAO report issued in May of this year that suggested that, in the long term, a second engine might result in savings. I think it is important to say that the opinion of the GAO is not documented in their report on that matter, and it is not shared by other authorities who have done independent analyses.

The Institute for Defense Analyses says flat out that GAO underestimated the required government investment to develop an alternative engine by nearly $4 billion. One of the supporters of the second engine earlier said that we have already spent over $2 billion on it, and there is only a need to spend another $1.5 billion or $1.8 billion. Of course, any dollar we spend on an engine that I believe we don't need should go to other programs in the Department of Defense. It is a waste of dollars.

In the GAO report itself, which is cited by proponents of the second engine, it is quite clear that they say an additional investment of $3.5 billion to $4.5 billion in development and production costs may be required for this program.

That means an additional $3.5 billion to $4.5 billion, in the coming years totaling over $6 billion—some say even more—for a second engine, which would be nice to have, like it would be nice to have a lot of things, but we cannot afford it.

The fact that we cannot afford it is demonstrated by the amendments introduced by the proponents of the second engine. We will have to cannibalize, or take from the Marine Huey helicopters and from the Air Force C–130s being used by the special operations and Air Force combat command in battle today.

Let me go to this GAO argument. My friend from Massachusetts cited an Institute of Defense Analyses statement offered in testimony before the House in March of this year. There is another line in that that makes a very powerful point on the question of savings from the second engine. To break even financially, according to the Institute of Defense Analyses—I am quoting from that:

> To offset fully the estimated $8.8 billion investment to establish the alternative JSF engine would require a savings rate, during the production phase, of 40 percent on a net present value basis.

That is a little complicated. Here is the key from the independent Institute of Defense Analyses:

> Savings of this magnitude are implausible, considering the 11 to 18 percent savings realized in other competition.

So it is way beyond what we have seen before. I want to quote from testimony received in our committee, a very interesting exchange between Senator BEGICH, a member of our subcommittee, and the representative of the Navy and the Air Force. Senator BEGICH, in reference to the GAO report cited, indicated that the F–136, the second engine, had better efficiency and opportunity, ''but you seem to disagree with that,'' the Senator says to the witnesses, and I believe that the current Joint Strike Fighter engine is the course you are taking. Vice Admiral Architzel of the Navy says:

> While we generally support competition, the cost of continuing to develop a second engine versus being able to use that in procurement dollars for aircraft or in the cost also to maintain the 2 engines, the Navy supports the Department of Defense in just having this one F–35 engine.

Lieutenant General Shackleford, from the Office of Acquisition of the Air Force, says a very important quote regarding the GAO report that has been cited by proponents of the second engine:

> In this particular case, the analysis that the Office of the Secretary of Defense did to look at the costs associated with a second engine yielded a different result from what the GAO reported, which basically says the costs associated with development of a second engine would be something that we would consider unaffordable in the current timeframe, while we would be doing the development. That benefit down the road, in terms of comparative costs, would be more of a wash than the more optimistic version of what the GAO report said.

So when we look at balancing the risk of having one engine versus the costs of paying for the second—be it costs within the program, which would be taken out of production aircraft with a negative effect in terms of unit

costs, or even having to source these dollars someplace else within the Air Force—we don't consider the purchase of a second engine to be an affordable solution.

Again, competition has occurred. It is over. We have to really go forward with the Joint Strike Fighter Program, not delay it, or waste money on it or take money from other programs to fund this one.

I will introduce this for the RECORD. I ask unanimous consent to have printed in the RECORD two letters, one from Military Families United, and another from the Vets for Freedom.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 23, 2009.

Hon. JOE LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of Military Families United and the military families throughout the country we represent, I am writing today in support of restoring funding to the FY2010 National Defense Authorization Act to procure additional UH–1s and HC–130s.

As we continue to increase deployments of our forces in Afghanistan, the strain on our military hardware will greatly increase thus making it more necessary that we continue to procure and recapitalize vital equipment at a sustainable rate. Without this equipment America's brave men and women in uniform will be put in greater danger. They deserve the best equipment available to defend themselves and successfully complete the mission they have been asked to accomplish. Providing the necessary funds for the procurement and recapitalization of both the UH–1 and the HC–130 will afford our Armed Forces the ability to successfully execute our military engagements overseas.

Our warfighters deserve the very best equipment we can provide them. To that end, Military Families United aggressively supports this effort to restore funding for the procurement and recapitalization of these vital weapons systems. We must never forget the sacrifices the brave men and women of our Armed Forces make every day in the service of our nation and for the cause of Freedom. I look forward to working with your office to get this important legislation passed.

Sincerely,

BRIAN WISE,
Executive Director,
Military Families United.

JULY 23, 2009.

Hon. JOSEPH I. LIEBERMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LIEBERMAN: Vets for Freedom has always fought for the success of the mission and fielding the needs of war-fighters serving our country in harms way. Recently, we've seen attempts made in Congress to strip funding from the Marine Corps H–1Y Huey helicopter program and from the Special Operations Command's C–130 fleet.

Both pieces of equipment play a key role in making both our troops more effective and lethal on the battlefield: by both transporting Marines into the fight and allowing our Special Operations Forces to take the fight to the Taliban and Al-Qaeda around the country. Both of the H–1Y Huey and HC/MC–130 Hercules are mission critical assets for the fight we are in today and tomorrow—and the Secretary of Defense and Commandant of the U.S. Marine Corps agree.

Vets for Freedom calls on the Senate to fund these two critical programs and ensure that our troops have the equipment and support they need to successfully accomplish their current mission.

Sincerely,

PETE HEGSETH,
Chairman, Vets for Freedom.

Mr. LIEBERMAN. This is from Bryan Wise, executive director of Military Families United:

. . . I am writing today in support of funding to the FY2010 National Defense Authorization Act to procure additional UH–1s and HC–130s.

. . . Providing the necessary funds for the procurement and recapitalization of both the UH–1 and the HC–130 will afford our Armed Forces the ability to successfully execute our military engagements overseas.

. . . Military Families United aggressively supports this effort to restore funding for the procurement and recapitalization of these vital weapons systems. We must never forget the sacrifices the brave men and women of our Armed Forces make every day in the service of our Nation and for the cause of freedom.

The second letter, from the Vets of Freedom, is signed by Pete Hegseth, a distinguished and decorated veteran, who is chairman of Vets for Freedom. He says:

Vets for Freedom has always fought for the success of the mission and fielding the needs of war-fighters serving our country in harm's way. Recently, we've seen attempts made in Congress to strip funding from the Marine Corps H–1Y Huey helicopter program and from the Special Operations Command's C–130 fleet.

Both pieces of equipment play a key role in making our troops more effective and lethal on the battlefield: by both transporting Marines into the fight and allowing our Special Operations Forces to take the fight to the Taliban and al-Qaida around the country. Both of [these programs] are mission critical assets for the fight we are in today and tomorrow—and the Secretary of Defense and Commandant of the U.S. Marine Corps agree.

I appreciate these letters. They speak volumes, and I hope they will lead my colleagues to oppose the Bayh amendment and support the amendment we have introduced.

I yield the floor.

Ms. SNOWE. Madam President, I rise in support of Senator LIEBERMAN's amendment to the National Defense Authorization Act for Fiscal Year 2010, which would eliminate funding for an alternate engine for the F–35 Joint Strike Fighter, JSF.

President Obama singled out the alternate engine as wasteful government and he specifically did not request funding for an alternative engine in his budget proposal to the Congress. On May 7, President Obama said that ''we're going to save money by eliminating unnecessary defense programs that do nothing to keep us safe—but rather prevent us from spending money on what does keep us safe. One example is a $465 million program to build an alternate engine for the Joint Strike Fighter. The Defense Department is already pleased with the engine it has. The engine it has works. The Pentagon does not want—and does not plan to use—the alternative version. That's why the Pentagon stopped requesting this funding two years ago.''

In fact, the administration has already stated its intention to veto a defense authorization bill that is presented to the President that includes funding for an alternative engine. The June 24, 2009 Statement of Administration Policy on HR 2647, the House Defense authorization bill, which also includes funding for development of an alternative engine, noted that ''. . . the Administration objects to provisions of [HR 2647] that mandate an alternative engine program for the JSF. The current engine is performing well with more than 11,000 test hours. Expenditures on a second engine are unnecessary and impede the progress of the overall JSF program. Alleged risks of a fleet-wide grounding due to a single engine are exaggerated. The Air Force currently has several fleets that operate on a single-engine source.''

In addition, the Secretaries and Chiefs of the Air Force and Navy have all said that they do not need or want a second engine for the JSF. When Air Force Chief of Staff General Schwartz testified before the Senate Armed Services Committee on May 21, 2009, he said that if he were asked where he would put his next available dollar for the F–22 program, ''it would not be in a second engine.'' Chief of Naval Operations Admiral Gary Roughead is also opposed to the second engine, stating, ''. . . keeping parts for two engines on the decks of aircraft carriers is not advisable. Therefore you can put me solidly in the one-engine camp.''

It has been suggested that competition for these engines would be good for the military. Quite simply, there has already been a competition and it was won by Pratt & Whitney. In 1996, the Pratt & Whitney engine was the engine of choice for two of three competitors for the Joint Strike Fighter: Boeing and Lockheed Martin. The third competitor, McDonnell Douglass, selected the General Electric engine. When McDonnell Douglass was not selected for a key milestone in the JSF development, concept demonstration, while Lockheed Martin and Boeing were selected, the General Electric engine was eliminated as a future engine for the JSF. In fact, the P&W engine was well positioned for this competitive success in the JSF competition by previously besting competing engines in 1991 for use in the F–22. Moreover, the only other aircraft in the U.S. military inventory that has a dual source for engines is the F–16. All other military aircraft have a single source engine, and it is a strategy that works. Single source jet engines are the rule, not the exception.

In terms of the industrial base, the leaders of the potential alternate engine teams would suggest that without an alternate engine they might be shut out of the military aircraft engine business. However, these teams already provide engines for multiple military aircraft platforms. In contrast, Pratt &

Whitney will only make aircraft engines for the Joint Strike Fighter with the closing of the C–17 and F–22 lines. In a sense, the reverse would be more accurate.

This is especially important to me since much of the JSF engine work will go through the Pratt & Whitney facility in my home State of Maine. The 1,375 highly skilled employees at the P&W North Berwick facility should not have their jobs jeopardized for an unnecessary competition. A competition that they already won.

This debate should not even be occurring. The President and the U.S. military say they do not want or need this alternate engine. There is no reasonable justification for spending on a second engine when the first engine is performing admirably. I urge my colleagues to support Senator LIEBERMAN's amendment.

Mr. LEAHY. Madam President, I rise in strong support of the alternate engine for the F–35 Joint Strike Fighter. The Armed Services Committee, which has reviewed the program carefully, made the sensible move in restoring the almost $440 million necessary this year to continue design and development of the alternate engine, known as the F136 engine, made by General Electric Aviation.

The F–35 Joint Strike Fighter Program will likely emerge as the largest tactical aircraft program in the Nation's history.

Given developments in unmanned aerial vehicles, it could also be the country's last major tactical aircraft program. The F–35 will provide a tremendous general purpose capability to replace the Air Force's aging F–16s, the Marine Corps' AV–8Bs, and older versions of the F/A–18. We have to get development of this aircraft right. The kind of delays and cost overruns that have plagued development of so many other defense programs recently would be absolutely unacceptable in this far-reaching program.

An alternate engine would create competition. Competition would force both production teams to deliver a better product at a better price to the government.

An alternate engine would prevent a single-point failure in the F–35s continued development. If one program reaches insurmountable obstacles, the Department of Defense will be able to rely on the other engine. Finally, an alternate engine would ensure that the country has more than one military engine manufacturer.

Several nonpartisan, rigorous studies from groups such as the Institute for Defense Analyses and the Government Accountability Office have underscored the benefits of an alternate engine.

There is some question as to whether the existence of a second engine and the resulting competition would save money over the life of the program. One need only look to the history of the F–16 engine in the 1970s and the 1980s for an answer, which is a resounding yes. In that case, the availability of two engines resulted in a decline in price for the overall aircraft, allowing the government to buy more for less. Opponents of the alternative engine claim that cutting the engine will allow more planes to be built, when in fact what will happen is that the overall cost of the program will increase and incentives to build the best engine will be eliminated.

Real cost savings, improved performance: these are the reasons that we simply must continue development of the Alternate Engine for the Joint Strike Fighter. And it is these reasons that I will vote to continue forward with this absolutely essential investment that ensures we are getting the best product for our troops and at the best price for taxpayers.

Mr. McCAIN. Madam President, what is the time situation?

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Connecticut has 26 minutes. The Senator from Indiana has 14 minutes. Who yields time?

Mr. LIEBERMAN. Might I ask my friend from Oklahoma how much time he needs?

Mr. INHOFE. A couple minutes.

Mr. LIEBERMAN. I yield to the Senator from Oklahoma up to 5 minutes of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I look at this issue and think about not just the hours and days and months but years we have talked about this. A lot of people have changed their mind and have gone back and forth on it. I think at the time Senator WARNER was here, he actually took a couple of positions.

I look at it simply. I have been concerned about the funding and about some of what we need to have. We all had different ideas on the additional F–22s. I look at this and I see that the only current U.S. military aircraft with a new engine source is the F–16. All the rest have single engine sources. It has worked well, and there is no military requirement for the alternate engine.

I have come to the conclusion it would cost over $5 billion to fund the alternate engine and, over the next year, it will cost the program—I have seen estimates from 50 to 80 aircraft, according to the program manager.

Congress has directed three studies on the alternative engine, and we have gone over studies in our Armed Services Committee. Two out of the three studies of the alternate engine stated there would never be any cost savings associated with the competition.

There has never been actual data—only anecdotal—that proves there was ever any cost savings brought about by what someone called the ''great engine war'' on the F–16s.

It seems to me it is a savings without the alternate engine, which will allow us to have more capability, more aircraft.

I strongly support the Lieberman-McCain amendment.

I yield the floor.

Mr. BAYH. How much time remains on our side, Madam President?

The PRESIDING OFFICER. The Senator from Connecticut has 23 minutes. The Senator from Indiana has 14 minutes.

Mr. McCAIN. Madam President, I want to add some additional comments about the $438 million that would be taken from the HC/MC 130s recapitalization program to fund development of the alternate engine.

I don't think there is any doubt that given the conflict in Afghanistan, as well as Iraq, but particularly now in Afghanistan, as we move into the southern part of the country, the HC/MC 130s are critical weapons systems. Their platforms are designed to specifically support our special operations warriors, which is the kind of fight we are in. It is an irregular fight, and it puts increasing demands on our special forces.

As we know, these aircraft are specialized C–130s that are specifically designed for that fight. They have capabilities, such as aerial refueling and gunship weaponry, that meet the requirements of the special operations command.

I would be very reluctant and strongly opposed to taking funding away from special operations and using it to fund the second motor for the Joint Strike Fighter. It is a time, obviously, when we are fighting two irregular wars, and it is not a time to take this funding away.

According to the Defense Department, the current military requirement for the HC/MC 130s aircraft is 60. The Department recently recognized that the need to modernize the aging, worn-out special operations and combat search and rescue fleets is urgent.

According to the Office of the Secretary of Defense, ''the cut to these aircraft would slow down deliveries to the warfighter of the HC–130 and the MC–130 impacting both the Air Force's Air Combat Command and Special Operations Command.''

According to the Air Force ''based on the JROC validated requirements for 37 MC–130s and 78 HC–130s, the Air Force, including the Air Force Special Operations Command and Air Combat Command, would benefit from an even greater acceleration of the recapitalization rate of all 9 aircraft that remain in the President's budget.

Taking that money out of this program would delay the delivery of new aircraft to the warfighter. I think that if General McChrystal were here, and our other leaders, they would make it very clear that in the very difficult situation we face in Afghanistan—large areas of geography that need to be traveled and controlled—these aircraft are very much needed. I hope my colleagues will also take that into consideration as we consider this vote.

I congratulate the Senator from Indiana for a very eloquent argument on behalf of his position. Again, I state

my appreciation for the very important role he plays as a member of the Armed Services Committee. This is one of the few times we disagree, but I think he has presented his side of the argument with eloquence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Madam President, perhaps I should quit while I am ahead following those very generous remarks by my friend and colleague from Arizona. I am compelled, however, to save a few minutes of my time for Senator LEVIN, who is the chairman of the Armed Services Committee and is supportive of our amendment, for him to offer a few additional observations. I do want to close with a few closing remarks.

First, I thank Senator KENNEDY, who could not be with us today but who is a strong supporter of our amendment, and Senators KERRY, VOINOVICH, BROWN, and Senator LEVIN I have mentioned, who spoke in support of this amendment. I thank them.

I do want to address a couple of points that have been raised, first with regard to the issue of the Marine Corps helicopters. Again, for those who care about the helicopters, for those who care about supporting the Marine Corps, we have taken care of that issue. The Marine helicopters will be fully funded. So that is off the table. For the assertions made in the reduction of the number of Joint Strike Fighters to be procured, we fully funded the administration's request, and there will be no reduction because of my amendment. We have taken care of that issue. That is no longer relevant.

The President's staff recommending a veto was premised on the presumption that there would be a reduction in the number of planes purchased. Since that has been taken care of, the veto threat is no longer relevant. It has been taken care of.

There have been comments made about the C–130 procurement. I, too, support the C–130 procurement. We have fully funded—fully funded—the administration's request. It was passed in the supplemental. The money is there, in recognition of that. That is why the House of Representatives fully eliminated the account we are using to fund the second engine.

For those who care about the C–130, as do I—and I thought Senator MCCAIN's comments were very appropriate about the need for that important plane—that has been fully funded. In fact, what has been proposed in our authorization is a duplicate funding, a double funding. So for those of us who care about duplication, this, in fact, would save the taxpayers money, which I understand is one of the premises underlying the Lieberman amendment. Accepting their premise, this is a fully appropriate funding source.

Finally, I would like to address this issue of competition once again. It has been asserted and alleged over and over that there was a competition, that the competition was run by Pratt & Whitney, that there was competition, competition, competition. I hold in my hands copies of the contracts given to Pratt & Whitney. I hold them right here. Cover page, January 23, 1997, Pratt & Whitney, $804 million, et cetera, in bold type:

> This contract was not competitively procured.

Let me repeat that:

> This contract was not competitively procured.

The second contract is for the engine dated October 26, 2001, Pratt & Whitney, in this case $4.8 billion. Once again, in bold type—bold type—so people can read it and understand:

> This contract was not competitively procured.

It could not be any plainer than that for those of us who can read these documents. There was not a competition with regard to this engine. It is a sole-source contract.

Therein lies the issue. It is not about helicopters. It is not about the number of planes that are procured. It is not about the C–130. All of those things have been taken care of. It is about your belief that competition is in the best interest of the taxpayers—and quality. If you believe that, you support this amendment. If you believe single-source, noncompetitively bid contracts, such as these, are in the best interests of quality and protecting the taxpayers, then you will support Senator LIEBERMAN's amendment. That is what this is all about.

Since I don't have much time—how much time do I have, Madam President?

The PRESIDING OFFICER. The Senator has 10½ minutes.

Mr. BAYH. Madam President, I don't want to exhaust it all. I quoted at length in my previous comments from the General Accounting Office, and there are a variety of studies. It is asserted that GAO did not offer much reasoning for their comments. I point out once again that they state very clearly the savings from this competition; the second engine has the potential to be equal to or exceeding its cost. Prior experience, they indicate, points to this and that they are confident competitive pressures could yield these kinds of savings. The GAO is well on record. I understand there is a dispute from other entities and other studies, but that is the GAO's opinion.

This all comes down to competition, whether my colleagues embrace it, in which case they support our amendment, or if they do not—and I suppose there may be legitimate arguments in favor of noncompetitive bidding—they will support the other amendment.

I yield the floor.

Mr. LEVIN. Madam President, will the Senator from Indiana yield me 3 minutes?

Mr. BAYH. Absolutely.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, let me confirm what the Senator from Indiana said. This issue does not involve 130s. Congress has put all the money in for 130s that the President requested. The reason this money for 130s was in our committee report is because we did not know at the time that the supplemental appropriations bill would put money in for the 130s. So we do not need this money for the 130s to fully finance the request of the President of the United States for 130s.

I wish to reiterate one point I made earlier. This is not an issue of whether we insert a new engine, whether we start down the road with a second engine. That issue was resolved years ago by Congress when we started to fund a second engine for the purpose of competition. We have already put $2.5 billion into this second engine. Roughly $1.8 billion more is needed. So our sunk costs are approximately two-thirds of the cost of this second engine.

We have consistently supported it in the Armed Services Committee. This is not new. We feel the value of competition will more than make up for all of the costs and surely far more than make up for the final costs which we need in order to complete the development of this second engine.

I do support the Bayh amendment. I think it makes sense in terms of the fundamental point of competition, it makes sense fiscally, and it makes good sense in terms of the quantity we are buying. There is a huge buy, 2,500 planes, engines, and perhaps 500 more in terms of the export market. It is a huge buy. With this size buy and given the precedent of other planes—at least three that have had two engines available for them—with that precedent and with these savings, I hope the Bayh amendment is accepted.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, first, I ask unanimous consent that the Senator from New Hampshire, Mrs. SHAHEEN, be added as a cosponsor to the amendment Senator MCCAIN and I and others have offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I thank my friend from New Hampshire for joining us on this amendment. We have a dispute about whether there was competition. I guess it depends on what you describe as competition.

There clearly was competition for the Joint Strike Fighter plane engine in the 1990s. In 1996, Pratt & Whitney and General Electric each submitted engine proposals to the three airframe manufacturers that were competing for the Joint Strike Fighter contract: Lockheed, Boeing, McDonnell Douglas. Two of the three selected the Pratt & Whitney engine, and it happened that those two airframe manufacturers were down-selected for the final competition. Ultimately, in 2001, Lockheed was selected to start the design and development with the Pratt & Whitney engine.

I believe there was a competition. General Electric lost. It has gone the other way on other occasions. And this is a legislative attempt to achieve by legislation what could not be achieved through competition.

Secondly, my dear friend Senator LEVIN, the chairman, and I may have an effectual disagreement on how much more going for the second engine will cost. He believes it will be $1.8 billion. I cited earlier in this debate statistics that show it will be between $4.5 and $5.5 billion. That is not the main point. Madam President, $1.8 billion is a lot more to spend on an engine I have submitted to my colleagues we do not need. Not only do we not need it, the Air Force testified before our committee that if we spend this money on a second engine, we are going to get, by General Shackelford's testimony to us, 53 fewer Joint Strike Fighters in the next 5 years. We will not be able to afford them. That is a serious consequence.

What about this engine that has been selected? The F–135 engine has flown over 11,000 test hours and delivered 12 flight test engines. The F–135 uses a core that has been delivered and is being used in the F–22. It will have close to 1 million flight hours by the time this selected engine, the Pratt & Whitney F–135, enters operational service in 2012. That is quite a remarkable record and one that justifies what Secretary Gates said to us in a letter he sent to us this morning: ''The current engine is performing well with more than 11,000 test hours.'' I think the record is a clear one.

I, again, respectfully thank my friend from Indiana. Senator MCCAIN said he has argued well. He is a dear friend. We would rather be on the same side on issues. We both feel strongly about this issue. Therefore, I respectfully urge my colleagues to vote against the Bayh amendment and for our amendment which would end funding for a second unnecessary engine.

I thank the Chair, and I yield the floor.

Mr. BAYH. Madam President, unless my friend and colleague from Arizona has something new and shocking to say, I am going to yield back the remainder of my time.

First, I thank both of my colleagues for the tenor of the debate. We have some honest differences of opinion. I find myself much more comfortable working with my colleague, Senator LIEBERMAN, in a variety of capacities. Senator MCCAIN and I are one of a hearty band of a few who come to the floor in agreement to oppose wasteful measures. I look forward to resuming that partnership in the future even though we have a respectful difference of opinion today. I only wish all our debates could be as focused and collegial as this has been.

Having said that, I thank my colleagues. Unless Chairman LEVIN has anything additional to say, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, has all the time been yielded back?

Mr. LIEBERMAN. I ask my friend from Arizona if there is anything more he would like to say.

Mr. MCCAIN. I think we are prepared to vote.

Mr. LIEBERMAN. Madam President, I will say very briefly, to wind up, the Bayh amendment does remove the 130s from the Air Force. It is true they got money in the supplemental, but statements we got this morning from the Air Force and the Office of the Secretary of Defense, the 130s they got in the supplemental, which are critically needed, leave open—in other words, they are nowhere near their requirements for that plane which is critically important to the Air Force and particularly to our special operations forces in Afghanistan, Iraq, and throughout the world in the war on terrorism.

I would just close by reading a statement from President Obama, when he introduced his defense budget on May 15.

> We are going to save money by eliminating unnecessary Defense programs that do nothing to keep us safe but rather prevent us from spending money on what does keep us safe. One example is a $465 million program to build an alternate engine for the Joint Strike Fighter. The Defense Department is already pleased with the engine it has. The engine it has works. The Pentagon does not want and does not plan to use the alternate version. That is why the Pentagon stopped requesting this program funding 2 years ago.

And then from Secretary Gates, just today:

> It is my belief the Joint Strike Fighter program presented in the President's budget request is in the best interest of national security. If a final bill is presented to the President containing provisions that would seriously disrupt the F–35 Joint Strike Fighter program, the President's senior advisers will recommend that the President veto the bill.

That is from Secretary Gates' letter.

So I submit to my colleagues, I believe we have shown today that the second engine funding will seriously disrupt the Joint Strike Fighter Program. Again, I respectfully ask my colleagues to oppose the amendment from our good friend from Indiana and support the amendment we have offered.

I thank the Chair, and if there is no one else who wants to speak, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that at 12:35 p.m., all time remaining for debate with respect to these amendments, Nos. 1627 and 1767, having been yielded back, the Senate then proceed to vote in relation to the amendments in the order previously entered, with the second vote 10 minutes in duration and all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I modify that unanimous consent request and ask that the vote begin immediately at 12:34 and a half p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1767 offered by the Senator from Indiana. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—38

Baucus	Dorgan	Lugar
Bayh	Feingold	McCaskill
Begich	Gillibrand	McConnell
Brown	Graham	Murkowski
Bunning	Hagan	Murray
Burr	Hutchison	Sanders
Burris	Inouye	Stabenow
Cantwell	Johanns	Thune
Carper	Kerry	Vitter
Cochran	Landrieu	Voinovich
Conrad	Lautenberg	Warner
Corker	Leahy	Webb
Cornyn	Levin	

NAYS—59

Akaka	Feinstein	Nelson (FL)
Alexander	Franken	Pryor
Barrasso	Grassley	Reed
Bennet	Gregg	Reid
Bennett	Harkin	Risch
Bingaman	Hatch	Roberts
Bond	Inhofe	Rockefeller
Boxer	Isakson	Schumer
Brownback	Johnson	Sessions
Cardin	Kaufman	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kohl	Snowe
Coburn	Kyl	Specter
Collins	Lieberman	Tester
Crapo	Lincoln	Udall (CO)
DeMint	Martinez	Udall (NM)
Dodd	McCain	Whitehouse
Durbin	Menendez	Wicker
Ensign	Merkley	Wyden
Enzi	Nelson (NE)	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1767) was rejected.

Mr. LEVIN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1627

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1627, offered by the Senator from Connecticut.

Mr. LEVIN. Madam President, I ask unanimous consent, with the concurrence of the proponents and the opponents, that the 2 minutes be yielded back and that this be voice voted.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

The question is on agreeing to amendment No. 1627.

The amendment (No. 1627) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. CARPER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760

Mr. KYL. Madam President, let me take a moment to indicate to colleagues where we are at the moment. The pending business is my amendment, amendment No. 1760, dealing with the START treaty. We need to have our nuclear weapons program modernized consistent with the START treaty.

What we are thinking of doing is to start the debate with about 2 minutes of conversation, and then if we are able to work out an agreement with the chairman of the Armed Services Committee and other members who have an interest in this, we can avoid a long, protracted debate and potentially a lot of votes on alternatives as well as this amendment.

In the meantime, other business on the bill could be conducted. I think the next business the chairman intends would be for Senator SCHUMER to speak. So what I would suggest is that we move forward to try to work out an agreement. The essence is simply this, for my colleagues who are interested in this START treaty: We know there is a treaty, or at least we hope a treaty is going to be submitted to the Senate late this year.

We would be reducing the number of nuclear warheads and delivery systems in an agreement with the Russians. That makes it even more necessary to put some money into our current nuclear program, the infrastructure and our nuclear stockpile, to bring it up to snuff, to modernize it, and to ensure that it meets the test for safety, security, and credibility.

We need to have a plan for doing that, that is at least no later than the point at which the treaty would be submitted to the Senate so we know what we are going to be able to support. Hopefully, what we would do is convey to the administration jointly, Democrats and Republicans, our desire to have that submittal to the Senate to have a study we could put into law as a part of this bill that would call for bringing in that modernization program and thereby avoid voting specifically on the amendment No. 1760 I have proposed.

We are trying to work out the details of that. If we can do that, we can probably save quite a bit of time.

Mr. LEVIN. Madam President, let me thank my friend from Arizona. First of all, we are trying to work out an approach which would be satisfactory to the issue and will save a lot of time if we can work it out. If we cannot, we can go to a vote on his amendment. The regular order would be to go back to the Kyl amendment as I understand it at this point. We are going to ask unanimous consent that the Senator from New York be recognized to introduce an amendment, that it be in order for him to do so, and that after 15 minutes we vote.

I ask unanimous consent that after 15 minutes of debate, with no amendments being in order to the amendment, we then proceed to a vote, understanding it would be a voice, and then the regular order would be restored, which is the Kyl amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, if the chairman would agree, the Senator from Montana wants to take some time to talk about his amendment which is germane, but he wants to talk about it. We have not had a chance to examine it. Then we could go back to the Kyl amendment, pending hopefully an agreement.

Mr. LEVIN. I would modify my unanimous consent request that after the disposition of the Schumer amendment, then Senator TESTER be recognized for 10 minutes to talk about his amendment, without the consent to offer it.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Reserving the right to object, is there a time agreement on the Schumer amendment?

Mr. LEVIN. Fifteen minutes is what I reserved.

Mr. CHAMBLISS. Thank you. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 1764

(Purpose: To ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes)

Mr. SCHUMER. I ask unanimous consent to set aside the pending amendment so we can call up amendment No. 1764.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1764.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SCHUMER. I ask unanimous consent I be yielded 5 minutes of the 15; Senator BENNETT, the ranking member of the Rules Committee, be given 5 minutes; and Senator CHAMBLISS be given 5 minutes, divided that way.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. SCHUMER. I rise to talk about Amendment No. 1764, called the MOVE Act, The Military and Overseas Voter Empowerment Act of 2009. I first wish to thank my colleague, Senator BENNETT, for his hard work. He was indispensable in getting this done, as were Senator CHAMBLISS and Senator BEN NELSON of Nebraska and Senator CORNYN, who had previous legislation that was similar. I also wish to thank the Chairman, Senator LEVIN, as well as Senator MCCAIN, for helping us.

The MOVE Act is a bipartisanship solution to a serious, yet all too familiar, problem. The bottom line is, our soldiers overseas have a very difficult time in voting. With the MOVE Act, with 58 cosponsors, we can tackle this problem head on and make voting for our military overseas men and women easier.

We chaired a hearing in the Rules Committee that brought up the problems, and they are shocking. The bottom line is very simple. If you are in the military, it is very difficult to comply with State registration laws. You have to go through two post offices, military mail, and then the regular post office. There is no availability of notaries. Many States require notaries.

There is also the problem, of course, that you have to do everything, by many State laws, by mail. And the mail takes forever when you are overseas.

Couple that with the fact that for absentee voting, which by definition these voters have to use, there are serious deadlines. All too often our soldiers get their absentee ballot after the deadline has passed to send them in. All too often, even more frequently, the voting ballot does not arrive by the deadline the State has set.

So these are serious problems. The bottom line is, with technology, they all could be overcome. We have faxes, we have e-mails, we have computers, and we do not use them for our soldiers overseas. They can risk their lives for us, we can at least allow them to vote. They take orders from the Commander in Chief. They are the first people who ought to be allowed to elect and vote for a Commander in Chief.

If we can deploy tanks and high-tech equipment and food to the frontlines, we can figure out a way to deliver ballots to our troops so they can be returned and counted. That is what the MOVE Act does, correcting the many

flaws that riddle absentee ballots for overseas voting.

The numbers are very troubling. More than a quarter of all ballots either come in too late or are not counted. That is a serious problem. When our soldiers who have so much else on their minds go out of their way to get the absentee ballot cast, then it is not counted. That is frustrating. That is wrong. That is not American.

So our bill—and the details are available in the RECORD—deals with that issue. One soldier sent to the Overseas Vote Foundation a letter which said: ''I hate that because of my military service from overseas, I was precluded from voting.''

That soldier continues: ''Of all people, deployed servicemembers should have a guaranteed ability to vote.'' That sums it up. That sums it up.

The MOVE Act will ensure it by allowing ballots to be sent electronically, dealing with the time gaps and all the other problems we face. It is bipartisan. Again, both Senator BENNETT and I on the Rules Committee support it. Senator CHAMBLISS and Senator BEN NELSON, who have done such a good job, are the cosponsors of this legislation. We can finally solve this problem, which is unacceptable, by moving this legislation.

I ask my colleagues, how can a marine in Fallujah find a notary? Why are we making things so hard? How can somebody who goes out of his or her way to cast a ballot have that ballot not counted? This legislation solves the problem in a fair, measured way that is cognizant of the rights of States to set the voting laws as they wish. I hope we will have unanimous support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am happy to cosponsor the bill Senator SCHUMER has just discussed, the Military and Overseas Voters Empowerment Act or the MOVE Act. As the ranking member of the Rules Committee, I have served alongside Chairman SCHUMER and commend him for his decision to make this a priority and move it through the committee. Our military personnel make tremendous sacrifices for this country, and we need to make sure they are able to exercise their right to vote. I thank Senator SCHUMER's staff as well for the cooperative way in which we have moved this forward and for his willingness to deal with two other colleagues on the committee, Senator CHAMBLISS and Senator NELSON.

When the legislation was introduced in its original form, I raised concerns with Senator SCHUMER about some of its provisions. He worked with me and my staff to address those concerns, and the amendment before us today effectively does so. That is why I am pleased to now be a cosponsor of the bill.

The difficulties our service personnel face in attempting to vote have been well documented. The Senator from New York has described them. I believe this amendment deals with them in a proper fashion.

I want to clarify several points for the record. We recognize that election administration is carried out at the local level, and we have no intention of transferring those functions to the State in this legislation. The amendment makes clear that States may comply with the obligations imposed on them hereunder by delegating their responsibilities to other jurisdictions in the States, just as they have for so many years in complying with the Uniformed and Overseas Citizens Absentee Voting Act. Also, the amendment requires States seeking Federal funds to meet the requirements imposed by this amendment to update their State plans which have been previously submitted pursuant to HAVA, the Help America Vote Act. The amendment clarifies that only States seeking the funds authorized by and appropriated pursuant to this amendment are obligated to update their State plans.

With that clarification, I thank Senator SCHUMER and my other colleagues who worked so hard on this legislation: the two I mentioned, Senators CHAMBLISS and NELSON, as well as Senator CORNYN, who is not a member of the committee but who has worked on it. I appreciate their bringing the issue before the Senate. I am proud to support it and look forward to its unanimous passage.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to express my strong support for amendment No. 1764 offered by the Senator from New York, Mr. SCHUMER. With the leadership of Senator SCHUMER and Senator BENNETT, we have crafted one of the most substantive and comprehensive military and overseas voting reforms we have seen in years. This amendment tackles some very tough issues while taking States rights into account.

In May of this year, Senator BENNETT was consumed with another issue, and he asked me to cochair a hearing with Senator SCHUMER on military and overseas voting. We heard testimony from numerous witnesses regarding the difficulty of military and overseas voting. This amendment addresses some of those concerns and is a significant step toward ensuring that military and overseas voters are not disenfranchised.

The amendment establishes uniform standards for the request and delivery of blank balloting material that takes into account all available technologies. It makes sure all overseas voters have time to vote by requiring States to send out ballots to military and overseas voters at least 45 days before election day. It utilizes expedited mail delivery services for our uniformed members serving overseas, ensuring a timely delivery of completed ballots. It establishes a requirement for service Secretaries to designate voter registration agencies at military installations to assist with voter registration and aid our voting assistance officers. It lays the groundwork to gather needed information to continue to improve the overseas absentee voting process and will help existing voting oversight organizations gather key voting metrics to help make key decisions ahead of future elections.

Not since the passage of the Uniformed and Overseas Citizens Absentee Voting Act in 1986 have we proposed such significant legislation designed to help the men and women of the military who time and time again are called upon to defend the rights and freedoms we Americans hold so sacred.

Unfortunately, our military is one of the most disenfranchised voting blocks we have. Today we have the opportunity to correct this problem. I am extremely pleased with this legislation and proud to have been a part of the team that put this amendment together.

There are 57 other cosponsors which is representative of the strong support for this amendment and significant concern around the country regarding this issue. I thank Senator SCHUMER and his staff for leading this effort and helping make this legislation become a reality. I thank Senator BEN NELSON, my good friend and colleague, on the Armed Services Committee, for his efforts in this matter. It would not have happened without his strong leadership.

I also thank Senator BENNETT and his staff for their strong efforts in putting this bill in the proper perspective and making sure that all issues were properly addressed. I also thank Senator CORNYN for his leadership over the years on this issue. Senator CORNYN is not a member of the Rules Committee, but he has been very engaged on this issue over the last several years. His input was valuable. There is no question that his support for the amendment and contributions he and his staff have made to the amendment have made what was a good amendment a much better one.

Lastly, I thank the secretary of state of the State of Georgia, Karen Handel, also a very valuable asset to us as we went through the process of putting this bill together. She and her staff responded very timely and were honest in the feedback we got from them. Their contributions helped make sensible changes that make the amendment better. Their partnership on this effort will move us forward in the right direction toward ensuring every overseas voter wishing to vote will be able to do so.

Again, to my colleague from New York, it has been a pleasure to work on this. It is one other asset that we can give to our men and women in uniform; that is, to make sure they have the ability to participate in what we all take for granted but a very precious right, that being the right to vote.

I yield the floor.

Mr. NELSON of Nebraska. Mr. President, I rise in strong support of amendment No. 1764, better known as the Military and Overseas Voter Empowerment Act. I wish to express my appreciation to Senators SCHUMER and CHAMBLISS for their leadership and excellent work on this issue and acknowledge the outstanding support and contributions of Senators BENNETT and CORNYN, whose involvement has improved this bill and whose ongoing support will help us enact it into law. This effort has been constructive and bipartisan all the way, as evidenced by our list of 58 bipartisan cosponsors, and I am very proud of the bill we have produced.

We owe it to our men and women in uniform to protect their right to vote. And for military and overseas voters, that right is only as good as their ability to cast a ballot and have it counted. For years, we have known of the obstacles these brave Americans face in exercising their right to vote, often when far from home and in harm's way. I firmly believe this legislation will make a huge impact in empowering our military and overseas voters to have their votes counted, no matter where they find themselves on election day.

Simply put, the status quo for these voters is unacceptable. It is hard for military families to keep their voter registration information current, and it is often difficult to deliver ballots to overseas voters in enough time for them to vote and return the ballot by the time the polls close.

The poor results from recent elections speak for themselves. In 2008, statistics from the seven States with the greatest number of deployed troops show that one in four military and overseas voters were unable to have their vote counted. In 2006, the situation was even worse: according to the U.S. Election Assistance Commission, up to two-thirds of ballots requested by voters under the Uniformed and Overseas Citizens Voting Act were either not cast or not counted.

We discussed these numbers and heard testimony from State and local officials at a hearing in the Rules Committee earlier this year. The challenges we face are significant, but a number of very excellent recommendations were made at that hearing, and Senators SCHUMER and CHAMBLISS and I immediately got to work on a commonsense bill to improve and streamline the process for these voters. The bill we came up with was amended and reported unanimously by the Rules Committee last week. The product of that effort is now before the Senate as an amendment to the Defense bill.

I urge the adoption of the amendment, and I will push for it to be enacted into law in this bill, because as State and local election officials know, voting reforms need to be put in place well in advance. The way they see it, the next Federal election is right around the corner. Now is our chance to make a difference for 2010.

This legislation harnesses technology to speed up the voting process by allowing registration and ballot requests to be sent electronically. It ensures that military and overseas voters have time to vote by requiring ballots to be sent out 45 days before the election and allowing blank ballots to be sent electronically. It also provides some flexibility to States that cannot meet the 45-day deadline, as long as they come up with an alternative plan to ensure time to vote. In addition, it will harness the creativity of States and local officials by authorizing pilot projects to test new voting technology, with appropriate safeguards for privacy and security. The legislation also requires the Department of Defense to play a more significant role in facilitating voter registration and in collecting and returning voted ballots in cooperation with the Postal Service.

The MOVE Act, as we call it, has the support of the Alliance for Military and Overseas Voting Rights, which is a coalition of over 30 military associations, nonprofit organizations, elected officials, and student groups dedicated to ensuring that Americans abroad have an equal right and opportunity to vote. We also have the support of many other groups, including the National Association of County Officials, which is especially important because having the support of State and local officials means that our efforts are endorsed by the people who actually carry out elections in this country, which can often be a thankless job.

In conclusion, I would like to thank all 57 of the amendment's cosponsors, especially Senators SCHUMER and CHAMBLISS and the others I mentioned who have shown real leadership on this issue. This amendment is bipartisan, noncontroversial, and necessary to solve a persistent problem that has dogged our troops and overseas voters for years. We tackle those problems head-on, and I think we will see real, tangible results from this legislation.

Mr. President, it is our responsibility to ensure the right to vote for the men and women of our Armed Forces and others serving overseas; they protect our rights, and we have an opportunity today to return the favor by passing the MOVE Act. I urge the amendment's adoption.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will note that this amendment passed unanimously out of the Committee on Rules, which has joint jurisdiction, last week.

I yield back all remaining time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1764.

The amendment (No. 1764) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1564

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I come to the floor today to say a few words about amendment No. 1564, an amendment I am seeking agreement on, and hopefully we will achieve agreement between the majority and minority. This amendment will allow but not require the Secretary of each service branch to allow family members of fallen servicemembers to attend one memorial service as a way of helping to honor those who give their lives to our Nation. Although the Defense Department's current regulations permit the services to provide transportation of family members to the burial service of a servicemember killed on Active Duty, the regulations do not allow travel to memorial services. This can be particularly painful when a parent or sibling cannot afford to travel to a memorial service held by a unit or even other family members.

Although some charity groups have been able to help families attend memorial services for their fallen loved ones when servicemembers die in service to their country, it is the government's moral obligation to help their families in every possible way. This is not an abstract problem; it is all too real to some families.

A little over a year ago, on May 1, 2008, a soldier with a family in both Montana and Arizona was seriously wounded while serving in Iraq. Four days after being injured he was being transferred from an Army hospital in Germany to Walter Reed. While en route, the soldier's injuries worsened and the plane was diverted to Halifax, Nova Scotia. It was there that he passed away on May 15.

Like too many children today, this soldier grew up with divorced parents. His father is a constituent of mine. His mother is a constituent of the distinguished ranking Republican on the Armed Services Committee. When his family and friends in Phoenix organized a memorial service for him, his father asked the casualty affairs officer assigned to him if the Army could pay for him to attend the memorial service. He was told, no; that it is not an authorized expense. The Army cannot pay for such a plane ticket.

My office was contacted, and we were able to work out with a nonprofit organization to obtain a plane ticket for the soldier's father to attend the memorial service but only after considerable frustration and pain.

This amendment would make travel to a single memorial service an authorized expense. It is supported by the Gold Star Mothers.

Our troops and veterans have earned every benefit and every paycheck they get from our country. Every single Member of the Senate has been steadfast in that support. But the families of folks who serve this country have earned our Nation's support and respect as well. Sometimes we do not do

enough to recognize the sacrifice that comes along with having a loved one in the Armed Forces. This amendment provides the families of our servicemembers one small measure of support and appreciation.

I thank Senators LEVIN and MCCAIN for the work they have done on this bill and, hopefully, the work they did to get this amendment accepted.

I also wanted to take some time this afternoon to speak about a dire situation in Columbus, MT. At this moment there are 1,300 employees of the Stillwater Mining Company who are going to work wondering about the future of their company and the future of their jobs. Yesterday a bankruptcy court in New York nullified a contract between Stillwater Mine, the only palladium and platinum producer in the United States, and General Motors. General Motors petitioned the bankruptcy court to drop its precious metals contract with the Montana mining company so it can instead use foreign, cheaper suppliers based outside this country, specifically in Russia and South Africa. I would have a big problem under any circumstances for an American corporate icon to choose foreign suppliers over a viable American option, but when we consider that General Motors only exists today due to the direct assistance of the American taxpayer, this decision is appalling and weakens our American manufacturing base.

As a member of the Senate Banking Committee, I attended the marathon hearings late last year where the domestic automakers pleaded for government assistance. On November 18 of last year, I relayed to executives from Ford, Chrysler and, yes, GM the importance of spending taxpayer funds in the United States. I said I would have to ask: Where is the money going to be spent, who is it going to be spent on, and what country is it going to be spent in? Those are all critically important questions.

If we are using taxpayer dollars, from my perspective, it ought to be spent in the United States. In response, I was assured that taxpayer funds would be spent domestically to rebuild the auto manufacturers. By negating Stillwater's contract, GM is not investing domestically. They are not investing in American jobs. They are not investing in this country. It goes against the grain when we see a viable company that has recently gotten into trouble, such as GM, go against what they told me in committee.

When General Motors came pleading to the Senate late last year, they spoke of the fate of their employees, but they also spoke of the fate of small parts manufacturers, miners, dealerships, and other interconnected businesses dependent on GM.

I voted against giving taxpayer dollars to the auto manufacturers, just as I voted against the Wall Street bailout. The auto manufacturers didn't convince me they would spend the money wisely and that they would spend it in the United States. I wish I were wrong, but they are not spending the taxpayer dollars wisely, in my opinion, and they are not spending the taxpayer dollars in the United States. And it is the folks at Stillwater, like many auto dealerships in Montana and across rural America, who are hurting.

With its $50 billion in taxpayer funds, General Motors recently emerged from bankruptcy, and with its first repayment on the $50 billion owed to the American taxpayer, the new GM has decided to dump its only domestic supplier of palladium. They have failed to present a significant need to do business with foreign suppliers when they can contract with a company right here in America that employs more than 1,300 hard-working Americans.

For the last decade, Stillwater has supplied GM with palladium and rhodium, which are used to make catalytic converters that filter pollutants from vehicle exhaust. The palladium sales to auto companies accounted for 42.8 percent of Stillwater's revenue last year.

General Motors' rejection of its contract with Stillwater will result in company losses of about $500,000 per month and almost certainly means losing countless good-paying American jobs—and those American jobs, in this case, happen to be in Montana.

Stillwater is one of Montana's largest employers. The economic well-being of 1,300 Montanans at Stillwater who work at the mines in Nye and Big Timber is no doubt in serious trouble. GM's actions threaten the well-being of families, numerous small communities, and dozens of interconnected Montana businesses.

Immediately after the court ruled against Stillwater and its employees, I joined with the senior Senator from Montana, MAX BAUCUS, in urging General Motors to reconsider their decision to choose foreign suppliers over a proven domestic partner.

I still hope they make the right decision and realize the new GM only exists today because of the American taxpayers—taxpayers such as the Montanans who work at the Stillwater mines. Maybe they do not care about placing American jobs at risk, but the fact is—as I do, and we do—they should.

I cannot express adequately today the disappointment I have had and that I have with GM's decision to negate the contract with Stillwater Mining. It is part of that manufacturing base that I think is so critically important to this country, and they are turning their back on it.

With that, I yield the floor, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I wish to ask unanimous consent to engage in a colloquy for a minute with the distinguished chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I understand we are hopefully close to an agreement on the Kyl amendment and then we could set up, following that agreement, the Burr amendment, followed by an Akaka amendment, and our staffs will be working on further amendments so our colleagues will know.

Mr. LEVIN. Our goal is precisely that. We are trying to work out an agreement with Senator KYL. Staffs are trying to work out a time agreement. The order, though, hopefully will be Senator BURR and then Senator AKAKA. But we have to make sure the proper committees are notified that are involved in those amendments, and then we could, I think, have a unanimous consent agreement. That is our goal.

Mr. MCCAIN. I thank the chairman. For the benefit of our colleagues I still think it is possible—and I think the chairman would agree—to finish up by tonight, if we could have expeditious handling of the amendments but which may require us to finish by tomorrow, I hope.

Mr. LEVIN. I am very pleased to hear the optimistic assessment. I can't honestly say I share that optimism, but I will be delighted to be surprised.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business while we are waiting for the outcome of the negotiations that I had a colloquy with the chairman about.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARMARK REFORM

Mr. MCCAIN. Mr. President, I have long spoken about the broken appropriations process and the corruption it breeds. I remain deeply concerned over the damage done to our country and, indeed, this institution by their continued abuse. I ask my colleagues: How many more pay-to-play scandals will it take before we enact comprehensive and meaningful earmark reform?

Look at the scandals over the last 5 years alone: Former U.S. Representative Randy Cunningham sits in a Federal prison today for selling earmarks. Among the many bribes Cunningham admitted receiving was the sale of his house at an inflated price; the use of a yacht, free; a used Rolls Royce; antique furniture; Persian rugs; jewelry; and a $2,000 contribution for his daughter's college graduation party. In return, he earmarked untold millions of dollars and pressured the Department of Defense to award contracts to his co-conspirators.

Of course, Senator DORGAN and I spent nearly 2 years investigating the Indian lobbying practices of Jack

Abramoff, who reportedly dubbed appropriations committees ''a favor factory.'' One former Senate staffer pled guilty to accepting gifts in exchange for helping Mr. Abramoff's team on appropriations matters. An ex-official in the Department of Justice pled guilty to accepting bribes for helping Mr. Abramoff's client secure millions of dollars to build a jail. In all, over 20 people—including an ex-Congressman, administration officials, congressional staffers, and lobbyists—have been indicted, convicted or pled guilty.

The Department of Justice investigation into this matter still continues to this day.

We have today multiple pay-to-play scandals unfolding before our eyes. We read weekly, almost daily, news article after news article about numerous criminal investigations revolving around earmarks. Take, for example, the ongoing criminal investigation into the PMA Group. Most Americans have probably never heard of the PMA Group. The PMA Group was a DC lobbying firm with deep ties to Capitol Hill and a reputation for securing lucrative earmarks for its clients, especially defense earmarks. As I have said many times, it is the ''Willie Sutton Syndrome,'' because when he was asked why he robbed banks, he said: ''That's where the money is.'' The reason why a lot of these corrupting earmarks came out of defense is because that is where the money is.

The PMA Group boasted more than $15 million in revenue last year. The PMA Group clients reportedly received $300 million in defense earmarks for fiscal year 2008 and $317 million for fiscal year 2009. The PMA Group and its clients spread around a lot of campaign contributions in an attempt to curry favor with lawmakers.

Last November, the Federal Bureau of Investigation raided PMA's offices and the home of its founder, Paul Magliocchetti. According to news reports, prosecutors were initially focused on whether Mr. Magliocchetti used a Florida wine steward and a golf club executive as a front to funnel illegal donations to lawmakers. The Washington Post examined campaign contributions reportedly given by employees of the PMA Group and found listed in donor records ''several people who were not registered lobbyists and did not work for the lobbying firm,'' including a 75-year-old California man who had never even heard of the firm.

Since then, the Department of Justice has raided the offices of a number of PMA clients and their business partners. A Federal grand jury reportedly subpoenaed records from one U.S. Representative's congressional and campaign offices and the FBI is interviewing his staffers.

Last week, we read about yet another scandal involving people and firms in PMA's orbit. According to a July 15 Associated Press news article, the former head of the defense contractor, Coherent Systems International, pled guilty in Federal court to defrauding the U.S. Government and accepting kickbacks. Two former PMA clients are reportedly caught up in the scandal.

According to court documents, in October of 2005, the Air Force Research Lab awarded Coherent an $8.1 million contract to deliver four Ground Mobile Gateway Systems. An $8.2 million earmark contained in a tsunami relief bill funded the contract. Get that: It was for a Ground Mobile Gateway System included in a tsunami relief bill. Not surprisingly, Coherent had lobbied for that earmark. At the time, Coherent was represented by a firm called KSA Consulting.

Coherent submitted to the government at least $1.8 million in purchase orders outside the scope of the Air Force contract. What did the government get for its $1.8 million? Coherent paid two subcontractors, which were also represented by KSA Consulting, almost $600,000 for software that was not called for under the Air Force contract. What did Coherent do with the software? It literally threw the software in a closet where it sat collecting dust.

Coherent paid another subcontractor $650,000 for the delivery of five prototypes, also not part of the prime contract. Some reports suggest that this is the same subcontractor that allegedly bribed Coherent's president and whose offices the FBI raided earlier this year.

Coherent also paid Schaller Engineering, a former PMA client, $200,000 for technology that was never delivered. We now know where the money went. On July 21, 2009, Roll Call reported that the former Air Force contracting official, on the Mobile Common Data Link Gateway program, pled guilty to ''skimming money from an earmark that was provided to a Pennsylvania defense contractor.'' In his plea agreement, the official admits to approving invoices that were not part of the contract and then taking the kickback from the defense contractor.

This is outrageous, but I also believe it is only the tip of the iceberg. We will undoubtedly see the continued march of news reports about further indictments and guilty pleas.

Earmarks breed corruption, purely and simply. The current earmarking process doesn't stop it or adequately guard against it. So I ask my colleagues: How many more scandals must we suffer before we enact meaningful earmark reform? How low must Congress's approval rating sink before we act to repair this institution's reputation? How many more lawmakers, staffers, government officials, and contractors have to go to jail before we actually fix this process?

Unfortunately, Congress's earmarking practices have grown worse, not better, just about every year I have served in the Senate. This year promises to be the worst. We began the year by passing a $400 billion Omnibus appropriations bill with almost 9,000 earmarks in it. Contrary to his promise to the American people to stem the tide of earmarks, the President refused to veto that pork-laden bill. In fact, he signed it in a quiet room far from the public eye, I might add, using the rationale it was ''last year's business,'' even though it was passed this year.

Two weeks ago, the Senate approved a $44 billion Department of Homeland Security appropriations bill. It was over $200 million more than last year's bill and almost $100 million more than the President's budget request. It, too, was laden with numerous unrequested, unauthorized earmarks added at the direction of members of the Appropriations Committee in the Senate. Rest assured, we will see more earmarks in the other appropriations bills that come to the floor later this year. Even the pending fiscal year 2010 national defense authorization bill is not insulated from the practice.

Americans all over the country are hurting. People are losing their jobs, their savings, and their homes. So what do we do? We continue this disgraceful earmarking process, elevating parochialism and patronage politics over the true needs and welfare of this Nation. The President pledged during his campaign he would work to eliminate earmarks. The Speaker of the House promised to drain the swamp. Given the abysmal state of our economy, Americans can no longer wait for them to make good on their promises. Earmark reform is needed and it is needed now.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD:

July 21, 2009: ''Ex-Air Force Employee Pleads Guilty in Case Tied to Murtha Earmark.''

The Hill, July 21, 2009: ''Second Contractor Pleads Guilty in Earmark Probe.''

July 21, 2009: ''Inquiries Focus on Subcommittee Ties.''

July 15, 2009: ''Ex-Defense Contractor CEO Enters Fraud Guilty Plea.''

Washington Post, February 14, 2009: ''Despite Listing, Donors Don't Work For Firm Being Probed.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, July 21, 2009]

EX-AIR FORCE EMPLOYEE PLEADS GUILTY IN CASE TIED TO MURTHA EARMARK

(By Paul Singer)

A former Air Force employee pleaded guilty Monday to skimming money from an earmark that was provided to a Pennsylvania defense contractor by Rep. John Murtha (D–Pa.).

In the plea agreement, Mark O'Hair admits he was the Air Force official responsible for evaluating contract proposals and making technical evaluations of contracts under the ''battlefield airman'' program, which was designed to integrate battlefield communication technology.

According to the plea agreement, filed in a federal court in Florida, in May 2005, ''Congress passed a tsunami relief act which included within the provisions of the act an $8.2 million earmark for the development of

the 'Mobile Common Data Link Gateway.' Coherent Systems International, Inc. (CSI) had lobbied for this earmark appropriation.''

Roll Call reported in June that Coherent was represented by KSA Consulting, the lobbying firm that employed Murtha's brother, Kit, and that the Congressman had provided this earmark to Coherent by eliminating the same sum from a project that had been designated for a previous client of his brother's firm.

O'Hair admits in the plea agreement that he approved several purchase orders from Coherent for items that were not part of the Gateway project, including $275,000 to VidiaFusion Inc. and $300,000 to Gensym, both for software that was provided but never used. Gensym and VidiaFusion were both clients of KSA as well.

O'Hair also approved a payment of $650,000 to Kuchera Industries—a firm close to Murtha that was raided by the FBI earlier this year for products that were not part of the Gateway contract, and $200,000 to Schaller Engineering for ''target tags'' that were never provided. Schaller was represented by the PMA Group lobbying firm, which was raided by the FBI in November.

Richard Schaller, the founder of Schaller Engineering, then distributed the $200,000 to O'Hair though another company he created and to his business partner Thomas Sumrall, according to the plea agreement. Sumrall has also pleaded guilty in the case, but Schaller has not.

Richard Ianieri, the former CEO of Coherent Systems, pleaded guilty July 14 to charges linked to the same scheme. He has also pleaded guilty in a Pennsylvania court to taking kickbacks from a subcontractor referred to as ''K'' for favorable treatment under government contracts. Coherent worked closely with Kuchera Industries and shared a facility with the company. Bill Kuchera, the owner of Kuchera Industries, has not been charged in the case.

Roll Call has previously reported that Kuchera, Sumrall, Schaller, Ianieri, O'Hair and two KSA executives—Ken Stalder and Richard Weiss—as well as a staffer from Rep. Murtha's district office met with several other defense contractors in September 2005 at the Nemacolin resort in Pennsylvania to discuss opportunities to provide communication technologies to the military.

Murtha has not been accused of any wrongdoing in the case, and his office has said that anyone involved in illegal activity connected to the project should be punished.

[From the Hill, July 21, 2009]

SECOND CONTRACTOR PLEADS GUILTY IN EARMARK PROBE

(By Susan Crabtree)

A former Air Force contractor pleaded guilty Monday to a false statement and conflict-of-interest charge in a widening case involving several defense companies with ties to Rep. John Murtha (D–Pa.).

Mark O'Hair faces up to 10 years in prison and a $500,000 fine for omitting any reference to his position as a director of a defense company on financial disclosure forms required for his position as a civilian program officer. The company received more than $200,000 in government contracts while O'Hair was in charge of awarding contractors for the Air Force Research Laboratory at Eglin Air Force Base in Florida.

After retiring from the Air Force in 2001, O'Hair became the senior electronic engineer with the Air Force Research Lab Munitions. Two years later, he became the contracts program manager for the Battlefield Airman program, which was designed to improve the military's battlefield communications systems.

O'Hair is the second defense contractor in a week to plead guilty and agree to cooperate with a federal probe of an earmarked contract Murtha directed to several companies.

Last week, Richard Ianieri, the former chief executive of Coherent Systems International Corp., pleaded guilty to accepting $200,000 in kickbacks. He received the kickbacks from companies that he had parceled off some portions of the contract to; however, he received little to no concrete work in return.

Murtha is not accused of any wrongdoing in either case.

O'Hair's sentencing hearing is scheduled for October.

[From Politico, July 21, 2009]

INQUIRIES FOCUS ON SUBCOMMITTEE TIES

(By John Bresnahan)

The Appropriations Defense Subcommittee—always considered the high altar of congressional spending power—has suddenly become a liability for lawmakers touched by criminal inquiries scrutinizing the nexus of lobbyists, earmarks and Pentagon contracts.

Just in the past week: A Pennsylvania businessman with ties to Rep. John Murtha (D–Pa.) pleaded guilty in a kickback scheme, leading to new questions about Murtha's role in getting earmarks for his brother's lobbying business. FBI agents raided a Florida company linked to Rep. Bill Young (R–Fla.), leading Young to withdraw a $4 million funding request for the firm the next day. And Rep. Pete Visclosky (D–Ind.) asked the Federal Election Commission for permission to use his campaign funds to pay legal bills of current and former staffers as part of the investigation into the PMA Group, a lobbying shop that specialized in defense earmarks.

None of these lawmakers, who oversee more than $500 billion in Pentagon spending, have been accused of wrongdoing, and no one other than Visclosky and his former chief of staff, Charles Brimmer, has even been subpoenaed at this point.

But this web of legal actions, all focused on suspicious ties between lobbying, military contractors and the billions in funding they receive, has once again cast a negative light on the relationship between lawmakers and earmark recipients.

At this point, it's unclear whether the separate Justice Department actions are part of one broad investigation into earmarking and government contractors or are separate probes on different tracks.

But the Department of Justice has certainly focused on some of the most powerful members of Congress. Murtha is chairman of the Defense Subcommittee, while Young, who chaired the full Appropriations Committee for six years, is currently ranking member of the panel. In addition to serving on Defense, Visclosky is chairman of the Appropriations Energy and Water Subcommittee.

All three lawmakers have consistently pushed tens of millions of dollars in earmarks for companies back in their districts. While Murtha may be the most well-known practitioner of the trade, both Young and Visclosky are masters of earmarking, as well.

''The chickens are coming home to roost,'' said Steve Ellis, vice president of Taxpayers for Common Sense, a government watchdog group that opposes earmarking.

The Justice Department is ''beating the drums, that's for sure. They're really stirring things up,'' said a former Appropriations Committee staffer turned lobbyist. ''Everyone is kind of waiting for the next shoe to drop.''

And while the criminal investigations heat up at DOJ, House Speaker Nancy Pelosi (D–Calif.) is not protecting her members, letting ethics inquiries move ahead inside the House. The ethics committee has begun a preliminary review of lawmakers' ties to PMA, after Democrats initially blocked such a probe.

''We are going to let the chips fall where they may,'' said a top aide to one Democratic leader. ''If they did something wrong, they are going to have to pay for it. We're not going to cover anything up for them.''

The seemingly constant questions about Murtha and his relationship with legally troubled contractors have caused the most political headaches for Pelosi, who pledged to stop the ''culture of corruption'' she believes thrived under the Republican-controlled Congress.

In November, the FBI raided the offices of the PMA Group. Murtha has received more than $2.7 million in campaign donations from PMA, its lobbyists and clients over the past decade, but there have been no charges filed until now. The PMA search was followed in January by another federal raid on Kuchera Defense Systems, a Pennsylvania firm that has received more than $50 million in federal contracts via Murtha earmarks.

Last Wednesday, Richard ''Rick'' Ianieri, former CEO of Coherent Systems International, pleaded guilty to taking $200,000 in kickbacks from a subcontractor on an $8.2 million Air Force contract earmarked by Murtha. Coherent's lobbyist was Robert ''Kit'' Murtha, the congressman's brother, who helped them win that earmark.

''We had no knowledge of these disturbing transactions, and if they are true, then the individuals and companies in question should be held accountable under the law,'' said Matt Mazonkey, Murtha's spokesman.

On the same day that Ianieri pleaded guilty, federal agents raided Conax Florida Corp. of St. Petersburg, Fla. Young has earmarked more than $28 million for Conax, a maker of safety devices for NASA and the Pentagon, since 2005, according to the St. Petersburg Times.

According to the Federal Election Commission record, Young received $6,000 in campaign contributions from Conax employees.

Young has never attracted the same kind of scrutiny for his earmarks as Murtha, although the St. Petersburg Times reported last year that Young steered more than $73 million in federal funds to a defense firm and nonprofit groups where two of his sons work.

''You're going to have a hard time, with Young, finding people to say he's somehow dirty or put him in the same category as Murtha,'' said a former Appropriations Committee aide.

Visclosky, the least well-known of the defense appropriations trio, meanwhile, is searching for ways to cover his legal bills—and those of his staffers snared by his investigation.

Visclosky and Brimmer were issued subpoenas last month by a federal grand jury in Washington that is investigating PMA.

''It is possible that additional subpoenas or requests for information could be forthcoming for additional current and/or former staff members,'' wrote Michael Malczewski, Visclosky's treasurer.

With his reputation harmed by the PMA controversy, Visclosky has temporarily stepped aside from overseeing the energy and water spending bill. He has also given up $18,000 in PMA-related contributions.

While this swirl of legal action around companies and lobbyists looks bad for these lawmakers, it's important to point out that none of them have been accused of enriching themselves personally—and that's what brought down lawmakers in other recent cases.

The charges against former Reps. Bob Ney (R–Ohio), Jim Traficant (D–Ohio), William Jefferson (D–La.) and Rick Renzi (R–Ariz.) and Sen. Ted Stevens (R–Alaska) involved taking official actions that directly benefited their own wallets.

''To my knowledge, none of these cases that are being discussed in the press have come up with any evidence of that at all,'' noted Scott Lilly, a former staff director for the House Appropriations Committee who is now a senior fellow at the Center for American Progress.

But the scrutiny of the Department of Justice into who gets earmarks and how they get them must be rattling Capitol Hill.

''They realize that even with the best of intentions, you really need to know a lot about the people who are being helped by this process,'' Lilly added. ''And you need to know they're on the level.''

EX-DEFENSE CONTRACTOR CEO ENTERS FRAUD GUILTY PLEA

(By Christine Armario)

PENSACOLA, FL. (AP).—The former chief executive of a defense contractor with ties to Rep. John Murtha pleaded guilty in federal court Tuesday to a kickback scheme and defrauding the Air Force, and promised to cooperate in an ongoing criminal investigation.

Federal prosecutors said Richard S. Ianieri solicited kickbacks from a subcontractor in Pennsylvania while he headed Coherent Systems International Corp. Ianieri also was charged with filing false purchase orders related to an Air Force contract in Florida.

Ianieri pleaded guilty to both charges during a hearing in Pensacola and is scheduled to be sentenced in September. He could face up to 15 years in prison.

A nine-page plea agreement that Ianieri signed says the government will urge a lighter prison sentence if he provides substantial assistance ''in the investigation or prosecution of other persons who have committed offenses.''

Following Ianieri's plea, Murtha spokesman Matthew Mazonkey said it is not the congressman's job to oversee companies and that ''if they broke the law, then they should be held accountable for their actions.''

Murtha, D–Pa., has directed hundreds of millions of dollars in government contracts over the years to Coherent and other defense contractors through a process called earmarking.

''This case isn't about earmarks,'' said Mazonkey. ''It's about individuals within the defense industry and the Defense Department accused of defrauding the government.''

Executives at Coherent and two other companies named in court papers in Ianieri's Florida case have donated over $95,000 to Murtha's re-election campaigns and his political action committee since 2002, according to Federal Election Commission records.

One of the companies is Kuchera Industries Inc. of Windber, Pa about 10 miles from Murtha's political home base of Johnstown.

A felony information filed in Pittsburgh states that Ianieri was given two kickbacks totaling nearly $200,000 from a company identified only as ''K'' for ''improperly obtaining and rewarding favorable treatment'' regarding a defense subcontract.

In an April 2006 news release, Murtha announced that Coherent and Kuchera Defense Systems were working ''virtually as one company'' on 14 contracts worth $30 million to develop high-tech military gear.

Kuchera's offices were raided by federal agents in January. Kuchera built high-tech military components that Coherent designed.

The Florida charges concern a Coherent contract given through the Air Force Research Laboratory to deliver four Ground Mobile Gateway Systems, which are designed to help soldiers and pilots trace U.S. units and cut down on friendly fire.

The United States paid Coherent $5.9 million to build the systems. According to federal court papers, Coherent subsequently paid about $1.8 million to subcontractors for the delivery of software and materials that were not part of the contract.

Ianieri was charged with presenting purchase orders to the Air Force that he knew were ''false, fictitious and fraudulent,'' court records state.

Murtha also has ties to lobbyists for some of the companies under scrutiny. His brother worked from 2004 to 2006 for KSA Consulting, of Rockville, Md., which lobbied for Coherent. Another lobbying firm, PMA Group, represented two of the companies involved in the Florida investigation.

Founded by a lobbyist who has long been close to Murtha, PMA and its defense contractor clients have donated over $2 million to Murtha's re-election campaigns and to his political action committee over the years.

Ianieri's attorney, W. Thomas Dillard, of Knoxville, Tenn., declined to comment after the hearing. He would not address questions regarding whether Murtha had sponsored an $8.2 million earmark that included the money for Coherent. Murtha's spokesman also has refused to say whether the congressman was the sponsor.

Dillard also refused to say whether his client could implicate Murtha or other members of Congress in allegedly illegal conduct.

[From The Washington Post, Feb. 14, 2009]

DESPITE LISTING, DONORS DON'T WORK FOR FIRM BEING PROBED

(By Carol D. Leonnig)

Marvin Hoffman is listed in campaign finance records as one of the many lobbyists with the powerful PMA Group donating money to lawmakers. But Hoffman is a soon-to-retire information technology manager in Marina del Rey, Calif., who has never heard of the Arlington lobbying firm or the Indiana congressman to whom he supposedly gave $2,000.

''It's alarming that someone is stealing my identity somewhere,'' Hoffman, 75, said in an interview. ''I've never heard of this company.''

Another contributor listed as a PMA lobbyist is, in fact, a sales manager for an inflatable boat manufacturer in New Jersey. John Hendricksen said he did make campaign donations but never worked at PMA and does not know how he ended up listed in records that way.

These errors, along with other unusual donations linked to the firm, come as the Justice Department examines allegations that PMA may have violated campaign finance laws. The offices of PMA, which ranked last year as the 10th-largest Washington lobbying firm by earnings, were raided in November by FBI agents and Defense Department investigators.

Federal investigators are focused on allegations that PMA founder Paul Magliocchetti, a former appropriations staffer close to Rep. John P. Murtha (D–Pa.), may have reimbursed some of his staff to cover contributions made in their names to Murtha and other lawmakers, according to two sources familiar with the investigation. PMA has long had a reputation for securing earmarks from congressional appropriators, particularly for defense contractors, and it has donated generously to influential members of Congress. Magliocchetti personally gave $98,000 in campaign donations last year, according to campaign records.

Federal election laws limit the amount of money individuals may contribute to candidates, but lobbying firms often show their clout by collecting and bundling contributions. It is illegal for employers to reimburse donors for their contributions.

The Washington Post examined contributions that were reported as being made by PMA employees and consultants, and found several people who were not registered lobbyists and did not work at the lobbying firm. It is unclear whether the donors misidentified as PMA associates are part of the federal probe.

A PMA spokesman said the firm's management does not know Hoffman or Hendricksen and does not know how the errors were made in reports to the Federal Election Commission.

''It's up to the campaigns to report contributions in their FEC filings,'' said PMA spokesman Patrick Dorton.

FEC spokeswoman Mary Brandenberger said she has not often seen such misidentified donations, but if a complaint were received, the commission would first question the campaign about its record-keeping.

Jan Witold Baran, a campaign finance and ethics expert and Wiley Rein lawyer, said the errors pose serious questions and should be cleared up.

''It's true that candidate campaigns have the responsibility for disclosure, but the information they obtain usually comes from the contributor or the person who solicited from the contributor,'' Baran said. ''The question is: Where did that information come from?''

Murtha aide Matthew Mazonkey said the congressman was not the recipient of the erroneous donations.

PMA, founded in 1989 by Magliocchetti, a former Murtha aide to the House Appropriations Committee, has enjoyed a high success rate in winning earmarks for its clients, which include such major defense contractors as Lockheed and General Dynamics. PMA also represents a circle of lesser-known but also successful contractors such as Argon ST, MTS Technologies, DRS Technologies and Advanced Acoustic Concepts. Many PMA clients have opened offices in Murtha's western Pennsylvania district, donated generously to him, and received millions in earmarks requested by the congressman.

In the last election cycle, PMA and its clients donated $775,000 to Murtha's campaigns. Last year, those clients received earmarks worth $299 million and arranged by Murtha and his colleagues.

The majority of PMA's 35 lobbyists had worked on Capitol Hill or at the Pentagon. Several of the top lobbyists were also PMA directors and had ties to lawmakers.

Two men listed in campaign finance reports as together giving $30,000 to lawmakers and being part of the PMA Group team are not Washington lobbyists at all. They live and work in the Florida resort community of Amelia Island, where PMA founder Magliocchetti has a beachfront condominium. Both are listed as directors of PMA.

John Pugliese had been a sommelier at the posh Ritz-Carlton Hotel on the island, his family said. Jon C. Walker is in charge of golf marketing at the neighboring Amelia Island Golf Club, according to club personnel and its Web site. They each donated identical amounts to the same lawmakers, in 12 installments each, almost always on the same date.

Walker and Pugliese did not return repeated phone calls and messages.

Pugliese is listed as a PMA Group ''associate,'' and Walker is a PMA Group ''consultant'' in finance records.

Rebecca DeRosa, who is listed as a part-time accountant at PMA and director, recently married Magliocchetti and has given generously on PMA's behalf for several years. Last year alone, she personally gave $73,000 to lawmakers and congressional political action committees, records show. For most of those donations, she is listed as a PMA employee. Her donations included $22,000 to the Democratic Congressional Campaign Committee and $4,250 to Rep. James P. Moran Jr. (D–Va.).

DeRosa did not answer her phone or return calls to the Gaithersburg office of the DRS subsidiary, where she is listed as an employee.

Mr. MCCAIN. So I wish to tell my colleagues, I will be coming to the floor a lot and talking about this, sometimes with charts. This practice has to stop. We cannot afford not only the earmarking because of the costs, but we can't afford to have the continued corruption that is associated with this.

I know some of my colleagues are offended when I use the word ''corruption,'' but when former Members of Congress are residing in Federal prison and their aides and former staffers and others are indicted and convicted in Federal court, I don't know how you can describe it as anything else.

So we will be talking a lot more in the days and weeks ahead. The American people are sick and tired of it and so am I.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise to speak about an amendment I filed. I ask unanimous consent to be recognized for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I appreciate the time to speak about this amendment to the National Defense Authorization Act for fiscal year 2010 to implement a number of essential reforms to cost comparison studies at the Department of Defense.

There is an old expression, principally in the legal community, in our system of justice, where they say ''justice delayed is justice denied.'' That theme—not the same concept necessarily—is part of what I am talking about. When we are studying how government agencies are delivering services to the taxpayers, sometimes we study too long, and especially in the context of what I am about to speak of. I do thank the cosponsors of this amendment, several Senators, including Senators BROWN, SCHUMER, MIKULSKI, KENNEDY, MURRAY, GILLIBRAND, and FEINGOLD.

The reforms included in the amendment will achieve two very important goals: First, it will save taxpayer dollars, and it will enhance protections for workers across the Department of Defense.

I had the great honor to serve the people of Pennsylvania for 8 years—two terms as auditor general of the State—where I was a fiscal watchdog looking after money spent, and I audited and sometimes investigated how money was spent; then 2 years as State treasurer. So I have a sense of what government studies and reviews entail. Sometimes they take too long and defeat the purpose because of their length. Sometimes they should be doing their jobs every day instead of responding to an endless study.

Some of the language is a little arcane, but when you talk about competitive sourcing, which is known, as a lot of these things are in government—I hate to use acronyms or short phrases—but competitive sourcing, in this context, is known as the A–76 process.

Here is basically what it is. You don't need to know the numbers. We need to know what we are talking about. It is a government-wide initiative that subjects functions performed by government employees to public-private competition. We are all for competition and always have been. I believe many of my colleagues know in this context we have some real problems.

This privatization process has been marked by controversy at great cost to taxpayers. Many workers in the Federal Government bring years of experience, dealing with problems and dealing with particular programs; and they also, because of that experience, bring a particular kind of expertise and skill to that work. We all know what happened just 2 years ago at Walter Reed Army Medical Center. The list could go on and on, but here are a couple examples: appalling conditions for those who serve our country, and run down facilities and inadequate care for our returning veterans.

All of this was uncovered back then, and I know improvements have been made. Part of the problem rested with a 6-year cost comparison review, which had an impact on the center's staffing. In 2006, the Garrison Commander, who was responsible for managing base operation support activities at Walter Reed, wrote that as a ''direct'' result of the A–76 study, ''we face the critical issues of retaining skilled clinical personnel for the hospital and diverse professionals for the Garrison, while confronted with increased difficulties in hiring.''

Continuing with the quotation, ''Due to the uncertainty associated with this issue,'' meaning the review underway, ''Walter Reed continues to lose other highly qualified personnel.''

That was then, at the time; he wrote that a few years ago.

The point is, even something as grave and serious as the problems we experienced at Walter Reed, part of the reason for that can be traced to the problems with these kinds of studies.

Despite the heroic efforts by Senator MIKULSKI from Maryland, the study continued and the problems persisted at the facility. In 2008, GAO conducted reviews of the cost comparison process at the Department of Labor and the Forest Service, finding it impossible to verify cost savings. They concluded at that time that the problems with the A–76 process were systemic.

Today, the Department of Defense is the only agency with A–76 studies in the process. According to the DOD, there are almost 30 A–76 studies still in process, involving about 3,600 employees. By next month, three-quarters of these studies will be at least 2 years old. A couple of examples bring this issue into clear life.

Currently, the Defense Logistics Agency is reviewing 279 employees who perform installation management services in my home State of Pennsylvania and also in Virginia and Ohio. Prior to the study, this management of this agency said the A–76 study would be disruptive and recommended an internal effort instead, believing it would lead to greater savings. However, as is the common practice, the savings for this study have already been counted, and the people who ran the A–76 program refused the request from the agency management to scrap the study, as they should have. If it is not saving money and helping the taxpayers, it should be scrapped. Therefore, 279 employees, some of whom work in Pennsylvania, are uncertain of their future and have been forced to put off major life decisions.

A similar situation is ongoing at West Point, where two studies continue despite requests to terminate them. These decisions to proceed with studies in the face of unyielding and reasonable opposition and alternatives are indeed troubling.

The amendment before the Senate addresses these issues in a number of ways.

First, the amendment establishes a Department of Defense-specific, 1-year suspension of new A–76 studies, consistent with the government-wide suspension included by Senator DURBIN in the financial services appropriations bill.

Secondly, my amendment closes the loophole that currently allows certain DOD functions to be given to contractors by converting smaller functions to contractors without conducting any cost comparisons.

Third, our amendment establishes a 24-month time limit for how long studies can last—from the beginning of preliminary planning to the final award decision. Currently, there are no established time limits on A–76 studies, which only increases the costs.

Fourth, the amendment addresses issues pending with A–76 studies and directs DOD to suspend these studies and determine, based on several criteria, whether their completion is justifiable.

Fifth, the amendment improves the process for workers by adding briefings

to affected employees about contracting out decisions.

Finally, the amendment makes technical corrections to ensure that Federal employees have bid protest rights, building on previous efforts by Members of the Senate.

The A–76 process is about cost comparison. Due to the ambiguity around the timelines and the process, these lengthy studies often fail to create promised long-term savings.

This amendment addresses these lingering issues with A–76 studies by lending necessary clarity to the process. In addition, these reforms will improve conditions for workers. Lengthy studies have been shown to compromise the capacity of agencies to perform their missions by placing both the critical functions of the agency and employees who perform these functions in limbo.

Finally, I urge my colleagues to support the amendment for this reason: It will promote fiscal responsibility, save money for taxpayers, while ensuring those who have the experience, expertise, and skill are able to carry out their tasks in the Department of Defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BURR be recognized next to offer an amendment. I understand there is not going to be opposition on this side and that he will accept a voice vote on it. Then I ask unanimous consent that Senator AKAKA be recognized to offer his amendment, which he talked about last night.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. BURR. What is the pending amendment?

The PRESIDING OFFICER. The Kyl amendment.

Mr. BURR. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1554

Mr. BURR. Mr. President, I call up amendment No. 1554, the Military Spouses Residency Relief Act.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. BURR], for himself, Mr. BAYH, Ms. SNOWE, Mr. UDALL of Colorado, Mr. WICKER, Mr. THUNE, Mr. ENZI, Mr. JOHANNS, and Ms. MURKOWSKI, proposes an amendment numbered 1554.

Mr. BURR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To guarantee the equity of spouses of military personnel with regard to matters of residency)

At the end of subtitle G of title V, add the following:

SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking ''For'' and inserting the following:

''(a) IN GENERAL.—For'';

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

''(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.''; and

(3) in the section heading, by inserting ''**AND SPOUSES OF MILITARY PERSONNEL**'' before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

''Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.''.

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking ''A servicemember'' and inserting the following:

''(1) IN GENERAL.—A servicemember''; and

(B) by adding at the end the following:

''(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.'';

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

''(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders.''; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting ''or the spouse of a servicemember'' after ''The personal property of a servicemember''; and

(B) in paragraph (2), by inserting ''or the spouse's'' after ''servicemember's''.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting ''or the spouse of such servicemember'' after ''a servicemember in military service''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

Mr. BURR. Mr. President, this is a very simple amendment. Under current law, our military men and women, about every 3 years, are repositioned in the country or out of the country. Their orders change. When they make that change, it is beneficial to them, and I believe to society, that their spouses and children go with them.

Years ago, we made accommodations for those military personnel so they could pick a State of residency, even though they moved frequently. They could choose the State in which they grew up or the State they might retire in or a State they had visited during their assignments that they thought was the best or most advantageous place for them to claim residency. That provided that every State they went to, they didn't have to change their driver's license or voter registration or basically change everything in their lives.

Now with the size of our military and the constant deployments we are in—this continuation of every 3 years, getting reassigned to a different post—what we realized from a quality-of-life standpoint was that we forgot about the spouses as it relates to the accommodations of a new surrounding. When we think about it, spouses who leave and go with the servicemember, they go into a community unemployed. They have to look for a job. They have to go to the DMV, the department of motor vehicles, and get a driver's license and reregister to vote. I might also say their husband or wife could claim residency somewhere, and they may not be on the title of the house they own or the property they own.

The fact that the spouse cannot claim a State of residency consistent with the servicemember means they are at a tremendous disadvantage from the standpoint of what they own. It is easier to put it in the servicemember's name because they are protected regardless of where their orders send them.

Very simply, this amendment extends the same privilege to a spouse that it does to a servicemember, so they can claim that State of residency, keep that one constant driver's license, and they can pay joint taxes in a State versus being forced to file separate taxes where there may be tax implications so that those military families pay more taxes than if they could file jointly. They still have the challenge of walking into a community unemployed, and they might leave a business behind because they believe the fabric of their family is that important.

That is what we ask all of our military families to deal with. This is a simple way to make life a little easier on the spouses of our servicemembers and to make sure they don't have to change everything in their lives just because their spouse has been reassigned but only certain things that they will have to deal with.

I remind my colleagues there is a stand-alone bill, S. 475. It had a hearing in the Veterans' Affairs Committee. It was passed unanimously out of the Veterans' Affairs Committee. It is identical to my amendment today.

I urge my colleagues to support this amendment. With the Chair's agreement, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1554.

The amendment (No. 1554) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand under the previous order, the Senator from Hawaii is now to be recognized to call up his amendment.

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1522

Mr. AKAKA. Mr. President, I ask to set aside the pending amendment and call up amendment No. 1522 to enhance the retirement security of Federal employees.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUYE, Mr. WEBB, and Mr. WARNER, proposes an amendment numbered 1522.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. AKAKA. Mr. President, as chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to join with Senators COLLINS, LIEBERMAN, VOINOVICH, MURKOWSKI, BEGICH, KOHL, MIKULSKI, CARDIN, INOUYE, WEBB, and WARNER in this bipartisan effort to correct certain inequities in the Federal Government retirement system.

This amendment is very similar to an amendment that was included in the House-passed fiscal year 2010 national Defense authorization bill. Each of these revisions is much needed and has been thoroughly debated by the appropriate committees in the House and Senate. Many of the changes were requested by the administrators of the retirement plans and are strongly supported by many organizations. The list of supporters is too long to read here, but it includes every major Federal employee union, postal unions, supervisors, and postmasters, the Federal Law Enforcement Officers Association, and several government managers groups. I spoke in more detail last evening about the substance of the amendment.

I strongly encourage my colleagues to support this amendment, the Federal retirement reform provisions, and the bill as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, this amendment by Senator AKAKA, the distinguished chairman of the Veterans' Affairs Committee, I would imagine has some very good and helpful provisions associated with it. It also applies to Federal employees and perhaps some Department of Defense employees are included in that. But it is a very large amendment. It is composed of six retirement-related provisions and some expenditure of funds.

As I understand the bill, there is not provision for paying for it. I may be wrong. Let me point out that the Chair and ranking member of the Homeland Security Committee have looked at these issues as well. I am wondering why it was not included then on Homeland Security. We just finished doing the Homeland Security appropriations.

It would reduce mandatory spending by $36 billion over 10 years. It has significant costs that will have to be appropriated, at least $2.5 billion over the next 10 years. Because they would be added on this bill, it would add to the cost of the National Defense Authorization Act and would exceed our budget allocation. Properly, it would be subject to a budget point of order which the Senate would then speak on whether it is an appropriate budget point of order.

There has been no strong opposition from the administration, and these costs were not included in the administration's budget request.

I understand that a lot of these provisions, because of the large number of employees, fall under the Department of Defense. I don't think it is a good idea to have a bill of this magnitude, although certainly the amendment is in order—but I am not sure it is appropriate that a bill of this magnitude should be tacked on to the Defense authorization bill.

I say that fully aware that we are tacking on a hate crimes bill which has even a lot less to do with the Department of Defense.

I say to my friend, I will be glad to have a vote on this amendment. Perhaps there is going to be a budget point of order raised on this amendment. But hopefully we can alert our colleagues and give them the opportunity in the next few minutes to raise a budget point of order or ask for a recorded vote. If there is no objection, then we would have a voice vote.

I wish to point out to my colleagues, this is fairly large legislation which does fall under the proper authority of the Homeland Security Committee.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, may I further comment that these provisions, without question, are much needed in Hawaii, Alaska, and the territories. COLA rates, and with them the pay of Federal employees, are slated to go down later this year if we do not act. This is the reason we are trying to move it at this time. Most of these employees in Hawaii are defense employees, as in these other States and territories as well.

The provisions on this issue are nearly identical to the bill that passed the Senate by unanimous consent last year. Most of the provisions are in the House Defense authorization bill.

Again, Hawaii, Alaska, and the territories received untaxed cost-of-living allowances that do not count toward retirement instead of locality pay that other Federal employees receive.

This bill grew out of a Bush administration proposal in response to repeated litigation over the different systems. This transition will cost a substantial amount of money for several reasons. The budget implications are better than they appear. A large portion of appropriated costs of the COLA provisions are intergovernmental transfers from Federal employers to either the annuity or the Social Security trust fund. According to the CBO report, employer contributions, intragovernmental transactions, do not affect the deficit.

Many employees in Hawaii and Alaska and the territories, of course, are looking at this as something that is necessary as they continue to work in the Federal Government in this area.

Again, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that we set aside consideration of the Burr amendment and that I be able to call up amendment No. 1657.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object—and I will need to object—we are working through unanimous consent agreements and amendments are lined up on both sides. We have not reached that point yet. There are other amendments that have to come first from the Senator's side, and that would be up to Senator MCCAIN. I have to object at this time. Obviously, we will try to accommodate the Senator getting his amendment up, but Senator MCCAIN would need to consider the Senator's proposal. I have to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand the difficulties Senator LEVIN has, but we are moving to final passage. Cloture has been filed. It is important that this amendment be considered. I get a little nervous when things are not moving along in a way that I think they should or at least in a way that could cause this amendment not to be considered. I wish to speak briefly about it so it will be clear what it is we are talking about.

The amendment I sought to bring up would preempt any Federal Executive, that is Presidential, requirement that our troops in the field, in Afghanistan and Iraq, read Miranda warnings to al-Qaida terrorists whom they capture.

The amendment would also clarify that nothing in Federal law requires that our soldiers read Miranda warnings or give any other kind of warning to captured terrorists, and it preempts any efforts to enforce such a requirement through an exclusionary rule. That is, denying admissibility of evidence if it does not occur.

Miranda is the warning, as most watchers of television detective programs know, in which an individual who is detained by a police officer in the United States on suspicion of some crime is told they have a right to remain silent and they have a right to have a lawyer, or have one appointed for them.

The question is, How did we get to the point that we are now having soldiers in the field being asked to give Miranda warnings?

One person, I think, who would agree with me—although recent activities cause me concern—is our Commander in Chief, President Obama. In a recent interview on the TV show ''60 Minutes,'' he was asked about the terrorist detainees, and this is what President Obama said:

> Do these folks deserve Miranda rights? Do they deserve to be treated like a shoplifter down the block? Of course not.

''Of course not.'' I couldn't have said that with more clarity myself. Of course, we should not be giving Miranda warnings to captured terrorists on the battlefield. Unfortunately, not all of the subordinates in the current administration seem to understand this message.

A recent article in the magazine the Weekly Standard describes why the amendment is necessary. As this article explains, the current administration appears to be requiring our soldiers to read Miranda warnings to terrorists whom they capture in the field in Afghanistan. And the article further notes, according to former CIA Director George Tenet, who was appointed originally by President Clinton and served under President Bush, that we would not have obtained the valuable information we did from Khalid Shaikh Mohammed, the planner of the 9/11 attacks, if he had been given his Miranda rights—or been given Miranda rights, not his, because we have never given Miranda rights to captured soldiers in any kind of conflict in the history of the Republic.

The following is from the Weekly Standard:

> When 9/11 mastermind Khalid Shaikh Mohammed was captured on March 1, 2003, he was not cooperative. ''I'll talk to you guys after I get to New York and see my lawyer,'' he said, according to CIA Director George Tenet. Of course, Khalid Shaikh Mohammed did not get a lawyer until months later, after his interrogation was completed, and Tenet says that the information the CIA obtained from him disrupted plots and saved lives. ''I believe none of these successes would have happened if we had had to treat KSM like a white-collar criminal—read him his Miranda rights and get him a lawyer, who surely would have insisted that his client simply shut up.

That was Mr. Tenet's view as stated in his memoirs just a couple of years ago.

If Mr. Tenet is right, it is a good thing KSM was captured before President Obama became President, for the Justice Department has quietly ordered the FBI to read Miranda rights to high-value detainees captured and held at U.S. detention facilities in Afghanistan.

According to a senior Republican on the House Intelligence Committee:

> The administration has decided to change the focus to law enforcement. Here's the problem. You have foreign fighters who are targeting U.S. troops today—foreign fighters who go to another country to kill Americans. We capture them, and they're reading them their rights—Mirandizing these foreign fighters.

That was a quote from Representative MIKE ROGERS, who recently met with the military and intelligence and law enforcement officials on a fact-finding trip to Afghanistan.

ROGERS, a former FBI special agent and a U.S. Army officer, says the Obama administration has not briefed Congress on the new policy. He is quoted as saying:

> I was a little surprised to find it taking place when I showed up because we hadn't been briefed on it. I didn't know about it. We're still trying to get to the bottom of it, but it is clearly a part of this new global justice initiative.

Representative PETE HOEKSTRA, the ranking Republican on the House Intelligence Committee, said this:

> When they Mirandize a suspect, the first thing they do is warn them that they have the right to remain silent. It would seem the last thing we want is Khalid Shaikh Mohammed or any other al-Qaida terrorist to remain silent. Our focus should be on preventing the next attack, not giving radical jihadists a new tactic to resist interrogation—lawyering up.

According to MIKE ROGERS, that is precisely what some human rights organizations are now advising detainees to do. He says:

> The International Red Cross, when they go into these detention facilities, has now started telling people—''Take the option. You want a lawyer.''

And ROGERS adds:

> The problem is you take that guy at 3 in the morning off of a compound right outside of Kabul, where he's building bomb materials to kill U.S. soldiers, and read him his rights by 4, and the Red Cross is saying take the lawyer, you have now created quite a confusion amongst the FBI, the CIA and the United States military. And confusion is the last thing you want in a combat zone.

This is from Congressman ROGERS, a former FBI agent and a former Army officer.

So one thing is clear: A detainee who is not talking cannot provide information about future attacks. Had Khalid Shaikh Mohammed had a lawyer, Tenet wrote in his book, '' . . . I am confident that we would have obtained none of the information he had in his head about the eminent threat against the American people.''

Mr. President, one thing we have to get straight in our minds is that we are in a state of war against al-Qaida types and others around the world, and that calls for an entirely different approach to dealing with the people you capture. In fact, before you capture them, you have the authority to shoot them and kill them. We have the ability to drop bombs on them, which results in death. You don't do that in law enforcement situations against drug dealers or against white-collar criminals. These are not criminals, they are unlawful enemy combatants. They are not lawful because they do not operate according to the rules of war.

The Geneva Conventions require that a lawful combatant, an enemy soldier, or any kind of soldier from any country wear their uniform so that you can identify them by their uniform and do not target civilian personnel gratuitously. Among other requirements, these are some of the rules of war. But they have never been given the rights of a common criminal.

So I feel strongly about this issue. And I would note parenthetically that the Supreme Court has not held that Miranda is even a constitutional requirement. They passed it as a prophylactic policy to help police officers do a better job, the Court thought, in doing their work. It is not a requirement. So

it is a big mistake. I believe it is a road we should not go down, requiring these warnings, and if we do, it is an absolutely clear signal that we are confused about the nature of the deadly enterprise in which we are engaged, which is defending this country and our allies from attack by a violent, determined enemy.

I thought after 9/11 there was a consensus in this body that terrorists and enemy combatants were different from criminals. I thought the 9/11 Commission went into that, and I thought there was a bipartisan consensus on that. So I am concerned about it. It suggests to me that we are confused about the nature of this life-and-death struggle we are in. We are confused about the risk our soldiers are being subjected to every day on the battlefield. And they ought not to be placed in a situation where an additional burden is put on them that is not justified by law or common sense.

So I hope we get a vote on this, and I hope we are able to send the message that this is not the right policy and we need to make sure we stop it and nip it in the bud.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, if I could just have Senator MCCAIN's attention for a minute, I think we have a unanimous consent agreement.

Mr. President, has the Akaka amendment been disposed of?

The PRESIDING OFFICER. It has not.

Mr. LEVIN. I ask unanimous consent that the Akaka amendment be temporarily set aside, that we then move to an amendment on European missile defense, which is a Lieberman amendment with many cosponsors, which we have worked very hard on and which is ready to be propounded.

There is at least one additional speaker on it. Senator SESSIONS wants to speak on it as well. But I ask unanimous consent that Senator LIEBERMAN be recognized now to introduce that amendment; that after he speaks, Senator SESSIONS be recognized; that I will then be recognized, and then Senator MCCAIN, if he wishes to be recognized.

I believe the intention here is that we may be able to adopt this by a voice vote; is that correct? That is the hope, anyway. Well, I will leave that part alone.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 1744

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to call up amendment No. 1744.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. SESSIONS, Mr. INHOFE, Mr. VITTER, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. KYL, Mr. BEGICH, and Mr. MCCAIN, proposes an amendment numbered 1744.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on and reserve funds for the development and deployment of missile defense systems to Europe)

At the end of subtitle C of title II, add the following:

SEC. 245. SENSE OF SENATE ON AND RESERVATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF MISSILE DEFENSE SYSTEMS IN EUROPE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In the North Atlantic Treaty Organization (NATO) Bucharest Summit Declaration of April 3, 2008, the Heads of State and Government participating in the meeting of the North Atlantic Council declared that ''[b]allistic missile proliferation poses an increasing threat to Allies' forces, territory and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets''.

(2) The Bucharest Summit Declaration also stated that ''[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision''.

(3) In the Bucharest Summit Declaration, the North Atlantic Council also reaffirmed to Russia that ''current, as well as any future, NATO Missile Defence efforts are intended to better address the security challenges we all face, and reiterate that, far from posing a threat to our relationship, they offer opportunities to deepen levels of cooperation and stability''.

(4) In the Strasbourg/Kehl Summit Declaration of April 4, 2009, the heads of state and government participating in the meeting of the North Atlantic Council reaffirmed ''the conclusions of the Bucharest Summit about missile defense,'' and declared that ''we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk''.

(5) Iran is rapidly developing its ballistic missile capabilities, including its inventory of short-range and medium-range ballistic missiles that can strike portions of Eastern and Southern North Atlantic Treaty Organization European territory, as well as the pursuit of long-range ballistic missiles that could reach Europe or the United States.

(6) On July 8, 2008, the Government of the United States and the Government of the Czech Republic signed an agreement to base a radar facility in the Czech Republic that is part of a proposed missile defense system to protect Europe and the United States against a potential future Iranian long-range ballistic missile threat.

(7) On August 20, 2008, the United States and the Republic of Poland signed an agreement concerning the deployment of ground-based ballistic missile defense interceptors in the territory of the Republic of Poland.

(8) Section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4393; 10 U.S.C. 2431 note) establishes conditions for the availability of funds for procurement, construction, and deployment of the planned missile defense system in Europe, including that the host nations must ratify any missile defense agreements with the United States and that the Secretary of Defense must certify that the system has demonstrated the ability to accomplish the mission.

(9) On April 5, 2009, President Barack Obama, speaking in Prague, Czech Republic, stated, ''As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed.''.

(10) On June 16, 2009, Deputy Secretary of Defense William Lynn testified before the Committee on Armed Services of the Senate that the United States Government is reviewing its options for developing and deploying operationally effective, cost-effective missile defense capabilities to Europe against potential future Iranian missile threats, in addition to the proposed deployment of a missile defense system in Poland and the Czech Republic.

(11) On July 9, 2009, General James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that the Department of Defense was considering some 40 different missile defense architecture options for Europe that could provide a ''regional defense capability to protect the nations'' of Europe, and a ''redundant capability that would assist in protecting the United States,'' and that the Department was considering ''what kind of an architecture best suits the defense of the region, the defense of the homeland, and the regional stability''.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense (GMD) system, including a midcourse radar in the Czech Republic and Ground-Based Interceptors in Poland, consistent with section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009;

(2) in conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities;

(3) any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and

(4) any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization missile defense systems.

(c) RESERVATION OF FUNDS FOR MISSILE DEFENSE SYSTEMS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $353,100,000 shall be available only for the purposes described in paragraph (2).

(2) USE OF FUNDS.—The purposes described in this paragraph are the following:

(A) Research, development, test, and evaluation of—

(i) the proposed midcourse radar element of the Ground-based Midcourse Defense system in the Czech Republic; and

(ii) the proposed long-range missile defense interceptor site element of such defense system in Poland.

(B) Research, development, test, and evaluation, procurement, construction, or deployment of other missile defense systems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

(i) consistent with the direction from the North Atlantic Council to address ballistic missile threats to Europe and the United States in a prioritized manner that includes consideration of the imminence of the threat and the level of acceptable risk;

(ii) operationally effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(iii) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(d) CONSTRUCTION.—Nothing in this section shall be construed as limiting or preventing the Department of Defense from pursuing the development or deployment of operationally effective and cost-effective ballistic missile defense systems in Europe.

Mr. LEVIN. Mr. President, may I ask Senator LIEBERMAN to yield for a moment?

First of all, I ask unanimous consent that no second-degree amendments be in order to this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank the chairman of the committee.

Mr. President, I rise to offer this amendment, along with the Senator from Alabama, Mr. SESSIONS, and a broad bipartisan group of cosponsors. This amendment concerns the deployment of missile defenses in Europe.

I am very pleased to say, as Chairman LEVIN suggested, that there has been a lot of work done on this issue by a lot of people, including Chairman LEVIN, Ranking Member MCCAIN, their staff, and our staff. I think we have reached a very important agreement here which holds up some standards of what is most important to our national security regarding the deployment of missile defenses to Europe.

If I may, the administration, as we know, is now evaluating alternatives to the planned European deployment of a Ground-based Midcourse Defense, or GMD, system to Poland and the Czech Republic. In the context of that policy review, this amendment states that any alternative to the GMD deployment to Poland and the Czech Republic must be as effective and affordable as the current plan. We think this is a reasonable standard by which to judge any alternative and I am hopeful and grateful my colleagues seem to agree.

Let me now go forward to explain why Senator SESSIONS and I and others think it is so important to set a standard for the alternatives that are now under consideration, and why the growing Iranian threat requires us to deploy an effective missile defense in Europe.

Last year the United States reached a pair of groundbreaking agreements with two of our closest European allies on the deployment of elements of a Ground-based Midcourse Defense, GMD, system to protect Europe and the United States from Iran's growing ballistic missile threat.

When I say ''and the United States,'' they don't have the ability now, or the ballistic missile, to reach the United States, but they are clearly investing in a ballistic missile program whose range they hope will grow and grow to a point where they will be able to reach the United States.

Specifically, on July 8, 2008, the United States and the Czech Republic agreed on establishing an American ballistic missile defense radar site on Czech territory. Two months later, on August 20, the United States and the Government of Poland reached a similar agreement under which we would deploy 10 ground-based interceptors to Poland. Just less than a year after these agreements, at a June 16 hearing at our Senate Armed Services Committee, Deputy Secretary of Defense Bill Lynn told the members of the committee:

> We think there are a number of ways to address [the Iranian] threat and one of the options is to deploy the missiles in Poland and the radar in the Czech Republic, and we are certainly evaluating that option as well as other possible options.

We heard other testimony before our committee, including from the Vice Chairman of the Joint Chiefs, General Cartwright, along the same lines, that though the agreements were entered into with Poland and the Czech Republic, the administration is evaluating other options.

To help place the other options that are under consideration into perspective, and to explain why Senator SESSIONS and I and the others who have joined us as cosponsors introduce this amendment today, I want to go to a Congressional Budget Office study that was released earlier this year, in February. It is titled ''Options for Deploying Missile Defenses in Europe.'' This study was requested by then-Congresswoman Ellen Tauscher, in her capacity as Chair of the House Armed Services Strategic Forces Subcommittee. It examined the potential cost and defense capability of the European ground-based defense system in Poland and the Czech Republic, as well as alternatives to it.

What are the alternatives? These include deployment of sea-based interceptors on Navy ships around Europe, or using mobile land-based interceptors in Europe. The study also considered the possible benefits of closer cooperation on missile defense with the Russian Federation.

The findings of this report clearly demonstrate that the Ground-based Midcourse Deployment in Poland and the Czech Republic is the most effective and affordable option that is before us today. I am particularly struck by the report's conclusion that the alternatives to the GMD system in Poland and the Czech Republic would significantly reduce America's ability to provide a layered defense for our American homeland against the eventual threat of intercontinental ballistic missiles launched by Iran or anyone else in that region against the United States of America.

I want to be clear about this and what it means. Whereas the GMD deployment to Poland and the Czech Republic would provide, according to the report, a so-called shoot-look-shoot capability for the defense of the entire continental United States, the alternatives that the Congressional Budget Office considered would leave most of our country without such a layered defense.

Let me explain. Shoot-look-shoot is an operational concept that is actually the cornerstone of our increasingly successful missile defense program. It is the idea that we should be able to shoot at an incoming missile, assess whether that shot was successful, and then shoot again. This shoot-look-shoot capability dramatically increases the effectiveness of our missile defense system.

You might say it is redundant. Most of our military systems are redundant because of what is on the line. I cannot think of a place where I would rather have redundancy than the situation we are dealing with, with an incoming ballistic missile, presumably containing a nuclear weapon, perhaps chemical or biological. I know people watching this debate may think this is far off and unrealistic, but these are the realities we do have to deal with in our world because we know a country such as Iran, whose leaders regularly lead tens of thousands of their citizens in shouting ''death to America'' is in fact investing in a growing intercontinental ballistic missile system.

What does shoot-look-shoot mean with regard to this amendment? If you have a GMD system in Europe and a missile that is fired from Iran, we have

a first opportunity to take a shot at that missile. We then obviously have a chance to look and see whether we hit it. If we did not, we have a second opportunity utilizing the ground-based missile defense system that we have now installed in California and Alaska. That is an important redundancy in the God-awful circumstance that a rogue nation, an anti-American nation, is actually firing missiles at the United States.

I want to draw the attention of my colleagues to a pair of maps that I think indicate the differences as CBO found them between the planned GMD system in Poland and the Czech Republic and the proposed land-based SM–3 block IIA system that I think is a favored alternative—a possible alternative—I don't mean it is selected, but one looked at with great interest by the Defense Department.

Incidentally, these maps were prepared by the Congressional Budget Office and included in the study I just mentioned, which I would commend to my colleagues to read in full.

On the first map here we can see the planned GMD system in Poland and the Czech Republic would provide a layered defense for the entire continental United States. In other words, this is the area that would be defended. Most of Europe, if a missile were fired from Iran, and all of the United States would be covered. That means the concept of shoot-look-and-shoot would be in effect a defense for our entire population.

The second map shows the capabilities of a prospective land-based SM–3 IIA block system, which is quite different. You can see that this one, as the CBO estimated, only covers a portion of the United States. I note it does cover Connecticut, but there is a lot of the rest of the United States—even though there are those of us who love this small State—a lot of the rest of the United States we do not want to leave unprotected by this redundancy.

In fact, on a population basis, because there is a concentration of population, of course, on the east coast, almost 80 percent of the population would be left uncovered by this redundant defense. All States west of the Mississippi, for example, would not be defended by this system.

In terms of operational capability, it is also important to note that the components of the proposed GMD system for Europe are much farther along in their development and purchase closer to being proven to work than the proposed SM–3 Block IIA interceptor, which may not be available until close to 2020. So the consequences of pulling away from the Poland and Czech Republic system are serious in the near term.

As for the question of cost, the Congressional Budget Office in this study estimates that the two alternate systems would cost nearly the same to develop, deploy, and operate. In other words, if we opt for an alternative to ground missile defense, CBO will be telling us we will be paying the same amount of money but for a less capable defense and a dramatically less comprehensive coverage of the population and territory of the United States.

Another question under consideration, I know by the administration, is the possibility—and was with the last administration, too—the possibility of partnership between the United States and Russia through the joint use of two Russian radar stations, as well as the sharing of information and data. I support very much the exploration of this opportunity of cooperating with Russians on missile defense, but I believe we have to have a clear understanding of its potential benefits and limitations.

Let me begin with some of the benefits. Obviously, closer cooperation with Russia on missile defense could increase our early warning detection capability for missile launches from the Middle East, based on their radar. With this capability we could send a clear message to Iran that not just the United States but the world, including Russia, is opposed to its weapons of mass destruction and intercontinental or continental ballistic missile systems. So I support the objective of negotiating and discussing this with the Russians.

But I want to say there are also limitations that are in this proposal. The Russian radar stations that are most discussed as part of a joint United States–Russian ballistic missile system as a technical matter cannot be a substitute for a European-based GMD system. Although these radars would give us additional early warning capabilities, as I indicated, they would not provide any additional targeting capability which, of course, is a critical component to reducing threats. Radar helps to target, sends the message to the interceptors in Poland and to the other system, and that facilitates an accurate shoot-down.

As the CBO pointed out in its February report, the radars face south and any missiles facing south and any missiles targeted toward Europe and the United States would, according to the report, ''tend to fly through and out of the Russian radar's field of regard very early in their trajectories.'' Though this system would provide us with early warning, it is also very important, really critical, to have targeting capability.

The amendment Senator SESSIONS and I and the others have proposed would not in any way prohibit the possibility of cooperation, or even deter the possibility of cooperation with the Russian Federation—certainly not with regard to sharing radar data, and I hope we can all agree we should not seek an agreement with Moscow that leaves the United States more vulnerable to the threat from Iran.

Very briefly, what about that threat? Some may ask, Why do we still need to be investing so much in missile defense? The answer, simply put, is because our most unpredictable and irresponsible adversaries, in particular rogue states such as Iran and North Korea, are investing very aggressively in ballistic missiles. That is why we need ballistic missile defense. The investments we make in missile defense will quite literally provide greater personal security to the coming generations of Americans, our children and their grandchildren and beyond. As LTG Mike Maples, then Director of the Defense Intelligence Agency, testified before our Senate Armed Services Committee earlier this year:

> The threat posed by ballistic missile delivery systems is likely to increase over the next decade. Ballistic missile defenses with advanced liquid or solid propellant propulsion systems are becoming more mobile, survivable, reliable, accurate, and possess greater range.

That is the end of the quote from the former head of the Defense Intelligence Agency.

In the last few months we have seen graphic reminders of the progress our enemies are making toward fielding intercontinental ballistic missiles. In February, Iran launched its first satellite into orbit using the same technologies that Tehran can draw upon to develop the capacity to build an intercontinental ballistic missile that could strike the continental United States.

In May, Iran carried out its first successful test flight of a two-stage solid fuel ballistic missile, a development that the White House Coordinator for Arms Control and WMD Terrorism, Gary Seymour, warned was ''a significant step forward in terms of Iran's capability to develop weapons.''

Iran's growing ballistic capabilities are made, of course, even more threatening when coupled with its nuclear weapons development program. Of course, we all hope the United States and the rest of the international community can persuade Iran, through diplomacy and economic sanctions, to abandon both its nuclear and ballistic ambitions and programs.

Missile defense is an important component of that effort on the premise that we may be able to convince Iran it is not worth spending those countless millions of dollars on perfecting these weapons if its leaders come to realize that we in the West are determined to stay one step ahead of them in neutralizing their strategic impact with a missile defense system.

As the Department of Defense now undertakes its review of the planned GMD deployment to Europe and possible alternatives, this amendment would express the Senate's opinion of what we expect our missile defenses in Europe to deliver, generally.

It would state that the United States expects those missile defenses to be the most capable and affordable and give a defense in the short term, not just to our allies in Europe but to our fellow citizens throughout the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to join my colleague, Senator LIEBERMAN, in introducing amendment No. 1744, concerning the deployment of missile defenses in Europe, and also thank him for his leadership on this issue over many years. He is clearly one of the most effective spokesmen for clear and strategic thinking and has helped us for many years to establish good defense policy for our Nation.

As Senator LIEBERMAN has explained, this amendment would state it is the sense of the Congress that the administration should continue to develop the planned missile defense deployment through Poland and the Czech Republic, even as it considers other alternatives.

Further, it would state that any alternative to the current plan must be as effective and affordable, and, most important, must be able to defend the United States as well as Europe against long-range ballistic missiles.

This amendment is important at this time because the administration is now considering alternatives to the plan long pursued by the Bush administration to station ground-based interceptors in Poland, a missile-tracking radar system in the Czech Republic. Both Poland and the Czech Republic have signed agreements to host these missile defense assets after being told by the United States that we believed the plan is important to protect Europe and the United States from rogue states, more specifically, Iran's developing missile capability.

After much effort and political capital has been expended, both in the United States and by our Polish and Czech Republic allies and friends, now the project has been put in somewhat of a limbo, I am afraid.

Russia and the domestic left opposed this plan from the beginning. They lobbied the people and members of Congress in Poland and the Czech Republic to not do it. But they have gone forward with it today. If the objections of the United States to this system arise from Czech reasons, then I would refer my colleagues to a February 2009 CBO study Senator LIEBERMAN cited, ''Options for Deploying Missile Defense in Europe,'' which came to the conclusion that a ground-based interceptor deployment in Poland and the Czech Republic is the most effective and affordable option available for the foreseeable future.

The CBO concluded: ''This is the most effective and affordable option for the foreseeable future.''

Other options apparently now under consideration include the deployment of a land- or sea-based version of the Standard Missile 3, SM–3 which is now deployed on Aegis ships of the United States.

The CBO found that this option, the SM–3, will not available until late in the next decade, is no less expensive than the GBI option and does not provide protection for the United States against long-range Iranian missiles. In other words, while the deployment of a land- or sea-based version of SM–3 may be suitable to protect Europe against medium- and intermediate-range missile threats, it would not contribute to the defense of the United States which could occur from the launch of an ICBM, an intercontinental ballistic missile, which would travel at a much higher altitude.

Likewise, Admiral Stavridis, the new commander of the U.S. European Command, testified before the Senate Armed Services Committee during a hearing last month:

> Sea-based and transportable land-based assets are integral components of a comprehensive ballistic missile defense system but cannot defeat the entire range of threats by themselves. Sophisticated sensors are required for early acquisition and target determination, and ground-based interceptors are needed to defeat longer-range missiles.

The missile Iran seeks to develop, and is moving forward to develop, would be capable of hitting the United States. Now they are seeking to develop ICBMs, and they are actively pursuing nuclear weapons, as we all know.

Why, I would ask my colleagues, would we want to consider alternatives to the proposed GBI deployment in Europe that would not save any money and would not provide additional protection for the United States?

I would recall the comments former Secretary of State Henry Kissinger made a few years ago about missile defense and whether we should deploy. His comment was: I have never heard of a nation whose policy it is to keep itself vulnerable to attack.

Well, we do not need to be kept vulnerable to attack. We have the capability to defend ourselves and protect against incoming missiles. Some have suggested that such additional protection is not needed, that current ground-based interceptors deployed at our missile defense site in Fort Greely, AK, can provide complete protection for the United States against Iranian threats.

But that argument does not tell the complete story. The truth is, deploying GBIs in Europe would provide an early opportunity to intercept Iranian missiles headed to the east coast, which could then be followed by an intercept attempt by Alaska, providing the United States an extra layer of protection. Just 10 missiles could provide a great additional protection for the United States. That is what is needed, an integrated, layered, ballistic missile defense shield that effectively protects America and her allies from rogue attack.

Most Americans think we are adequately protected. I do remember a townhall meeting I held, and I asked the people there: What would happen if a missile was launched at the United States? They said: We would shoot it down. Well, that was before our system was up and running in Alaska, and it was not accurate. People think we do have a fully operational system, but we only have a few of those missiles up in Alaska, and we need this additional shield in Europe.

Without the site in Poland, the United States would have only one opportunity to engage Iranian missiles headed for certain portions of our country. Why should we take that risk?

Although the search for alternatives may please the Russians, it would perversely send the wrong message to our NATO allies and, in particular, to our friends in Poland and the Czech Republic who, despite pressure and threats from Russia, have agreed and stood firm and expressed their willingness to host these missile defense assets on their territory.

I would remind my colleague that NATO, the North Atlantic Treaty Organization, the most successful defense treaty in the history of the world, endorsed the current plan at the April 2008 Bucharest Summit and noted in their declaration:

> We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defense assets.

I also understand the Polish and Czech Parliaments have yet to ratify the agreements, and the ambivalence presented by the Obama Administration now regarding what was a firm policy of the United States, means, frankly, it is unlikely they will do so until our administration completes its consideration of alternatives. This has placed our situation in limbo. I am not happy with that. I think it was a mistake.

After all, why should those parliaments take up an agreement that the United States may pull off the table? This unfortunate event was obvious from the beginning when we backed away from our plan and started showing uncertainty. It is obvious the political support in Central Europe may erode.

I am left to conclude that the reason the administration is pursuing alternatives in this current plan is its hopes it will address Russian objections about the proposed deployment as part of a grand strategy to reset relations with Russia and conclude a follow-on to the START nuclear reduction agreement. I am not confident in this effort. In fact, it seems to, instead of moving our relations forward, have moved them backward.

Let me make note of some recent events. Just days after the United States and Russia reached a broader agreement on arms reductions and missile defense cooperation at the July 6 Moscow summit, Reuters News Agency reported, on July 10, 4 days later, that Russian President Medvedev threatened the United States that if it did not reach agreement with Russia on our joint NATO/Polish/Czech plans for

missile defense systems, Moscow would deploy rockets in an enclave near Poland.

Typical Russian bluster, threat. Likewise, Russian Foreign Minister Sergey Lavrov has threatened to end arms control talks with the United States if we pursue cooperation with our allies on missile defense, a system that in no way threatens Russia's massive nuclear capability, and they know it.

Ten interceptors of the United States in Europe are going to somehow have a capability to stop the thousands of Russian missiles and nuclear weapons that they have? Russia knows that our defenses would be no match.

As reported by the Associated Press, just 1 day after the summit, Lavrov stated:

> If our partners make a decision to create an American missile defense system with global reach, then that will doubtless place a big question mark over the prospects for further reduction in strategic offensive weapons.

Again, this is, unfortunately, a regressive approach by Russia on issues that I do not think is justified. It seems we are falling back into a darker approach to world affairs with threats instead of working together to build a more peaceful and prosperous, harmonious world.

If, in fact, there were technical arguments in favor of alternative deployments, which there are not, Russian belligerence would now indeed be an argument for proceeding, nevertheless.

The former Prime Minister of the Czech Republic, Mirek Topolanek, put the issue in its proper perspective when he stated:

> The moral challenge is clear and simple: If we are not willing to accept in the interests of the defense of the Euro-Atlantic area such a trifle as the elements of a missile defense system, then how shall we be able to face more difficult challenges that may come?

That is an important statement. Are we losing confidence in ourselves? He is not alone in that view. Just last week, 22 prominent Eastern European political figures of important historic importance, including Poland's Lech Walesa and the Czech Republic's Vaclav Havel, published an open letter to President Obama expressing their uneasiness over U.S. maneuvers with Russia. This letter was sent to address their concerns in light of what appears to them to be Russia's attempt to reassert its influence over Russia's former Eastern European satellites. These are independent nations. They have been freed from Soviet domination. It is not their desire to kowtow to Russia and to have to seek Russia's permission over whether to put a radar site in their country. They are sovereign nations.

These leaders noted in their letter that America's planned missile defense installations in Poland and the Czech Republic have become ''a symbol of America's credibility and commitment in the region.'' They further warned that:

> The Alliance should not allow the issue to be determined by unfounded Russian opposition. Abandoning the program entirely or involving Russia too deeply in it without consulting Poland or the Czech Republic can undermine the credibility of the United States across the whole region.

I don't think that is no small matter. These are historic figures in Eastern Europe who suffered under the Communist boot. They do not want to go back. They are sending us a message. They are great American allies. They believe in freedom and democracy. This is not an academic matter to them, it is very real.

I ask unanimous consent to have this letter printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SESSIONS. On March 5, Secretary of State Hillary Clinton ''applaud[ed] the decision by the people of the Czech Republic and their government—as well as the people and Government of Poland—for proceeding with missile defense on their soil.'' That was just in March of this year. The United States should honor this commitment by proceeding with the missile defense deployment as planned and not be affected by Russia's unfounded objections. I remain baffled by their objections, other than, perhaps, this is a way they think they can extract concessions from the United States as a bargaining chip.

As the CBO study referenced above makes clear:

> Only the Polish and Czech deployments can protect the United States and Europe. Any other option costs more and defends the U.S. less, if at all.

I ask my colleagues to support this message. It will be good for our country to be clear on this question and for Congress to speak up.

I express a concern about what has happened in this budget to national missile defense. It represents a major reduction in spending for missile defense. We intend to deploy 44 missiles in Alaska. The budget proposes, I believe, now just 30. It was proposed and part of the agenda for the last number of years to place a multikill vehicle on top of these interceptors so it could take out dummies and decoys and multiple missiles. That was zeroed out, ended in this budget. For a number of years, we have been funding research and development of the kinetic energy interceptor. That is a high-speed system that can take out missiles in the launch phase, which is the best phase to do so. That was zeroed out. There was the airborne laser which has the capability of shooting down missiles in their launch phase when they have so much heat coming out of them. It is funded for 1 more year, and it will be ended, apparently. Of course, now the 10 interceptors in Europe are in question.

We need to be sure we understand how seriously we are impacting the long-term strategy of the United States. We have spent $20 billion to develop a system that will actually work at incredible rates of speed, with hit-to-kill technology to knock down an incoming missile. After all of these investments and all these years, for $1 billion we could complete the program. We are saving about $150, $200 million this year that would have kept us on track. Maybe we can keep the system going forward. I hope so with this resolution and some other things.

But the American people need to know that we are not talking about a minor retrenchment of national missile defense in the budget that has come forward out of our committee. It represents the biggest reduction of missile defense funding during my time in the Senate, over 12 years.

I hope that as the months go along we will be able to reevaluate what we are doing and make sure we don't abandon the progress we have made and take full advantage of decades of research and development that has produced a system that will work to protect us.

I yield the floor.

[JULY 15, 2009]

EXHIBIT 1

AN OPEN LETTER TO THE OBAMA ADMINISTRATION FROM CENTRAL AND EASTERN EUROPE

(By Valdas Adamkus, Martin Butora, Emil Constantinescu, Pavol Demes, Lubos Dobrovsky, Matyas Eorsi, Istvan Gyarmati, Vaclav Havel, Rastislav Kacer, Sandra Kalniete, Karel Schwarzenberg, Michal Kovac, Ivan Krastev, Alexander Kwasniewski, Mart Laar, Kadri Liik, Janos Martonyi, Janusz Onyszkiewicz, Adam Rotfeld, Vaira Vike-Freiberga, Alexandr Vondra, Lech Walesa)

We have written this letter because, as Central and Eastern European (CEE) intellectuals and former policymakers, we care deeply about the future of the transatlantic relationship as well as the future quality of relations between the United States and the countries of our region. We write in our personal capacity as individuals who are friends and allies of the United States as well as committed Europeans.

Our nations are deeply indebted to the United States. Many of us know firsthand how important your support for our freedom and independence was during the dark Cold War years. U.S. engagement and support was essential for the success of our democratic transitions after the Iron Curtain fell twenty years ago. Without Washington's vision and leadership, it is doubtful that we would be in NATO and even the EU today.

We have worked to reciprocate and make this relationship a two-way street. We are Atlanticist voices within NATO and the EU. Our nations have been engaged alongside the United States in the Balkans, Iraq, and today in Afghanistan. While our contribution may at times seem modest compared to your own, it is significant when measured as a percentage of our population and GDP. Having benefited from your support for liberal democracy and liberal values in the past, we have been among your strongest supporters when it comes to promoting democracy and human rights around the world.

Twenty years after the end of the Cold War, however, we see that Central and Eastern European countries are no longer at the heart of American foreign policy. As the new Obama Administration sets its foreign-policy priorities, our region is one part of the

world that Americans have largely stopped worrying about. Indeed, at times we have the impression that U.S. policy was so successful that many American officials have now concluded that our region is fixed once and for all and that they could ''check the box'' and move on to other more pressing strategic issues. Relations have been so close that many on both sides assume that the region's transatlantic orientation, as well as its stability and prosperity, would last forever.

That view is premature. All is not well either in our region or in the transatlantic relationship. Central and Eastern Europe are at a political crossroads and today there is a growing sense of nervousness in the region. The global economic crisis is impacting on our region and, as elsewhere, runs the risk that our societies will look inward and be less engaged with the outside world. At the same time, storm clouds are starting to gather on the foreign policy horizon. Like you, we await the results of the EU Commission's investigation on the origins of the Russo-Georgian war. But the political impact of that war on the region has already been felt. Many countries were deeply disturbed to see the Atlantic alliance stand by as Russia violated the core principles of the Helsinki Final Act, the Charter of Paris, and the territorial integrity of a country that was a member of NATO's Partnership for Peace and the Euroatlantic Partnership Council—all in the name of defending a sphere of influence on its borders.

Despite the efforts and significant contribution of the new members, NATO today seems weaker than when we joined. In many of our countries it is perceived as less and less relevant—and we feel it. Although we are full members, people question whether NATO would be willing and able to come to our defense in some future crises. Europe's dependence on Russian energy also creates concern about the cohesion of the Alliance. President Obama's remark at the recent NATO summit on the need to provide credible defense plans for all Alliance members was welcome, but not sufficient to allay fears about the Alliance's defense readiness. Our ability to continue to sustain public support at home for our contributions to Alliance missions abroad also depends on us being able to show that our own security concerns are being addressed in NATO and close cooperation with the United States.

We must also recognize that America's popularity and influence have fallen in many of our countries as well.

Public opinions polls, including the German Marshall Fund's own Transatlantic Trends survey, show that our region has not been immune to the wave of criticism and anti-Americanism that has swept Europe in recent years and which led to a collapse in sympathy and support for the United States during the Bush years. Some leaders in the region have paid a political price for their support of the unpopular war in Iraq. In the future they may be more careful in taking political risks to support the United States. We believe that the onset of a new Administration has created a new opening to reverse this trend but it will take time and work on both sides to make up for what we have lost.

In many ways the EU has become the major factor and institution in our lives. To many people it seems more relevant and important today than the link to the United States. To some degree it is a logical outcome of the integration of Central and Eastern Europe into the EU. Our leaders and officials spend much more time in EU meetings than in consultations with Washington, where they often struggle to attract attention or make our voices heard. The region's deeper integration in the EU is of course welcome and should not necessarily lead to a weakening of the transatlantic relationship. The hope was that integration of Central and Eastern Europe into the EU would actually strengthen the strategic cooperation between Europe and America.

However, there is a danger that instead of being a pro-Atlantic voice in the EU, support for a more global partnership with Washington in the region might wane over time. The region does not have the tradition of assuming a more global role. Some items on the transatlantic agenda, such as climate change, do not resonate in the Central and Eastern European publics to the same extent as they do in Western Europe.

Leadership change is also coming in Central and Eastern Europe. Next to those, there are fewer and fewer leaders who emerged from the revolutions of 1989 who experienced Washington's key role in securing our democratic transition and anchoring our countries in NATO and EU. A new generation of leaders is emerging who do not have these memories and follow a more ''realistic'' policy. At the same time, the former Communist elites, whose insistence on political and economic power significantly contributed to the crises in many CEE countries, gradually disappear from the political scene. The current political and economic turmoil and the fallout from the global economic crisis provide additional opportunities for the forces of nationalism, extremism, populism, and anti-Semitism across the continent but also in some of our countries.

This means that the United States is likely to lose many of its traditional interlocutors in the region. The new elites replacing them may not share the idealism—or have the same relationship to the United States—as the generation who led the democratic transition. They may be more calculating in their support of the United States as well as more parochial in their world view. And in Washington a similar transition is taking place as many of the leaders and personalities we have worked with and relied on are also leaving politics.

And then there is the issue of how to deal with Russia. Our hopes that relations with Russia would improve and that Moscow would finally fully accept our complete sovereignty and independence after joining NATO and the EU have not been fulfilled. Instead, Russia is back as a revisionist power pursuing a 19th-century agenda with 21st-century tactics and methods. At a global level, Russia has become, on most issues, a status-quo power. But at a regional level and vis-a-vis our nations, it increasingly acts as a revisionist one. It challenges our claims to our own historical experiences. It asserts a privileged position in determining our security choices. It uses overt and covert means of economic warfare, ranging from energy blockades and politically motivated investments to bribery and media manipulation in order to advance its interests and to challenge the transatlantic orientation of Central and Eastern Europe.

We welcome the ''reset'' of the American-Russian relations. As the countries living closest to Russia, obviously nobody has a greater interest in the development of the democracy in Russia and better relations between Moscow and the West than we do. But there is also nervousness in our capitals. We want to ensure that too narrow an understanding of Western interests does not lead to the wrong concessions to Russia. Today the concern is, for example, that the United States and the major European powers might embrace the Medvedev plan for a ''Concert of Powers'' to replace the continent's existing, value-based security structure. The danger is that Russia's creeping intimidation and influence-peddling in the region could over time lead to a de facto neutralization of the region. There are differing views within the region when it comes to Moscow's new policies. But there is a shared view that the full engagement of the United States is needed.

Many in the region are looking with hope to the Obama Administration to restore the Atlantic relationship as a moral compass for their domestic as well as foreign policies. A strong commitment to common liberal democratic values is essential to our countries. We know from our own historical experience the difference between when the United States stood up for its liberal democratic values and when it did not. Our region suffered when the United States succumbed to ''realism'' at Yalta. And it benefited when the United States used its power to fight for principle. That was critical during the Cold War and in opening the doors of NATO. Had a ''realist'' view prevailed in the early 1990s, we would not be in NATO today and the idea of a Europe whole, free, and at peace would be a distant dream.

We understand the heavy demands on your Administration and on U.S. foreign policy. It is not our intent to add to the list of problems you face. Rather, we want to help by being strong Atlanticist allies in a U.S.-European partnership that is a powerful force for good around the world. But we are not certain where our region will be in five or ten years time given the domestic and foreign policy uncertainties we face. We need to take the right steps now to ensure the strong relationship between the United States and Central and Eastern Europe over the past twenty years will endure.

We believe this is a time both the United States and Europe need to reinvest in the transatlantic relationship. We also believe this is a time when the United States and Central and Eastern Europe must reconnect around a new and forward-looking agenda. While recognizing what has been achieved in the twenty years since the fall of the Iron Curtain, it is time to set a new agenda for close cooperation for the next twenty years across the Atlantic.

Therefore, we propose the following steps:

First, we are convinced that America needs Europe and that Europe needs the United States as much today as in the past. The United States should reaffirm its vocation as a European power and make clear that it plans to stay fully engaged on the continent even while it faces the pressing challenges in Afghanistan and Pakistan, the wider Middle East, and Asia. For our part we must work at home in our own countries and in Europe more generally to convince our leaders and societies to adopt a more global perspective and be prepared to shoulder more responsibility in partnership with the United States.

Second, we need a renaissance of NATO as the most important security link between the United States and Europe. It is the only credible hard power security guarantee we have. NATO must reconfirm its core function of collective defense even while we adapt to the new threats of the 21st century. A key factor in our ability to participate in NATO's expeditionary missions overseas is the belief that we are secure at home. We must therefore correct some self-inflicted wounds from the past. It was a mistake not to commence with proper Article 5 defense planning for new members after NATO was enlarged. NATO needs to make the Alliance's commitments credible and provide strategic reassurance to all members. This should include contingency planning, prepositioning of forces, equipment, and supplies for reinforcement in our region in case of crisis as originally envisioned in the NATO-Russia Founding Act.

We should also re-think the working of the NATO-Russia Council and return to the practice where NATO member countries enter

into dialogue with Moscow with a coordinated position. When it comes to Russia, our experience has been that a more determined and principled policy toward Moscow will not only strengthen the West's security but will ultimately lead Moscow to follow a more cooperative policy as well. Furthermore, the more secure we feel inside NATO, the easier it will also be for our countries to reach out to engage Moscow on issues of common interest. That is the dual track approach we need and which should be reflected in the new NATO strategic concept.

Third, the thorniest issue may well be America's planned missile-defense installations. Here too, there are different views in the region, including among our publics which are divided. Regardless of the military merits of this scheme and what Washington eventually decides to do, the issue has nevertheless also become—at least in some countries—a symbol of America's credibility and commitment to the region. How it is handled could have a significant impact on their future transatlantic orientation. The small number of missiles involved cannot be a threat to Russia's strategic capabilities, and the Kremlin knows this. We should decide the future of the program as allies and based on the strategic plusses and minuses of the different technical and political configurations. The Alliance should not allow the issue to be determined by unfounded Russian opposition. Abandoning the program entirely or involving Russia too deeply in it without consulting Poland or the Czech Republic can undermine the credibility of the United States across the whole region.

Fourth, we know that NATO alone is not enough. We also want and need more Europe and a better and more strategic U.S.-EU relationship as well. Increasingly our foreign policies are carried out through the European Union—and we support that. We also want a common European foreign and defense policy that is open to close cooperation with the United States. We are the advocates of such a line in the EU. But we need the United States to rethink its attitude toward the EU and engage it much more seriously as a strategic partner. We need to bring NATO and the EU closer together and make them work in tandem. We need common NATO and EU strategies not only toward Russia but on a range of other new strategic challenges.

Fifth is energy security. The threat to energy supplies can exert an immediate influence on our nations' political sovereignty also as allies contributing to common decisions in NATO. That is why it must also become a transatlantic priority. Although most of the responsibility for energy security lies within the realm of the EU, the United States also has a role to play. Absent American support, the Baku-Tbilisi-Ceyhan pipeline would never have been built. Energy security must become an integral part of U.S.-European strategic cooperation. Central and Eastern European countries should lobby harder (and with more unity) inside Europe for diversification of the energy mix, suppliers, and transit routes, as well as for tough legal scrutiny of Russia's abuse of its monopoly and cartel-like power inside the EU. But American political support on this will play a crucial role. Similarly, the United States can play an important role in solidifying further its support for the Nabucco pipeline, particularly in using its security relationship with the main transit country, Turkey, as well as the North-South interconnector of Central Europe and LNG terminals in our region.

Sixth, we must not neglect the human factor. Our next generations need to get to know each other, too. We have to cherish and protect the multitude of educational, professional, and other networks and friendships that underpin our friendship and alliance. The U.S. visa regime remains an obstacle in this regard. It is absurd that Poland and Romania—arguably the two biggest and most pro-American states in the CEE region, which are making substantial contributions in Iraq and Afghanistan—have not yet been brought into the visa waiver program. It is incomprehensible that a critic like the French anti-globalization activist Jose Bove does not require a visa for the United States but former Solidarity activist and Nobel Peace prizewinner Lech Walesa does. This issue will be resolved only if it is made a political priority by the President of the United States.

The steps we made together since 1989 are not minor in history. The common successes are the proper foundation for the transatlantic renaissance we need today. This is why we believe that we should also consider the creation of a Legacy Fellowship for young leaders. Twenty years have passed since the revolutions of 1989. That is a whole generation. We need a new generation to renew the transatlantic partnership. A new program should be launched to identify those young leaders on both sides of the Atlantic who can carry forward the transatlantic project we have spent the last two decades building in Central and Eastern Europe.

In conclusion, the onset of a new Administration in the United States has raised great hopes in our countries for a transatlantic renewal. It is an opportunity we dare not miss. We, the authors of this letter, know firsthand how important the relationship with the United States has been. In the 1990s, a large part of getting Europe right was about getting Central and Eastern Europe right. The engagement of the United States was critical to locking in peace and stability from the Baltics to the Black Sea. Today the goal must be to keep Central and Eastern Europe right as a stable, activist, and Atlanticist part of our broader community.

That is the key to our success in bringing about the renaissance in the Alliance the Obama Administration has committed itself to work for and which we support. That will require both sides recommitting to and investing in this relationship. But if we do it right, the pay off down the road can be very real. By taking the right steps now, we can put it on new and solid footing for the future.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I very much support the pending amendment. It is the product of a lot of work by a lot of people. Senator LIEBERMAN, in particular, was considering offering an amendment during our markup in the committee. He agreed that he would hold off until we got to the floor to try to get broad bipartisan agreement on a very important subject. He did that. We are grateful to him for doing so.

This amendment is consistent with the administration's policies for missile defense in Europe, including its consideration of a variety of options and architectures for defending Europe, including the so-called third site in Poland and the Czech Republic. The main purpose of these efforts in Europe is to act against an Iranian missile threat should it materialize. It is very important that we do so.

Earlier this month, General Cartwright, Vice Chairman of the Joint Chiefs, testified before the Armed Services Committee that the Department of Defense is considering a number of missile defense options in Europe.

This amendment is also consistent with the administration's efforts to pursue missile defense cooperation with Russia as part of our efforts to address the Iranian missile threat. Those missiles, of course, potentially could be armed with nuclear warheads. This potential Iranian missile threat is a threat that confronts not just Europe as NATO but also Russia as well, obviously, and a number of other countries. It is a real threat. Everything we can do to deter that, everything we can do to defend, should it ever materialize, is something we must do. It is a major threat.

In one of its findings, NATO recognizes this Iranian threat. This is the way NATO recognized this Iranian threat and the importance of trying to work together to deter, to try to prevent it from happening, and then, should it happen, to defend against it, to make it useless. Here is what NATO said in April:

> We support increased missile defense cooperation between Russia and NATO, including maximum transparency and reciprocal confidence-building measures to allay any concerns. We reaffirm our readiness to explore the potential for linking United States, NATO and Russian missile defense systems at an appropriate time and we encourage the Russian Federation to take advantage of [U.S.] missile defense cooperation proposals.

Back in April, I led a delegation, with Senators COLLINS and BILL NELSON, to visit Russia, Poland, and the Czech Republic to discuss missile defense and the potential for a cooperative approach. What we found is that there appears to be real potential for a cooperative approach and for having missile defense be a uniting issue against a common threat instead of a dividing issue. If we can find a way to cooperate with Russia on missile defense, it would send an extraordinarily powerful message to Iran that we are united against their continued development of nuclear technology and long-range ballistic missiles.

That is the point of missile defense in Europe, to address the Iranian missile and nuclear program in order to enhance their security and our security. This amendment will authorize prior year's funds for a variety of cost-effective and operationally effective missile defense options that could protect Europe and the United States from Iranian missiles of all ranges, current and future. The amendment is designed to command and hopefully attract strong bipartisan support. I hope it does just that.

I believe a voice vote may be possible after Senator MCCAIN speaks. I hope that is the case, given the schedule.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in support of the Lieberman amendment expressing the sense of the Senate that the U.S. Government should continue developing and planning for the proposed deployments of elements of a

ground-based midcourse defense system. I thank the Senator from Connecticut for this amendment and his willingness to work with all parties, which will then allow us to voice vote this very important amendment.

Obviously, there are a lot of strong feelings on the issue of missile defense in Europe. I believe this amendment addresses and expresses our concerns and our goals, including a midcourse radar in the Czech Republic and ground-based interceptors in Poland, as well as the reservation of funds for the development and deployment of missile defense systems in Europe.

As rogue nations, including North Korea and Iran, push the nuclear envelope and work tirelessly to develop delivery vehicles capable of reaching America and its allies, we must aggressively develop the systems necessary to counter such belligerent efforts. Enhancing missile defense capabilities in Europe is an essential component to addressing rogue state and in-theater threats we face and expect to face in the future.

As Iran works to develop ballistic missile capabilities of all ranges, the United States must reaffirm its commitments to its allies and develop and deploy effective missile defense systems. The Iranian ballistic missile threat is real and growing. During the NATO summit in Bucharest in April of 2008, the allies cited the threat of ballistic missile proliferation as one of great concern to their forces, territory, and populations. Missile defense in Europe, according to NATO ''forms part of a broader response to counter this threat . . . [a] substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defense assets.''

Uncertainty about the future of missile defense in Europe, some stemming from perceptions, whether wanted or not, that Russia will have a say or veto power over the disposition of our missile defense architecture, has caused concerns both here in the Senate and among some of our closest European allies. I urge the administration to provide some clarity on how it plans to honor the commitments the United States has made to Poland and the Czech Republic.

The last administration recognized the importance and need for a European component to our missile defense system, reached out to the Governments of Poland and the Czech Republic, and asked that they make what many at the time perceived as an unpopular agreement. Despite unwanted threats from Russia, both governments recognized the importance such a capability would provide to their citizens and to Europe as a whole and agreed to allow the United States to place ground-based interceptors in Poland and a midcourse radar site in the Czech Republic.

Given the perception, one that has been strengthened by the testimony of administration officials before the Armed Services Committee, that the United States is preparing to back away from its commitments to our Polish and Czech allies, this amendment comes at an important moment. It was only a year ago, after all, that the United States and the Czech Republic affirmed that:

> Within the context of, and consistent with, both the North Atlantic Treaty and the Czech Republic . . . the United States is committed to the security of the Czech Republic. [And that] the Czech Republic and the United States will work together to counter emerging military or non-military threats posed by third parties or to minimize the effects of such threats.

Similarly, on August 20, 2008, the United States signed an agreement with Poland stating that the:

> United States is committed to the security of Poland and of any U.S. facilities located on the territory of the Republic of Poland. . . .The United States and Poland intend to expand air and missile defense cooperation. In this regard, we have agreed on an important new area of such cooperation involving the deployment of a U.S. Army Patriot air and missile defense battery in Poland.

Our Polish friends are clearly uneasy and have been quite vocal. During a forum earlier this year in Brussels, Polish Foreign Minister Radoslaw Sikorski said:

> We hope we don't regret our trust in the United States.

I urge the administration and my colleagues in the Senate to join me in reiterating our commitment to the security and freedom of these nations as well as deterring and defending them against any threats to their security.

With respect to Russia and the ongoing START negotiations, I urge the President to continue to reject any Russian attempt to link reductions in offensive strategic nuclear weapons with defensive capabilities such as missile defense. Russia, too, must recognize that the current Iranian path is unsettling to the global interests of all peace-seeking nations. Missile defense in Europe is not and should not be viewed in Moscow as some new form of post-Cold War aggression. It is, rather, a reasonable and prudent response to the very real threats the Iranian regime continues to pose to the United States, Europe, and the world.

Again, I thank my good friend from Connecticut for offering this amendment, and I urge my colleagues to support its adoption.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, very briefly, I want to thank Senator LEVIN and Senator MCCAIN for their very thoughtful statements in support of this amendment. I thank their staffs for the work that has been done with all of my staff, Senator SESSIONS, and others to reach this agreement. It is an important statement of policy about our national security in the years ahead. I appreciate all that has been done by everyone here in the spirit of unity.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1744) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I now ask unanimous consent that Senator DORGAN be recognized for up to 15 minutes and then we return to regular order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me thank the chairman of the committee, Senator LEVIN, and Senator MCCAIN, for their work on this bill.

We talk about a lot of things in this bill: jet fighters, bombers, tankers, submarines, unmanned aerial vehicles—lots and lots of subjects. The subjects are about the defense of our country, what provides national security for our country, so these are all very important. I wish to speak, however, about one piece of this legislation that probably is not mentioned much but I think is very important; that is, the reduction of the threat of nuclear weapons.

There is something over $400 million in this bill that deals with the efforts to try to reduce the threat of nuclear weapons.

I have had at my desk in the Senate for a long while some pieces of equipment. I ask unanimous consent to show them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this is a piece of a wing of a Soviet Backfire bomber. We did not shoot this plane down. This was sawed off of a wing of a Backfire bomber that would have carried nuclear weapons, presumably, to threaten our country. But under something called the Nunn-Lugar Cooperative Threat Reduction program that we engaged in with the countries of the former Soviet Union, bombers were destroyed—oh, not by bullets, but they were sawed in half and the wings were taken off and so on.

This is a tube of copper, I show you, from the electrical wiring of a Russian submarine that carried nuclear weapons targeting this country. This was

ground up by the Cooperative Threat Reduction program. The submarine was not destroyed by American bullets. This is part of the Cooperative Threat Reduction effort.

This, I show you, is a hinge from a nuclear weapon on top of a missile that was in the Ukraine, presumably aimed at an American target. Where this missile once sat now grows sunflowers in the Ukraine.

The Cooperative Threat Reduction Program—now, why is that important?

Mr. President, we have a lot of threats to this country, but none is as great as the threat of a nuclear warhead being exploded in a major American city or any metropolitan area of this world, for example.

Here, as shown on this chart, is how many nuclear warheads we have. This is from the Carnegie Endowment in 2009. They estimate the number of nuclear warheads that exist on the planet—Russia, about 14,000 nuclear weapons; the United States, 10,500 nuclear weapons; China, about 125; France, about 300; Britain, about 160 nuclear weapons; Israel, 80; India, 50; Pakistan, 60, and so on.

Let me tell you a story, if I might. It is a story that has been written about extensively. In fact, it was the lead for a book called ''Nuclear Terrorism,'' written by Graham Allison.

It was 1 month after 9/11/2001. It was October 11, 2001, when, at the Presidential daily briefing to President George W. Bush, George Tenet, the then-head of the CIA, informed the President that a CIA agent code named Dragonfire had reported that al-Qaida terrorists possessed a 10-kiloton nuclear weapon, evidently stolen from the Russian arsenal. According to Dragonfire, the CIA agent, it had been smuggled into an American city, probably New York City. Again, at the President's daily briefing, 1 month to the day after 9/11, it was said that al-Qaida had smuggled a 10-kiloton stolen nuclear weapon into perhaps New York City.

The CIA had no independent confirmation of it, but in the hours that followed, the Secretary of State, the National Security Adviser, and others struggled with the question of whom do you call to talk about the threat and how do you do it without the news media putting out a bulletin that there is a rumor that a stolen 10-kiloton Russian nuclear weapon is in an American city without causing panic and mass exodus?

So they tried to determine what to do about this and analyzed: Was it plausible, possible that al-Qaida terrorists had stolen a 10-kiloton nuclear weapon? The answer is yes. Did the Russians possess 10-kiloton nuclear weapons? Yes. Did they have good command and control over them, absolute command and control? No. Was it possible, having stolen it, that the terrorists could have smuggled it into New York City or, perhaps, Washington, DC? Yes. And could the terrorists detonate it? The answer is yes. If it were trucked, for example, to Times Square and exploded, would half a million people be killed instantly? Yes.

But they did not tell anybody. They did not tell the mayor of New York. They sent nuclear weapons search teams to New York. The President sent teams to New York but did not inform anybody, for obvious reasons.

About a month later, while there were a lot of people having an apoplectic seizure about this prospect, it was determined that perhaps the report by the CIA agent, Dragonfire, was not credible.

Now, think of that. Think of the unbelievable angst about the potential of one rather small nuclear weapon, a 10-kiloton nuclear weapon, having been stolen on a planet where there are 25,000 of them—most of them much larger than that. Think of the angst about the potential of having one stolen by a terrorist group and exploded in the middle of an American city. That is just one weapon, and there are 25,000.

There are a lot of people who are good thinkers and very experienced in these areas who will tell you, including former Defense Secretary Perry and others, that there is a very high probability that within the coming 10 years there will be a nuclear weapon exploded in a major city.

So with all of the talk about planes and ships and all of the issues in this bill, this issue of the threat reduction, with $400 million-plus in this bill—the threat reduction that allowed us to dismantle nuclear weapons, cut off the wings of an adversary's bombers, grind up the wiring, and destroy the submarines—that is critically important. The question for us is, What are we going to do to reduce the number of nuclear weapons and to stop the spread of nuclear weapons around the world? Because almost certainly there will be an explosion of a nuclear weapon in a metropolitan area at some point in the future unless we provide the leadership in arms talks and arms reductions. It is our responsibility to lead. It falls on our shoulders to bear this burden to lead.

I know there are some who would say: Do you know what, that is a sign of weakness to be talking about reducing nuclear weapons. I am not suggesting reducing America's strength or allowing America to be undefended. I am suggesting the world will be a much safer place if we do not have 25,000 nuclear weapons, and this world will be a much safer place if we find a way to stop the spread of nuclear weapons. Every day now, we see the spectacle of Iran. Iran possessing a nuclear weapon? That is scary. North Korea. We do not know how many weapons North Korea has, but the Carnegie Endowment says perhaps less than 10.

But what do we do now? What do we do to decide we are going to be involved in a very aggressive way leading the world in the nonproliferation of nuclear weapons and beginning to reduce the number of nuclear weapons?

We are operating now under what is called the Strategic Offensive Reductions Treaty, also known as the Moscow Treaty, that our last President negotiated. It required the United States and Russia to have no more than 2,200 operationally deployed nuclear weapons. It does not mean that is the limit. That is just the operationally deployed limit. They can have far more nuclear weapons than that. By 2012, they had to be down to 2,200 operationally deployed. It does not restrict delivery vehicles of any kind—missiles, ships, planes. It does not have any verification measures, and it expires in 2012.

There is another treaty called the START Treaty, which was superseded by the treaty I just described. But some parts of the START Treaty are still in force because it does have verification and onsite monitoring and confidence-building measures and it does limit delivery vehicles. But that limitation is going to expire, and that START Treaty expires at the end of this year.

So the point I want to make today simply is this: We are talking about a lot of very important things, and I think the bill put together by the chairman and ranking member, this Defense authorization bill, is very important. I understand that. We need an Army, a Navy, the Marines, the Air Force. We need them well equipped. This is a troubling world in some corners. We face an enormous threat of terrorism. We face a lot of different threats. We must keep our eye on the ball. We, above all, here in the United States have a responsibility to provide the leadership that is necessary to stop the spread of nuclear weapons, and to try to push and push and push for agreements that would reduce the number of nuclear weapons.

As I said before, when, again, a CIA agent code named Dragonfire shows up and says to the CIA, I have picked up information which indicates there is one nuclear weapon that has been stolen and it is in the hands of terrorists, and it is now in New York City, ready to be detonated, when that happens next, we had better worry a great deal if we haven't prevented it, if we haven't taken all of the steps necessary to say, that can't happen. That report in October of 2001 turned out to be false, but all of the post mortems by experts understood that it could well have been true, and all of the elements could have been accurate. A weapon could have been stolen, smuggled into the city, detonated and a half a million people within three-quarters of a mile of Times Square would have died immediately. If that would have happened the world would never be the same. Everything will have changed.

So it seems to me we have a responsibility to aggressively pursue arms control agreements. We have an opportunity now, and a responsibility to pursue aggressively, even in legislation such as this, the reduction of nuclear weapons and delivery vehicles to try to

see if we can step back from the abyss and actively engage with other nuclear powers to do things that will tighten controls, and in a very significant way, prevents the opportunity from other nations, and especially rogue nations, and especially, most especially, terrorist groups, from acquiring nuclear weapons.

We know, we have the history, that Osama bin Laden has been fascinated with and has wanted to acquire the mechanics for nuclear weapons and the materials for nuclear weapons for a long time. We know that. Al-Qaida is still there. As far as we know, Osama bin Laden is still leading al-Qaida. It is pretty unbelievable to think about that. On 9/11 we were told there isn't one acre on this Earth that would be safe for the person who designed the attack against our country, but it is now 8 years later and we are told in the public briefings by our CIA that the greatest threat to our homeland is al-Qaida, a reconstituted al-Qaida. The terrorist threat which is the greatest threat to our homeland is a reconstituted al-Qaida with training camps where they are designing attacks against our country.

Let us hope that we are able to make the kinds of efforts and provide the kind of leadership that singularly says to the world: It is this country that leads the way to stop the spread of nuclear weapons, and it is our country that wants to reduce the number of nuclear weapons on this planet. No, that won't make us weaker; I don't suggest any approach that would ever weaken this country relative to its adversaries. But it will certainly strengthen the future of this planet if we reduce the number of nuclear weapons below the 25,000 nuclear weapons that now exist as well as take very significant steps to stop other countries and certainly to prevent forever rogue nations and terrorist organizations from acquiring nuclear weapons. That needs to be job one. We don't talk nearly enough about it. We don't talk about the subject as much as we should. But I wanted to bring this issue to the floor during this discussion because it is in this bill, Cooperative Threat Reduction, which we know works and which we have funded in the past and will continue to fund in this bill again, and is something that addresses the issue of not just building more weapons but actually finding ways to engage with our adversaries to reduce the weapons that can, frankly, threaten the existence of this planet.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Akaka amendment No. 1522.

AMENDMENT NO. 1519

Mr. BURR. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1519.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object. I will not object—of course—this would be the next amendment which would be in a line of amendments that Senator MCCAIN and I are trying to work out alternating between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR], for himself and Mrs. HAGAN, proposes an amendment numbered 1519.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the establishment of an outlying landing field at Sandbanks or Hale's Lake, North Carolina)

On page 565, after line 20, add the following:

Subtitle D—Other Matters

SEC. 2481. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE'S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale's Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

Mr. BURR. Mr. President, most Members don't know much about this amendment. If you are not from Virginia or if you are not from North Carolina or you are not on the Armed Services Committee, this amendment will probably not make a lot of sense. This is about the proposed acquisition of land in North Carolina for an outlying landing field for carrier-based aircraft to practice their touch and goes for the purposes of night takeoffs and night landings.

This is not new to North Carolina. Let me say to my colleagues, I don't think there is a State more friendly to the military than North Carolina. We are home to Fort Bragg, the Pentagon of the Army; we are home to Camp LeJeune, the east coast hub of the Marine Corps; Seymour Johnson Air Force Base. Our communities don't just welcome the military, they support the military. I think it is the most military-friendly State you can find. There is no military family that is stationed within North Carolina that has not been extended in-State tuition regardless of how long they are there or whether their kids are still in education once their parents might have been deployed elsewhere.

This is not an issue of ''not in my backyard.'' There are two proposed sites. One thing my amendment very clearly does is it prohibits the establishment of an outlying landing field at the proposed Hale's Lake, Camden County/Currituck County landing sites and the Sandbanks, Gates County sites in North Carolina. It says to the Navy: You have to take them off your list; you can't include them.

The Navy is proposing to construct an outlying landing field for their carrier-based fixed-wing aircraft squadrons stationed in Virginia Beach at the Naval Air Station Oceana. They propose to acquire 30,000 acres. So they get 30,000 acres to allow for the accommodation of fee-simple purchases, the purchase of restrictive use or through conservation easements.

Approximately 2,000 acres would be used for the core area, which would include an 8,000-foot runway. Think about 30,000 acres relative to the airport that is in your local community and you get an idea of how much bigger this footprint is.

I said earlier this is not about ''not in my backyard.'' As a matter of fact, North Carolina has proffered to the Navy currently a Marine air station in Cherry Point as a potential OLF site where we already have squadrons of Marine aircraft. We have the capacity and, more importantly, we have a community that wants to have this site. The Navy doesn't support the Cherry Point proposal, supposedly because it is considered to be in a location too far from Oceana. Well, let me describe for my colleagues, when you draw the line that says anything outside of this is too far, Cherry Point falls 20 miles outside of the line they have drawn. Twenty miles is the glidepath to land and the glidepath to take off. We are not talking about a big distance. It doesn't seem to make sense why the Navy is looking to condemn 30,000 acres for the purposes of constructing a new facility instead of using an existing facility, an existing military base that would be much more efficient and cost effective for the Navy and, more importantly, cost effective for taxpayers.

Why am I here? Why is Senator HAGAN offering this amendment? Because the people in Gates County, in Currituck County, in Camden County, don't want it. The Navy went into this process saying: If people don't want us, we won't go there. The truth is it doesn't stop there.

I wish to enter into the RECORD, if I may—on May 27, 2009, the North Carolina General Assembly unanimously passed a bill, House bill 613, which states that the consent of the State is not granted to the Federal Government for acquisition of land for an outlying landing field in a county or counties which have no existing military base where squadrons are stationed. I ask unanimous consent to have printed in the RECORD this document, as well as a letter from the president of the North Carolina Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL ASSEMBLY OF NORTH CAROLINA, SESSION 2009

SESSION LAW 2009–20, HOUSE BILL 613

An Act providing that consent of the State is not granted to the United States for acquisition of land for an outlying landing field in a county or counties which have no existing military base at which aircraft squadrons are stationed

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 104–7 reads as rewritten:

''§104–7. Acquisition of lands by the United States for customhouses, courthouses, post offices, forts, arsenals, or armories; cession of jurisdiction; exemption from taxation.

(a) The consent of the State is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the State that either is:

(1) Required for customhouses, courthouses, post offices, forts, arsenals, or armories; provided that the total land to be acquired for a particular facility does not exceed 25 acres; or

(2) To be added to Fort Bragg, Pope Air Force Base, Camp Lejeune, New River Marine Corps Air Station, Seymour Johnson Air Force Base, Cherry Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, or the United States Coast Guard Air Station at Elizabeth City. Any of the land to be added to a military base named in this subdivision shall be contiguous to and within a 25-mile radius of the military base for which the property is acquired.

(a1) Notwithstanding the provisions of subsection (a) above, the consent of the State is not given to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in a county or counties which have no existing military base at which aircraft squadrons are stationed, for the purpose of establishing an outlying landing field to support training and operations of aircraft squadrons stationed at or transient to military bases or military stations located outside of the State. Exclusive jurisdiction in and over any land acquired by the United States without the consent of the State under this subsection is not ceded to the United States for any purpose.

(b) Exclusive jurisdiction in and over any land acquired by the United States with the consent of the State under subsection (a) of this section is hereby ceded to the United States for all purposes for which the United States requests cession of jurisdiction except that jurisdiction in and over these lands with respect to: (i) the service of all civil and criminal process of the courts of this State, (ii) the concurrent power to enforce the criminal law, (iii) the power to enforce State laws for the protection of public health and the environment and for the conservation of natural resources, and (iv) the entire legislative jurisdiction of the State with respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property is reserved to the State. Cession of jurisdiction shall continue only so long as the United States owns the land.

(c) The jurisdiction ceded shall not vest until the United States has acquired title to the land by purchase, condemnation, or otherwise; accepted the cession of jurisdiction in writing; and filed a certified copy of the acceptance in the office of the register of deeds in the county or counties in which the land is located. The acceptance of jurisdiction shall be made by an authorized official of the United States and shall include a precise description of the land involved and a statement of the extent to which cession of jurisdiction is accepted. The register of deeds shall record the acceptance of jurisdiction and index it in both the grantor and the grantee index under the name of the United States and, if title to the land over which jurisdiction is ceded is vested in any entity other than the United States, then the register of deeds shall also index the acceptance of jurisdiction in both the grantor and the grantee index under the name of that entity.

(d) So long as land acquired with the consent of the State under subsection (a) of this section remains the property of the United States, and no longer, the land shall be exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges that may be levied or imposed under the authority of this State.

(e) Persons residing on lands in the State for which any jurisdiction has been ceded under this section shall not be deprived of any civil or political rights, including the right of suffrage, by reason of the cession of jurisdiction to the United States.''

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 23rd day of April, 2009.

WALTER H. DALTON,
President of the Senate.

WILLIAM L. WAINWRIGHT,
Speaker pro tempore of the House of Representatives.

BEVERLY E. PERDUE,
Governor.

Approved 3:21 p.m. this 30th day of April, 2009.

NORTH CAROLINA GENERAL ASSEMBLY,
Raleigh, NC, May 27, 2009.

DEAR NORTH CAROLINA CONGRESSIONAL DELEGATION: We are writing to inform you of the North Carolina General Assembly's unanimous opposition to the Navy's plans to build an outlying landing field in northeastern North Carolina. Last month, both the North Carolina House of Representatives and North Carolina Senate unanimously passed House Bill 613, which says that the consent of the state is not granted to the federal government for acquisition of land for an outlying landing field in a county or counties which have no existing military base where aircraft squadrons are stationed. This new law, which the Governor signed April 30th, will make it more difficult for the Navy to force an OLF into Camden, Currituck, or Gates Counties and sends a strong, unified message of opposition from our state. We are including a copy of the legislation for your information.

All along, we have known that an OLF in northeastern North Carolina would benefit the people of Virginia and would be built to alleviate noise and congestion at Naval Station Oceana in Virginia Beach. For years, the Navy has refused to admit this very basic rationale for their proposed OLF.

Therefore, we respectfully ask you, as our federal representatives, to urge the Navy to move some of the squadrons based at Oceana to the Marine Corps Air Station at Cherry Point. This would alleviate the need for an OLF in northeastern North Carolina and our state would benefit from the employment surrounding these additional squadrons. If an OLF is needed, North Carolina's new law would allow one near Cherry Point, in an area of our state that wants it and receives the economic benefits as well.

North Carolina is the most military-friendly state in the nation and we intend to remain so. It is our hope that we can work toward a solution that allows the Navy to meet its training needs and continues the proud tradition of cooperation between the military and our state.

Sincerely,

MARC BASNIGHT,
President pro tempore.

BILL OWENS,
Representative.

Mr. BURR. Mr. President, an OLF at any of the proposed sites in North Carolina and Virginia would create 52 jobs. Fifty-two jobs, for a 30,000-acre footprint. The location at the Hale's Lake site is a 38,000-acre farm that currently employs 90 employees and has a local economic impact of approximately $6.5 million. Let me say that again. We are being asked to consider a 30,000-acre footprint at Hale's Lake where we are going to take 90 jobs and we are going to replace them with 52 jobs, where they have $6.5 million worth of economic impact and we are going to go to a situation where the Federal Government doesn't pay property taxes.

The core of the Sandsbank outlying landing field site contains 1,269 acres of wetland. Let me say this again. The core of the Sandsbank 30,000 acres contains 1,269 acres of wetlands. In October of 2007, the North Carolina Division of Water Quality recommended that the Sandsbank site not be pursued. Why? Because of the significance of wetlands.

I say to my colleagues—and I think we will probably lose this amendment and we will have a voice vote on it—I think it is important to understand, North Carolina has taken option after option after option to the Navy. As a matter of fact, this is our second round after they shortcut an environmental impact study and the courts got involved for a site they had picked and had already purchased the land. They are now in the unusual position of having a lot of land and they can't build the site there based upon where the environmental impact study sent them because they were trying to put it next to one of the largest migratory bird areas on the east coast. Not a smart thing when you want to have pilots taking jets in. It has to go through the environmental impact study whether they pick the Sandsbank site or whether they pick the Hale Lake's site. So I am not sure if the EIS will allow them to go to Sandsbank where there are 1,269 acres of wetlands that will be incorporated into this. Those are all out there.

We have communities today that are being affected. They are being affected by the fact that property can't sell, that people don't want to move there because they don't know whether there is going to be a naval jet base. They don't know whether there is going to be a 30,000-acre protected area where all night long you are going to have aircraft going in, and it only produces 52 jobs for the local community. Not a very good trade-off on the part of North Carolina. Not a very good action on the part of the military.

I ask my colleagues—I think we probably know the outcome of the vote, but

we have to be vigilant. North Carolina is an incredible State when it relates to our military. That doesn't mean that the military can walk in and make a decision that is inconsistent with what is good for our State, and potentially forces an adverse relationship between the State and the military. They pushed it in and that is why the General Assembly did what they did. It is my hope that as this bill moves through conference, since the House has this provision in it, at least this provision will prevail.

I thank my colleagues, I thank the Chair, and I thank the ranking member for their understanding and allowing me to bring this amendment up. It is important that every Member understand what is involved and at the core of this. It is the lives of the people in North Carolina. It is the ability to have predictability in the future and not necessarily a decision that may linger for 6 or 7 or 10 years with individuals not knowing what the disposition of the Navy decision is going to be and, therefore, a market for their property or the plans for the next generation of farmer as it might relate to Hale's Lake, not knowing exactly how to plan their lives.

I would suggest that we call the question on this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in reluctant opposition to the amendment offered by my friend from North Carolina. He and the other Senator, the junior Senator from North Carolina, argued passionately and, to some degree, persuasively in the markup of this legislation.

I think it is very appropriate that they are reacting to local concerns and perhaps even the fact that I think, in straight talk, perhaps the Department of the Navy has not approached some of these communities in a way that would gain the cooperation of the communities.

I agree also with Senator BURR that the people of North Carolina are among the most patriotic that we have in our Nation. But facts are facts, and the Navy needs a field to train carrier pilots stationed on the east coast within the range of both Naval Air Station Oceana and Marine Corps Air Station Cherry Point in North Carolina. The Navy needs to field trained pilots in order for us to have the best qualified pilots in the world. Part of that training, of course, is to learn landing on aircraft carriers, among other types of training.

Again, a lot of local communities in North Carolina and Virginia have expressed concern about noise, about hours, and about the impact it will have on their communities. During the markup we adopted an amendment by the Senator from Virginia, Mr. WEBB, that basically requires the Navy to do extensive consultation with local communities, to consider assistance to local communities in case there is substantial economic impact, and to do everything they can to reach an agreement with the local communities as they go through this siting procedure.

Madam President, I cannot change geography. I think this committee can do a lot of things, but we cannot change the map. The map is that two of our major air stations, Oceana and Cherry Point, are where our pilots and air wings are stationed. They have to have the ability to train, and they have to train someplace within a reasonable range.

So I believe after a spirited discussion in committee, the Senator from Virginia came up with a very excellent amendment that basically requires a lot more participation in the local communities, a lot more consideration and consultation, and even—I have never seen this before—some economic assistance to the local communities, if necessary. Nobody likes to be awakened at 1 or 2 a.m. by the sound of jet engines. I understand that. But I also understand—and I hope our colleagues do—that on the entire east coast, because of population and the location of these two major bases—Cherry Point and Oceana—we don't have much choice but to look in Virginia and North Carolina. We cannot let, over time, that requirement be overridden forever. We can try to accommodate and understand, and we can try to do whatever is necessary to ease the burden. But the fact is, our pilots have to train.

I appreciate the fact that both Senators from North Carolina were eloquent in stating the concerns their local communities have, which may be under consideration for the location of an airfield—just as the Senator from Virginia was concerned; but the Senator from Virginia, I think, in his amendment, laid out some parameters that I think will lead to a fair process, which will take into consideration the very understandable concerns of the local communities.

With reluctance but concern for the ability of our Navy and Marine Corps pilots to train and be adequately prepared to fight, I oppose this amendment.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I also reluctantly oppose this amendment. Senator BURR and Senator HAGAN have both been very eloquent in their positions, and it is understandable how they and their States feel in this matter. The Navy has not done a particularly good job.

Senator WEBB, in committee, suggested some important language that will, hopefully, be helpful. Senator WEBB was equally eloquent in his position. We adopted that report language. I think we should stand with it. It is simply not good public policy for Congress to prematurely limit training locations—particularly when those sites have not been fully considered by the military.

So it is, hopefully, going to prod the Navy to do a lot better in terms of its consultation and communications with our communities in North Carolina, Virginia, and around the country. I also must oppose this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1519) was rejected.

Mr. LEVIN. Madam President, I move to reconsider that vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I see the Senator from Oklahoma here.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Madam President, I ask unanimous consent that we set aside the current pending amendment for the consideration of Inhofe amendment No. 1559.

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 1710

(Purpose: To provide for classified information procedures for military commissions, and to provide for interlocutory appeals by the United States of certain orders and rulings of military judges)

Mr. LEVIN. Madam President, I ask unanimous consent that the pending amendment be laid aside temporarily and that it be in order for me to offer an amendment on behalf of myself, Senator GRAHAM, and Senator MCCAIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for himself, Mr. GRAHAM, and Mr. MCCAIN, proposes an amendment numbered 1710.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, July 23, 2009, under ''Text of Amendments.'')

Mr. LEVIN. Madam President, the amendment I now offer, along with Senators GRAHAM and MCCAIN, would modify the procedures for the handling of classified evidence by military commissions. This is language that was requested by the administration witnesses at our hearing on military commissions procedures a few weeks ago.

We have worked closely together, and we have worked closely with the administration on the language. It is our

understanding that this amendment will fully address the administration's concerns. It has the support of the Justice Department and the Department of Defense.

Section 1031 of the bill, which addresses military commissions, is based on the standard established by the Supreme Court in the Hamdan case that military commissions should be conducted in a manner consistent with the procedures applicable in trials by courts-martial, and that any deviation from those procedures be justified by ''evident practical need.'' For this reason, the procedures now in the bill for the handling of classified information are based on the procedures established in the Uniform Code of Military Justice.

However, the witnesses at our July 7 hearing on military commissions made a persuasive case that the procedures for the handling of classified information in Federal court—the Classified Information Procedures Act, or CIPA—would provide a better model for handling classified information. The reason is, the Federal courts have far more experience handling classified information and far more precedent applicable to the difficult issues raised by classified information in detainee cases. DOD general counsel Jeh Johnson explained the issue as follows:

> [W]e note that the legislation incorporates certain of the classified evidence procedures currently applicable in courts-martial, where there is relatively little precedent and practice regarding classified information.

Mr. Johnson continues:

> We in the administration believe that further work could be done to codify the protections of classified evidence, in a manner consistent with the protections that now exist in Federal civilian courts. We believe that those protections——

Referring to the Federal civilian court protections——

> would work better to protect classified information, while continuing to ensure fairness and providing a stable body of precedent and practice for doing so.

VADM Bruce McDonald, the Judge Advocate General of the Navy, testified in a very similar way. He said:

> Section 949d provides for the use of rules of evidence in trials by general courts-martial in the handling of classified evidence. This is consistent with our overall desire to use those procedures found within the UCMJ . . . whenever possible. However, experience has shown that practitioners struggle with a very complex and unclear rule within the Military Rules of Evidence. The military rules do not have a robust source of informative or persuasive case law. Frankly, prosecutions using Military Rule of Evidence 505 are rare. In developing the rules for the handling of classified material during a military commission, it would be more prudent to rely upon the Classified Information Procedures Act (CIPA) used in Article III courts as a starting point.

Since the time of the hearing, we have been working on a bipartisan basis with the administration to produce new language on the handling of classified information, consistent with the recommendations of our witnesses. In accordance with those recommendations, and our own thinking and discussion, the language in the amendment we are considering today tracks very closely with CIPA. In a few areas, we have chosen to codify standards that are applicable case law under CIPA to provide additional clarity.

The amendment is consistent with the intention of the bill to apply established procedures to military commissions and to deviate from those established procedures, where justified, by evident practical need. There is an evident practical need here. We have a good experience under CIPA, and we decided that is the better model to follow.

We also believe the procedures in this amendment will facilitate the handling of classified information in trials by military commissions in a way that is fair to both sides.

I have a letter from the Department of Justice on this matter which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 23, 2009.

Hon. CARL LEVIN,
Chairman.
Hon. JOHN MCCAIN,
Ranking Minority Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: This letter expresses the strong support of the Department of Justice for the Levin-Graham-McCain amendment to S. 1390, the ''National Defense Authorization Act for Fiscal Year 2010,'' regarding classified information procedures for military commissions.

The amendment would establish a system for addressing classified information issues in military commissions that is similar to the system provided by the Classified Information Procedures Act (''CIPA'') for criminal cases prosecuted in Federal court. Although CIPA might need to be updated in some respects to address terrorism cases more effectively, we believe it has generally worked well both in protecting national security and ensuring fair proceedings. The Levin-Graham-McCain amendment adapts CIPA to the military commissions context, with some modifications to reflect lessons learned from past terrorism prosecutions. The amendment expressly provides that the judicial construction of CIPA shall, in most instances, be authoritative in interpreting the analogous provisions in the amendment. It sets substantive standards for providing the defense access to classified information in the discovery phase, and for the use of classified information at trial. It also establishes a range of tools and procedures, such as protective orders, ex parte hearings, alternatives to disclosure of classified information, expanded interlocutory appeal rights, and sanctions for failure to comply, that will provide appropriate guidance to military judges in handling these complex issues as they arise in the course of military commission proceedings.

The Department of Justice consulted at length with committee staff as they developed this amendment, and we are grateful for their work on this important issue. We believe the amendment will advance the President's objective of reforming the commissions and ensuring that they are a fair, legitimate, and effective forum for the prosecution of law of war offenses.

The Office of Management and Budget has advised us that, from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

RONALD WEICH,
Assistant Attorney General.

Mr. LEVIN. Again, I thank Senator GRAHAM and Senator MCCAIN. Senator GRAHAM is an expert we all look to in matters such as this. He has not only personal experience but he has a vast amount of personal knowledge from study, as well as his own experience in this area, and it is invaluable to us. It does help make possible the conclusion we offer the body.

Mr. MCCAIN. Madam President, I would like to, once again, thank Chairman LEVIN for the work he has done in this bill on the structure of military commissions. I appreciate his working closely with me and with Senator GRAHAM, and I believe that the changes in this bill put our military commissions framework on a solid footing so that our nation will be ready to proceed with the trials of terrorist detainees by military commission.

In the same vein, I am pleased to cosponsor Senator LEVIN's amendment No. 1710, which deals with the protection of classified information used in military commissions. This amendment is based on extensive meetings between our staffs and the professional prosecutors who wish to ensure that classified information receives the fullest possible protection in the course of these trials.

The amendment is based in large part on the Classified Information Procedures Act, CIPA, which includes protections for the use of classified information in trials. Based on 20 years of experience with CIPA, and with 3 years of experience with the Military Commissions Act, the protections contained in this amendment are what the professional prosecutors believe they need to ensure that classified information is not improperly disclosed and to allow trials to proceed more efficiently by providing military judges with an extensive body of law based on CIPA upon which to base their decisions. Avoiding the unauthorized disclosure of classified information is a key to ensuring the protection of our national interests, and so I am pleased to advocate the adoption of this amendment. I note that the Departments of Defense and Justice concur with the language contained in this amendment. I urge my colleagues to support its adoption.

Mr. LEAHY. Madam President, the Classified Information Procedures Act, CIPA, provides a framework for using classified information in criminal cases. It is a valuable and flexible tool that allows courts to review classified information and provide for the protection of such material while ensuring a defendant's right to a fair trial. And it works. For close to 30 years, Federal courts have used CIPA to successfully

handle complex criminal cases, including hundreds of terrorism-related cases since 9/11, and still protect sensitive information from public disclosure.

I reintroduced the State Secrets Protection Act this Congress, legislation that would allow the Government to claim the State secrets privilege while ensuring that a judge would review the evidence the Government is relying upon to determine whether the privilege applies. This concept mirrors CIPA and our bill draws heavily from CIPA procedures. But our bill does not water them down.

I was encouraged to see that Senator LEVIN, along with Senators GRAHAM and MCCAIN, proposed an amendment to the National Defense Authorization Act for Fiscal Year 2010 that would provide procedures in line with CIPA for handling classified information in military commissions. One of the complaints that we have heard about commissions involves procedural confusion, including how to approach the handling of classified information. As Senator LEVIN pointed out, ''the unique procedures and requirements hampered the ability of defense teams to obtain information.''

In recent testimony before the Senate Armed Services Committee, Vice Admiral MacDonald, the Judge Advocate General for the U.S. Navy, discussed the difficulty that prosecutors have had using military rules for classified evidence and acknowledged:

> [T]he military rules on the use of classified information fall short of our overall goals. On the other hand, for over 20 years, Article III courts have relied upon the Classified Information Procedures Act, or CIPA.

David Kris, the Assistant Attorney General for the Department of Justice's National Security Division, agreed that CIPA ''has generally worked well in both protecting classified information and ensuring fairness of proceedings'' and that drawing on CIPA would ''allow military judges to draw on a substantial body of CIPA case law and practice that has been developed over the years.''

I agree that, especially with this novel use of military commissions, it is crucial that we draw on evidentiary standards supported by precedent and a proven track record. However, I am concerned that some of the modifications proposed by this amendment would depart from the traditional protections provided by CIPA. For example, CIPA requires the Attorney General to certify that the disclosure of certain information would cause identifiable damage to the national security of the United States. Here, an unidentified ''knowledgeable United States official'' would make that declaration, instead. This amendment also imports a new standard that would require a judge to consider whether disclosure of information would be ''detrimental to national security.'' It would further prohibit the accused from appealing a court order allowing the Government to withhold access to information based on an ex parte proffer by the Government. This marks a serious departure from CIPA's framework for allowing defendants to reconsider such rulings in order to ensure that they are allowed meaningful access to evidence and can present a thorough defense.

I support the administration and Senator LEVIN's goal of using more article III standards in military commissions, and the use of CIPA procedures is certainly a marked improvement. However, it is important that we not minimize the protections and standards that make tools like CIPA effective in protecting both classified information and the rights of the accused. Until we have a more thorough review and understanding of why these changes are necessary, I believe we should proceed cautiously before we depart from the standards that have served us well for so long in our Federal jurisprudence.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the chairman for his kind comments. I have been a military lawyer for a while, but I am smart enough to know what I don't know.

The bottom line is judge advocates, to a person, have indicated the procedures as outlined by Senator LEVIN would be the best way to go. Under the civilian Classified Information Procedures Act, there is a robust body of cases. Military rule of evidence 505(b) is not used very often in courts-martial. What we have tried to do is interject into the commissions some reforms that will make the trials go forward in a manner that the courts are likely to approve the work product.

I think everybody involved—military judges, defense counsel, prosecutors—welcome this change. Senator LEVIN and his staff and our staffs have worked with the White House. I think we found a way to reform the military commissions that would provide balance when it comes to admission of classified evidence to protect the Nation at large and also allowing the people accused of a crime as much access as possible.

Every military lawyer who is going to be involved in the commissions supports this change. I think it is one way to make the commissions better. This whole effort to make the commissions better is bearing fruit. I appreciate what Senator LEVIN has done.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, there is now pending an amendment that I have offered on behalf of myself, Senator GRAHAM, and Senator MCCAIN relative to the protection of classified information; is that correct?

The PRESIDING OFFICER. Amendment No. 1710, offered by Senator LEVIN, is pending, yes.

Mr. LEVIN. Mr. President, I think we are now ready to vote on this amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1710) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. The pending matter now would be to return to the Akaka amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am sorry I couldn't be down here this afternoon, and I apologize to my colleagues that we will have a delay on this bill, probably with cloture, until tomorrow morning. My statement is in no way meant to reflect any ill will on Senator AKAKA or Senator COLLINS or Senator VOINOVICH or Senator LIEBERMAN, but we have before us in this amendment something that is intolerable to the unemployed people in this country today, or should be intolerable to everybody.

In fact, what we are going to do is take $3.1 billion and give it to Federal employees in their retirement systems and adjustments to retirement systems when we have 9.5 percent unemployment and we have six States with over 15 percent. What we should be doing is taking that $3 billion and making sure we are creating jobs so people have jobs in this country rather than paying Federal workers.

I want to enter into the RECORD what the average pay and benefits are for Federal employees because most Americans are unaware.

The average Federal pay and benefit for an employee of the Postal Service is $80,353 a year. If you work at the Pentagon, but you are not a soldier, your average pay and benefit is $89,000 a year. If you are a soldier, it is about $25,000 less than that. The guy taking the bullets is making $25,000 less than the civilians working in the Pentagon. Then you have all the rest of the Federal employees, and their average is $113,000. That is twice what the average wage in this country is, and we have attached this amendment to this bill—an amendment which has nothing to do with the Defense Department, it has to do with adjusting pension benefits for Federal employees outside of the Defense Department.

I think our Federal employees are valuable, and I do not mind paying them. But I do mind spending more money at that level now when we have a large number of people who are unemployed. If we count people who are not looking for work anymore because they are so discouraged, we have over 15 percent unemployment. The very idea that we would take $3.2 billion from our grandkids to add to a program, when we have millions and millions of Americans not collecting a paycheck at all, to me, is inappropriate. We can't afford it because we are going to charge it to the next two generations. We don't have the money.

That reminds me. If we go back and talk about where we are in this country, we have the first $4 trillion budget ever, this year. That is what is going to be spent—$4 trillion in 1 year. We are spending $1 trillion more this year in the last 7 months than we did last year in this country. We have passed bill after bill after bill after bill that we can't afford to buy things that we don't need with money we don't have.

Let me, for my colleagues, read the unemployment rates throughout the country: Alabama, 10.1 percent; Alaska, 8.4; Arizona, 8.7; Arkansas, 7.2; California, 11.6; Colorado, 7.6; Connecticut, 8 percent; Delaware, 8.4 percent; Washington, DC, 10.9 percent; Florida, 10.6 percent; Georgia, 10.1; Hawaii, 7.4 percent; Idaho, 8.4 percent; Illinois, 10.3 percent; Indiana, 10.7 percent; Iowa, 6.2; Kansas, 7 percent; Kentucky, 10.9 percent unemployment; Louisiana, 6.8; Maine, 8.5 percent; Maryland, 7.3 percent; Massachusetts, 8.6 percent; Michigan, 15.2 percent.

What would the people of Michigan do with $3 billion to invest in jobs in Michigan right now?

Minnesota, 8.4 percent; Mississippi, 9 percent; Missouri, 9.3 percent; Montana 6.4 percent; Nebraska, 5 percent; Nevada, 12 percent; New Hampshire, 6.8 percent; New Jersey, 9.2 percent; New Mexico 6.8 percent; New York, 8.7 percent; New York, 11 percent; North Dakota, 4.2 percent; Ohio, 11.1 percent; Oklahoma, 6.3 percent; Oregon 12.2 percent; Pennsylvania, 8.3 percent; Puerto Rico, 14.5 percent; Rhode Island, 12.4 percent; South Carolina, 12.1 percent; Tennessee, 10.8. If I missed South Dakota, it is 5.1; Tennessee, 10.8 percent; Texas, 7.5 percent; Utah, 5.7 percent; Vermont, 7.1 percent; Virginia, 7.2 percent; Washington State, 9.3 percent; West Virginia, 9.2 percent; Wisconsin, 9 percent; and Wyoming 5.9 percent.

Those are just percentages. But you know what they represent? They represent real hard-core pain for American families today. The fact that we would have the gumption to come and take another $3 billion from them to increase the benefit structure of Federal employees at a time when what we should be doing is seeing how we can become more efficient in the Federal Government and spend less money in the Federal Government flies in the face of the difficulties that these individuals find themselves faced with.

If you look at what is actually happening to our country and take the 75-year projections, this year we are going to spend under $200 billion in interest. Eight years from now we are going to spend $806 billion in interest just on the interest rates we have today.

How many people believe we will have a Fed discount rate of a quarter of 1 percent 8 years from now and that we will be able to borrow money on a 10-year T-bill at 3.6 percent? It isn't going to happen. We are going down the road to destruction, and we are clueless about how to solve it.

So if we add up the 75-year projected unfunded liabilities for Medicare and if we add up the 75-year unfunded liabilities for Medicaid and if we add up the 75-year unfunded liabilities for Social Security and if we add up the 75-year unfunded liabilities for Federal employee retirement and if we add up the 75-year unfunded liabilities for military retirement and if we add up the 75-year unfunded liabilities for every other trust fund this Congress and Congresses before have robbed the money from to spend now—which should have been endowed—what we come to is $100 trillion.

If we look at what our population is expected to be then, and the percentage that would not be working in the workforce—in other words, the very young children and the very large 40 percent of that population that is going to be retired—what we end up having is an unfunded obligation for every one of those people who are going to be the taxpayers of $500,000 apiece. That doesn't include the debt we have now, which is $11.4 trillion—which is going to double to $22 trillion over the next 10 years—and the internal debt of that will triple. So now we have $122 trillion worth of liabilities. Yet we are saying, now is the time to increase the benefits for Federal employees.

I don't deny that the Federal employees do great work. But when you look at what the average pay plus benefit is for Federal employees versus everybody else in the country, now is not the time to do it. Not only because, No. 1, we can't afford it; but, No. 2, it is patently unfair to everybody else in this country based on the average salaries.

So the fact that we would add an amendment onto the Defense bill—because it is a bill that is going to move; there is no question it would not survive cloture—that doesn't bother me. I have done that a lot. What bothers me is that we lack the perspective of what is happening. We passed a $787 billion stimulus bill, of which only $80 billion has gone out the door. The unemployment rate is still rising—and I am not critical. This body passed it. But it is not going to be highly stimulative because most of it was not meant to be stimulative. It was meant to be transfer payments. But we have spent that, and that is all borrowed money. We passed an omnibus. We passed a supplemental. None of that was paid for. Not a penny of it was paid for. That is all borrowed.

So what we have done is we are going to add $2.2 trillion to our debt this year, and now we have something that, well, it just adds a measly little $3.2 billion. But think about what $3.2 billion would do to help people who don't have a job in this country today. Instead, we are going to enhance the benefits of Federal employees. To me, it is an insult to every other worker who is out there who is either struggling to keep their job—and, by the way, we are going to add 100,000 Federal employees this year. So these numbers are underestimating what the real cost is.

Here is the amendment. It is 49 pages long. It has six major titles in it—adjusting. We allow people who left the government to come back and put their money back in, and we will say: Oh, you didn't leave, so you didn't lose any of your retirement. You still get it compounded.

We have institutionalized sick pay and we have made it an entitlement. We have said everybody who has ever worked for the DC government, they can work for the Federal Government and all of their retirement years will transfer to the Federal Government. But we don't do that for anybody else who works for any other State government. We certainly don't do that for people who have retirement plans from any other company. We don't add that retirement to the Federal Government's. So why are we doing things that are patently unfair to the rest of the American workforce in this country?

I plan on speaking on this bill until cloture ripens, which means we are going to be here all night. Until this amendment is withdrawn, I will stay here, or I will have a colleague stay here, and we will talk about how this country is out of control in its spending. We will talk about how we have failed the American people by not being good stewards; how we have not done oversight on the $350 billion worth of waste every year. Not one amendment has passed that has gotten rid of any of the waste that this government wastes every year. Not one has gotten through this Congress. Not one.

We are getting ready to work on a health care bill. We have been working on it. We have spent a ton of time on it. We have $120 billion worth of fraud in Medicare and Medicaid, but we haven't addressed that at all. It is not being addressed. We are twiddling our thumbs as Medicare goes bankrupt, while Medicare doesn't offer the services that are promised, and we are going to create another $1.6 trillion worth of cost for the American people. The only thing I can figure is that Washington thinks we can spend more money to save money in a significant way. We have been trying to do that since 1965 and it hasn't worked once, and it isn't going to work this time.

Let me mention, for a minute, just some of the things that we have been doing that do not fit with the priorities

of American citizens. It does not come anywhere close to matching what every family in this country is doing today. Here is what they are doing.

First of all, they are scared and they are fearful and they are worried. Do you know what they are doing? We see it in the economic statistics. When consumer spending drives normally 70 percent of our economy, we have the highest savings rate we have had in 40 years because they are afraid to spend. One of the reasons they are afraid to spend is because they don't trust what we are doing up here. They think things might get worse. I think things are going to get better, but they are certainly not going to get better by spending another $3.2 billion in this way.

What they do is they sit down as a family and they say here is what is coming in and here is the auto payment and here is the house payment and here is what we have to have for groceries and here is the utility bills. What is left? In other words, they make a list of priorities. They decide what has to be done, what must be done, but what they want to do comes last because we are in tough times. That applies to almost every family in this country. It implies heartaches because it means a father is not doing something he would like to do for his son or a mother is not buying a new dress for a daughter to help her own self-esteem in comparison with other children. It has real-world factors on families.

They make those hard decisions every day, absolutely every day. The reason they make those hard decisions is they do not lack the courage to face reality, such as we do. They also do not have the other option we have, and that is charging our lack of courage to the next two generations.

Most Americans are not cowards. They look at the real world, they look at what is responsible of them, what decision is going to have to be made. They dig in their heels, they work and work to solve the problem, and they will go through tough times doing the very best they can to make good of a bad situation.

That is opposite the behavior this place has been displaying. We have ignored the fact that we have $11.4 trillion worth of debt. We passed a stimulus spending bill, of which less than $150 billion was true stimulus. We have created dependencies of, now, the States. Anytime they are in tough times, they have now been infected with our illness: Don't worry about it, we will just charge it to the next generation. Because every State we helped through the stimulus we did charge it to the next generation. We have now instituted lack of discipline by every State legislature in the country because now they no longer have to worry about it. The Senate will just borrow from their grandkids and send it to them and now they don't have to worry about it, they don't have to have any courage to make the tough decisions.

What all have we done that would secure the honor of the American people, that we are working for them? What symbol have we given them, in terms of limiting our excesses in Washington, that might give them hope?

The Akaka amendment is the opposite of that. It is saying: You don't get it, your priorities are not right. You think you can forget what has happened to us. You think you can charge it to our grandchildren and our children. You think you can steal their opportunity and nobody is ever going to know it.

I have barked up this tree a lot in the last 5 years in this body, and I am not ever going to stop barking up this tree because it is morally wrong to steal the future from your grandchildren. It is morally wrong. It is not just ethically wrong, it is not just conveniently wrong, it is morally wrong to take the great attributes of this country away from your children and grandchildren. It is time for some grownups to start making hard decisions that may cost us reelection but are in the best long-term interests of this country.

So this issue is not going to go away. I may ultimately get defeated on it, but those families out there who do not have a job, those families out there making those hard choices every day—every night worrying where is the money to buy the food that is going on the table the next day, who still have a job—they are going to know somebody is going to fight for some common sense in the Senate.

There is no question, I lost this amendment in committee. I was mortified at the lack of sensitivity to the rest of this country, placing Federal employees' very good benefits—enhancing those above the negatives that are occurring to every family in this country based on our economic situation. Even if we were not having a tough economic time, it would still be wrong to do this. It would still be incorrect to do this.

If you think for a minute about what it costs to fund the interest costs on $500,000—if it is 6 percent, it is $30,000 a year. If I were a schoolteacher here and we had a blackboard, I would be making everybody write home that I am sorry I am stealing $30,000 a year from each of your children. That is what I would be doing—I am sorry I am stealing $30,000 a year just to pay the interest, never mind paying the principal off, on what we have accumulated.

Take a young child 6 years of age today and extrapolate that out to right before their retirement. What you have done is you have stolen their opportunity to have the American dream because it is not just going to be the $30,000, because all the years they can't work it is going to build that they will have to pay and all the years in their retirement are going to be less because they will not have the benefits.

By the way, if you are a Federal employee and unhappy with me trying to defeat this amendment, you should pay attention to something. There is no guarantee to your Federal pension based on the economics we face today in this country. If you think it is guaranteed, you have another thought coming because the world economic system is going to determine whether we can honor that pension. That is what is coming. We are very close.

It was not long ago that Alan Greenspan was asked a question: What is the maximum limit which we can borrow? There is a lot of question about whether people want to loan us money anymore. What he said is, I don't know what it is, but I can tell you we are getting very close.

What happens to us when we tap out? You know, he is not an unrespected thinker in materials of economics and banking.

Here is what happens to us. Interest rates that are 3.6 percent for a 10-year government note go to 7 percent, 8 percent, 9 percent, 10 percent. All of a sudden, the cost of funding our debt becomes $2 or $3 trillion a year, 20 years from now. What is the option? The option is there not be any government pensions, there will not be any Medicare. We will barely have money to defend our country. All these wonderful Federal programs that we have, most of which have a duplicate somewhere in the Federal Government that they defend, that we cannot get rid of because they have a constituency that somebody might be afraid, if we eliminate some of the $350 billion in waste, fraud, and duplication, they are not going to be there.

So what it comes down to and what we are facing is, can our Republic survive our excesses? Can we survive this tremendous direction that we have stepped away from reality, saying economic forces do not apply to us? The answer to that is no. There will not be a Federal pension when interest is at 10 or 12 percent and we have $35 or $40 trillion worth of debt.

Mr. McCAIN. Will the Senator yield?

Mr. COBURN. Certainly.

Mr. McCAIN. Does the Senator have an estimate how much this will cost the taxpayers?

Mr. COBURN. Over the first 10 years, $3.3 billion.

Mr. McCAIN. I understand from the amendment there is a provision that all the money is paid back.

Mr. COBURN. It is another trick and game. There is an assumption it will be paid back, but it will never be paid back. What it will do is increase the obligations of the Federal taxpayer—that is myself and you and all your families and everybody we represent—the liabilities of the people who are going to get the benefit from this amendment.

Mr. McCAIN. Could the Senator tell me the connection between this amendment and the Defense authorization bill?

Mr. COBURN. There is no connection between this amendment and the Defense authorization bill.

Mr. McCAIN. May I say to the Senator from Oklahoma, I am in agreement. We do strange things around here, particularly late in consideration of the bill. I thank him for at least bringing it to the attention of the American taxpayer.

Mr. COBURN. Mr. President, I wish to finish my line of thought because what I sense is the American people get it and we do not. The American people are worried we do not get it. They are worried we think we can continue spending money, not reform things, not make things more efficient, not eliminate duplication. What they know is this is not monopoly money. They know this is not ''not real money.'' They know this issue about us having common sense, about us being fiscally responsible—they know the future of their children and their grandchildren depends on whether we start acting the same way every other family in this country has to act. That is in the real world. It is not in the world of Washington that: Don't worry, we will put it off because the next election is much more important than I addressing this and taking the next tough vote. We are going to put it off.

I say to my colleagues, I have plenty of topics. I am going to spend the next couple hours going through waste so the American people can actually see how well we have done with their money—waste and earmarks and things that benefit the well-heeled and the well-connected but hurt your children and hurt your grandchildren.

Before I do that, I wish to spend a moment talking about what the heritage of our country is. How did American exceptionalism come into being? How is it that this became the greatest country in the world, that had more technological advances than anybody else in the world? That created the highest standard of living of any society ever known in the world? What was the glue, what was the key, what was the characteristic that allowed that to happen?

I will tell you what it was. It was called sacrifice. If you think back four or five generations in your family and you try to find out what was going on, no matter what your racial background is or what your lineage is, what you saw was people willing, absolutely willing to sacrifice the short term to make sure the long term was better for their children, their family, and their grandchildren. That is what I call a heritage of sacrifice. It is what made us great. It is what created this vast, great country.

I am sorry to say that, since I entered the area of public service—and one of the reasons I entered it was because I didn't see this trait—is that, since 1994 I have not seen any change. Actually, it is worse.

When you take the oath to be a Senator, what it says is you will do what the Constitution says. You will uphold it, you will make sure it is protected, that you will follow it.

I have a bill, it is called the Enumerated Powers Act. It has a lot of cosponsors, but none of the big spenders here want to cosponsor it. Do you know why? Because it creates a challenge for wasteful spending. What it says is what our Founders thought was pretty important. They very clearly, in article I, section 8 of our Constitution, listed out what the responsibilities of the Federal Government are. They listed them out. What Madison and Jefferson wrote about when they wrote in article I, section 8, they said people are going to try to say it is something different than this. They are trying to say the general welfare clause is we can do anything we want. The commerce clause is—don't believe them. That is not what we intended. Yet that happens every day in this body. We abandon the intent.

We just had a hearing on a Supreme Court nominee and one of the questions she was asked by a lot of us was: Are you going to uphold the Constitution?

Well, my thoughts and prayers would be that she will do a better job than we do, because we get an F. And the American people know it. They know we cannot tolerate this spending. They know we cannot tolerate this debt. They know we cannot tolerate raising taxes on the American people if we are going to hope to get out of this. Their wisdom needs to be brought here. And the way you bring your wisdom here is to let us know. Hold us accountable. Call, e-mail, go to the offices, write to our homes, make sure that people who are representing you uphold that oath of fulfilling the Constitution, honoring the tenth amendment.

You know, our Founders in the Bill of Rights put in the tenth amendment, and it is a very important amendment, because it says: Whatever is not spelled out specifically under article I, section 8—here is the limited things the Federal Government is supposed to do—is explicitly reserved for the States and for the people.

So how is it that we are going to have a $2 trillion deficit this year? I can tell you how it is. It is because we have ignored the Constitution. We have done things that are totally outside the realm our Founders thought we would ever do. We have taken over things that are truly the responsibilities of the States and the communities and individuals. We have created dependency by the States, created dependency in all sorts of others.

I got a letter last week asking me to sponsor money for fire engines for Oklahoma. When did buying firetrucks for Oklahoma become a part of the U.S. Constitution? Am I supposed to steal money from people in Pennsylvania and New Jersey and New York so Oklahoma can have fire engines, which is an Oklahoma responsibility? It is not even an Oklahoma responsibility; it is a community responsibility.

As we create this dependency, we create something that is worse after it. If you cannot get it, you all of a sudden are a victim. That is why earmarks are so bad, because what they do is keep us from making the great and hard decisions we should make because we benefit from it politically.

That is why several of us have fought since we have been here to change the earmarking process so that the American people can see what it is about. And what you will see, you watch on this bill, on the appropriations bills that follow, is if somebody has an earmark in this bill, they will never vote against it. Because what they will be told by the chairman or ranking member of the committee the next time they go to request something is: Oh, you requested something. I put it in the bill, but you did not vote for the bill, so I am not going to give it to you.

What happens is, instead of looking at the content of a bill and the best long-term interests of the country, we look at the content of the earmark and how we look back home to the well-heeled and the well-connected few, the source of campaign, the source of political empowerment, instead of looking at our oath that says: You will follow the Constitution.

There is no question we have the right to say where money goes. And there is no question we should be able to have earmarks if they are authorized, which means that a committee of your peers, through the Appropriations Committee, says: This is something we as a country ought to do. But you will not see that. What you see are not authorized earmarks. They do not go through a committee of your peers. So it becomes the very foul stink that ends up corrupting the whole system of following that Constitution and being loyal to that oath.

In 2016, every American is going to pay $13,000 on the national debt—think about that—for interest. I said that wrong. Every American family is going to be responsible for $13,000 worth of interest on the national debt. That is if it does not grow a penny from now. And we know we are going to have trillion-dollar deficits from now for as long as we can see under the budget that has passed this body.

The average American family, do you have $13,000? Do you have $13,000 for us to continue the excess of uncontrolled spending in Washington, the excess of failing to do our job to eliminate waste and fraud and duplication? Do you have it? Maybe you ought to call us and borrow it from the Senators. Maybe you ought to ask us for it since we are the ones labeling you with it.

So as you hear what we are saying today when we talk about what is going on, these are not just words; they are real facts that affect real lives, that limit opportunity, that steal this wonderful country from us and our kids. Because what is happening is we are slowly putting handcuffs on ourselves. We are slowly diminishing our ability to be creative. We are slowly taking away the opportunity and the freedom with which we have excelled.

If, in fact, the government said more about how you live your life than you say how you live your life, you have lost freedom. You have lost it. As we encounter this mountain, this truly high mountain of debt, what is going to happen is those handcuffs are going to get tighter and tighter—they are not going to get tighter, they are going to get closer and closer together before we have little ability to get out of them, little opportunity to change.

We are close to being on an irreversible course. What we do and how we do it over the next 2 years in this country is going to determine whether your children live in freedom. And I do not mean controlled by a dictator, I am talking about having the freedom to have the opportunity to work hard, to develop your skills, to take risks, and to hopefully reward yourself and your family so that, in fact, you can be benevolent to someone else who may not be able to do that. That is what America is all about.

We are losing. It is going away. And it goes away every week in this body. Every week that we create another new government program that limits your freedom and puts a bureaucrat between you and your choice, it goes away. Quite frankly, we have gotten pretty good at stealing your freedom.

For me and the people I represent, we have had enough. We have had enough of the government deciding everything for us. We have had enough of judges not following the Constitution. We have had enough of Federal bureaucrats limiting our property rights, and what we can do on our own property. We have had enough of people telling us what our freedoms are and what they are not. We have had enough of the Federal bureaucracy in education ruining our schools rather than giving us the freedom to educate the children the way we want; taking our taxes, absorbing 20 percent and sending 80 percent back and saying: You can have this money if you do this, this, this, and this. It is interesting, in the Constitution, there is no role for Federal education, no role for the Federal Government to be involved in education. None. Zero. Where did we get the idea that 80 percent of the people who work in the Department of Education, who do not know how to teach a child, should be telling the teachers in this country what to teach, and what to do, and what they can get paid for and what they cannot.

That is a loss of freedom, folks. You have a bureaucracy in Washington that determines the outcome of what your children's education is going to be, rather than you determining what that outcome will be.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. COBURN. I will yield for a question.

Mr. SESSIONS. I know my colleague has given more time and effort to studying the sickness that is affecting our Congress with regard to how we spend money than anyone in this body, and he has taken a lot of heat for standing up and raising these issues. I salute him for it.

But the amendment that is before us, it seems to me, is absolutely typical of how out of step Congress is. This may be a swell amendment for whoever benefits from it, but the people who are paying for it are not aware that the money they have earned from the sweat of their brow is now going to somebody who got a better health care plan, a better retirement plan and higher pay than they get, and more job security than they get.

In my home county, the unemployment rate is over 20 percent. Then we have people with so much better jobs wanting more money. This is what, a $2 billion amendment? I would ask you, is this not sort of a pretty egregious example of the tendency we have to try to reward one group and ignore the cost that everybody else is going to have to pay?

Mr. COBURN. I would answer the Senator, yes, but it is even worse in another way, and it is this: You know, we are not going to get killed by one big punch. It is going to be the little pinpricks. This is another pinprick. The fact is, I would love for our Federal employees to get this benefit. But we cannot afford it, one.

No. 2, it is highly unfair to everybody else out there trying to struggle right now to pay the taxes that pay those salaries. No. 3 is, we do not even have the money to fund the pensions for the Federal employees that we have promised right now. So it is about us getting it wrong. Our priorities are wrong. That is my whole point. There is no common sense to what we are doing.

Sure, it is nice, you can be lauded by all of the Federal employees: You did this. You did this. You can get their vote. But what about the future of our Republic? What is going to happen to us?

I have a granddaughter who is going to be born in the next 2 weeks, and I am wondering if she will even recognize what I knew to be what we were like in the 1950s, 1960s, 1970s, 1980s, because the freedom, the diminution of our freedom in this country has been massive. It is in direct correlation with the size of the growth of the Federal Government, directly correlated.

The bigger the Federal Government is, the less freedom we have. As it gets smaller, we can possibly get back some of our freedom. But we are talking about growing the Federal Government, we are talking about making it bigger. We are talking about having it more involved in every aspect of our life and taking away the ability of you and your family to make critical decisions about your family.

Are we totally dependent on the Federal Government? If that is where we are, our freedom is lost. If we have decided we do not need the States any more, get rid of all of the State legislatures; the Federal Government is doing it all anyway. And we do it so efficiently and so well, you can interact with your bureaucrat so well. They always make sense, they are always 100 percent responsible. That is garbage.

The fact is, the farther away your government is from you, the less control you have over it. There is no need, if we continue the direction we are in, to have a city council. We are directing what you have got to do on street lights now. We are going to tell you what car you can drive.

I thank the Senator from Alabama for his question. I appreciate his help on a lot of these issues.

This is not anything other than a departure point for our country. So let me spend a little time—first, let me tell you how good of a job we do. We passed a $787 billion stimulus bill of which $70 billion is out the door. So not even 10 percent, maybe 10 percent by this week; I have not checked the Web site this week to see.

Let's talk about what has gone out the door. What has gone out the door in my home State in Perkins, OK, that to get the money for a new water sewage system that the Federal Government said they had to have—State government did not say it, the Federal Government did—they had to spend an extra $2 million to build a water disposal and sewage plant that originally was going to cost $4 million. Now it costs $6.2 million. Guess what they got from the Federal Government—$1.5 million.

Think about that for a minute. Here is the stimulus. There is no question some jobs are being created from that. There is no question the citizens of that town will have to pay higher water rates and sewage rates to get a new plant. But what we did in the meantime of having the Federal Government involved in it is we raised the net cost of it by $500,000 so that the people who are going to benefit from it are going to end up paying water rates, sewage rates, at elevated levels for a longer period of time because the Federal Government got involved in it.

It doesn't mean we didn't need the sewage plant. We did. It didn't mean the city fathers didn't do the best thing they could for the city. They had to get a bond. So when somebody comes up and says, I am the Federal Government, here is $1.5 million, take it; and you say, maybe I can help my city out and get this thing done—except the net result of that is, it will actually end up costing $2 million more—ask yourself a question: If you were to build a garage onto the back of your house and the Federal Government says: We will give you a grant to help you do that, but when you finish up, the net cost to you is going to be about 8 to 20 percent more than what it would have cost if you did it yourself, are you going to take that deal? No, you are not.

This is money that is already out the door on the stimulus. It is an example of what happens when we lose common

sense and when we lose economic parameters with which to make decisions.

No. 2, in the stimulus was, heretofore, before we got to the health care bill that we just passed out, was the largest earmark in history, $2 billion. Here we have FutureGen. Let me tell you what we know about FutureGen. The idea behind it is pretty good. Let's figure out if we can take coal and make it absolutely clean and take the carbon dioxide out of it and sequester the carbon dioxide and use this resource we have and have a totally nonpolluting coal plant for generating electricity. Good idea, right? It got canceled in late 2007 because the Department of Energy, relying on a study from the Massachusetts Institute of Technology, said: We don't have the technology to do it. You shouldn't spend the money. The technology isn't there.

Isn't it funny, in 4½ months that report gets ignored and we put a $2 billion earmark in to build a coal plant that we don't have the technology for? Let me explain what will happen. We will spend that $2 billion, but when the $2 billion is gone, they are going to come back and say: We almost got it. How about $2 billion more? We will get another $2 billion earmark and another $2 billion earmark, and 5 to 10 years from now, we will have $24 billion in it. Then they will either do one or two things. They will say: We finally figured it out, which means had we waited to build on it a small prototype plant and perfected the technology, we could have done it for 5 percent of that, or they will say: It just didn't work. We can't do it. But we did it on the basis of parochialism and the enhanced interest of some power companies that were well-heeled and well connected to this body. So now we have $2 billion of your money going to a project that MIT says the technology isn't finished yet, and we should not be spending any money to build a final plant. Yet we did it. Yet the claim was that there weren't any earmarks in the stimulus bill.

Here is another fact that a lot of people don't know. Every fact I will give you I can absolutely document, either from the Department of Transportation or somewhere else. We have over 230,000 major bridges in disrepair. Remember Minneapolis. We have tons of those bridges. I am not saying they will collapse, but structurally they have been deemed to need repair.

The stimulus bill spent $24 billion on roads, highways, and bridges. We should have spent $100 billion because we really would have created four times as many jobs. We would have bought things we know we will have to buy anyhow, and we would have fixed problems we know we have today. If we are going to borrow money against our kids' future, it ought to be on high-priority items that will truly benefit us and our kids rather than that which is not going to benefit us.

Here we have Wisconsin, which has 1,256 structurally deficient bridges—more than Florida, Colorado, Arizona, and Alaska combined. Instead of fixing those, they put $58 million into bridge repair to repair 37 rural bridges that people hardly ever use. Why? How? How did it happen? We have interstate highway bridges that need to be repaired that have tens of thousands of cars going over them every day, and instead we repair a bridge to a bar. I guess that Rusty's Backwater Saloon is more important than the safety of kids on the highway.

Then we have a Florida project. When we build highways today, especially interstates, we put these eco-passages underneath them so that wild animals—sometimes cattle, if they are connected lands—can have transportation underneath the highway without going around. Good idea. In Florida, we have a highway sitting there, and less than a couple miles down the road we have an eco-passage, and a couple miles up the road we have one. We are going to spend $3.4 million to put another one in because too many turtles are crossing the road and getting hit. Maybe that is OK. But when we have a $11.4 trillion debt, we are going to run a $2 trillion deficit this year, when everything we are spending this year—50 cents out of every dollar we spend, we are borrowing on the backs of our children—should we be spending this kind of money on turtles? There are plenty of turtles in Florida. It is probably not going to have an ecological impact. But is that a priority? Is that something we should be doing? I think not.

We have a nonprofit that got fired for doing weatherization contracts in one of our States, for poor performance and noncompliance. We get the stimulus, and guess who gets the contract—somebody who has already cheated the taxpayers. Nevada. Somebody has already been fired for noncompliance and not doing appropriate work, and the first thing we do is we hire them back. Do you think there might not have been a political connection with the person who got that contract? Think it is strange?

Here is my favorite. This is Oklahoma. In the wonderful wisdom of the Corps of Engineers, back in the late 1940s and 1950s in western Oklahoma—fairly arid land, good for raising cattle, and where you can get irrigation, it is great for growing wheat—we built a dam and a spillway and generation and everything. Only one problem: There never was any water that came to the lake.

So we have this little road that runs along the edge of it, and they replaced the guardrails 2 years ago. Less than 10 cars a day in the regular summer season go across this, 3 average in the winter. The Corps of Engineers decides, since we have all this money, we need to replace the guardrails. The reason they wanted to replace the guardrails is they are an inch and a half too short for the 10 cars that go by there. But if you run off the road, you run into something down there that is dry as a bone. You don't run into a lake. But because the Corps has the code that you have to have guardrails on anything around a lake, even if you don't have a lake there, we are going to spend millions of dollars putting guardrails around a nonexistent lake because the bureaucratic code is: Never do what is best when you can do what is good for you. Here goes millions of dollars to build guardrails. I pretty well have gotten this one stopped by having my staff out there with the Corps, but had I not done it, we would have spent the money.

What are we doing? Do you like the fact that the Federal Government is involved in all this? Do you think they are exhibiting wisdom and prudence?

We can take Elizabethtown, PA. They have had an old train station that hasn't been used in 30 years. Granted, they could maybe use a train station, but they have been getting along pretty well without one for 30 years in this particular location. We are going to spend millions of dollars to renovate an old train station, not because we have a need but because we have money to spend and it will create a job.

There is nothing wrong with having deficit spending, in terms of Keynesian economics, to try to stimulate the economy, but there ought to be a priority that what we spend the money on actually, in fact, is a long-term benefit that we would have spent the money on anyway. When we throw the money out there and we roll the dice, what happens is, yes, we get a benefit. We get the millions of dollars spent on our behalf. It gets spent on our behalf. But was it the best way to spend the money? Was there another priority that would have been better, that would have created more jobs, that was something we truly have to have, that would have created a permanent job, that would have helped truly stimulate the economy? Those questions are not getting asked.

Here is another one of my favorites. Part of the stimulus was that we give seniors a check. I don't understand that, but we did. But the IRS sent checks to 10,000 dead people. It can happen. I could see how that could happen, but 10,000? So if we are sending checks to 10,000 dead people on a stimulus, what else are we not doing right at the IRS and every other agency? I think it totaled $25 million.

Here is another one of my favorites: Union, NY. The town of Union was surprised when it was notified that it would be receiving a $578,661 stimulus grant to prevent homelessness for several reasons. Here is another interesting point: They never applied for the grant. Second, they don't have a homeless problem. ''Union did not request the money and does not currently have any homeless programs in place in the town to administer such funds,'' said the town supervisor, John Bernardo. ''We were surprised. We were never a recipient before.'' He is not aware of

any homeless issue in the largely suburban town. Where did that one come from? Where is the connection? The people at the Department of Housing and Urban Development just sent them a check. It is not their money. Get the money out the door. Send it to somebody who doesn't need it. When asked about it, HUD just sent the money to every town based on its population, whether it had a homeless problem or not.

When did it become, under the Constitution, a Federal responsibility rather than a community responsibility to take care of homeless people? As we shift that responsibility to the Federal Government, what happens to the freedom of your hometown to care for homeless people? When you get the money from the Federal Government come the rules and regulations on what you will do and how you will do it. Rather than a community-based or a church-based homeless shelter, now you will follow these regs and do these things if you want our help.

What is our help? Our help is taking money from you, filtering it through Washington, wasting 20 percent of it, and then sending it back to you to tell you what you already know how to do, except now they will tell you how to do it and give you 35 pieces of paper and forms to fill out as you tell them how you spent your money that they took 20 percent of to care of your homeless that you should have never sent the money to Washington for in the first place.

Let me spend time—I will pick and choose through a few of these. The Federal Government gives weatherization grants to help people weatherproof their homes. We have been doing this for over 25 years, and we continue to spend more and more money on it every year. Either we are not doing a good job or we have weatherized every home in the country and we are starting to do it a second time.

But here is one from Illinois, where they took the weatherization grant and bought eight pickup trucks for the county—under a weatherization grant.

In Wisconsin, a nursing home got $2.8 million in stimulus money it did not need or request. Prior to the stimulus funding, the Knapp Haven Nursing Home was on track for a loan from the USDA. In other words, they had the finances set up to get a loan to where they could repay it. When the stimulus money came available, the funding source was shifted to a new source of Federal assistance. Carmen Newman, the city clerk-treasurer said:

> It's kind of a joke as far as I'm concerned. I don't understand how they can say this is stimulus.

They were going to do it anyway. The mayor of that city said:

> I don't see how the project benefited.

Well, somebody benefited. But somebody also lost, and that was our kids and our grandkids.

Here is a good one: Iowa State legislators are using money freed up by the Federal stimulus cash to buy $11 million in new cars the State does not need. About four dozen brandnew cars owned by the State are already sitting unused in a parking lot near the capitol. According to State Representative Christopher Rants:

> Some of them [still] have the [sales] stickers on them. None of them have license plates. Some of them still have their seats wrapped in plastic.

But we are going to buy the cars because we got the money. So see what is happening here? There is no priority. Because the money comes in, spend it. Even though you have excess cars sitting in the parking lot, you buy it. Spend it or lose it.

Michigan is going to spend $500,000 to renovate an old freight house for a yoga class. There is no question if you renovate an old warehouse and you employ people to do that, you will stimulate the economy. The criticism here is, are there not other things more important in Michigan that we could spend $500,000 on that would create more permanent jobs, long-lasting jobs, and be of stronger benefit to the community?

The only reason I question this is because it came through the Federal Government down there. If that money came through the statehouse or the city, I would have no business questioning it at all. But in light of where we find ourselves as a country, it is difficult for me to see the priorities that are expressed.

In Macomb, IL, $643,945 was spent on a Prairieview public housing parking lot that nobody wants. Many of the residents whom the parking lot was supposed to benefit have protested it. Explaining his concern, a local resident said: The kids love the grass. We have enough pavement already for all the cars here. We need a playground.

But we are going to pour concrete over it because we have the money to do it—another wasted priority.

In Chicago, rather than help welfare recipients obtain jobs and escape poverty, $1 million will be used to study whether 300 people in Chicago are healthier when living in a ''green'' public housing facility. The study will evaluate whether green housing is healthier for people and will focus on 300 residents at a Chicago public housing facility. Researchers expect to find that residents living in these more energy-efficient facilities will have much lower health care costs. The study will create jobs because it will get two or three people to interview the residents.

Oh, here is another priority that came out of the stimulus. The National Institutes of Health has given an Indiana University professor a grant of $356,000. Maybe this is OK but not now. It is not OK where we find ourselves. But here is what they are going to do with it. They are going to ''test how children perceive foreign-accented speech compared to native-accented speech.'' It will also determine how such accents might influence speech development in children.

I do not doubt that might, in fact, be something we want to study. But we still have a lot of women in this country with a lot of disease and we have a lot of men in this country with a lot of disease. I am not sure accents are as important as studying ways to lower health care costs or funding a professor to do research on one of the cancers that are plaguing our country. How about buying H1N1 flu vaccine? Might that not be a better expenditure of that money? In other words, priorities get lost.

Detroit Public Schools will reap massive benefits from the stimulus despite a $150 million deficit. According to the Intelligencer—that is, evidently, a newspaper in the area—financial management problems became ''so tangled the state recently appointed a manager to take the financial reins.'' The Detroit Public School System stands to get $530 million, which $355 million would have ''no strings attached.''

So we have a school system that has been totally irresponsible with their financing and the management of their money, and what do we do with the stimulus? We reward the incompetence and then give them twice that amount to pull them out of a hole rather than fix the real problem.

Consequences to our behavior are a great learning episode for all of us, no matter how old we are. If we are very young and we touch the hot stove, we learn it is hot. When we are adolescents and we do some of the stupid things we do as adolescents, we learn from them. Do you know what. Governments do not learn, and that is because governments do not have compassion. Only people have compassion. And when you bail out a school system that has been irresponsible, without them suffering the consequences—and I know the answer is: Well, the kids suffer the consequences. That is right. We all suffer the consequence. You do not think kids are suffering the consequences right now in our economy?

So this one is just cute. You will love it. Yale University and the University of Connecticut are going to get $850,000—they have already gotten it, by the way—in stimulus money for research ''to study how paying attention improves performance of difficult tasks.''

Did you ever hit your thumb with a hammer? Studying that paying attention helps you with difficult tasks? I do not know who thinks these things up. But, more importantly, it does not matter who thinks them up. Who would give a grant for that? I am not opposed to giving grants for sound scientific study. But do you know what. We already know the answer this thing is going to give us—a statistically significant answer: You do better if you pay attention; and you do not do as well if you do not. It is pretty straightforward.

Hanscom Field, MA, where we are going to put excess money for additional runways, has received criticism

from local representatives, including a State representative from Lexington. The State legislative leaders did not want us to do it. But do you know what. We did it anyway. The people who represent the area, the political leaders, did not want it to happen because they thought it promoted irresponsible corporate behavior. Do you know what we did? We did it anyway. It goes back to that point we were talking about: freedom. When you give it to us, you lose it. We are supposed to be the bastion that protects your freedom, and what we have become, through this myriad number of Federal programs and spending, is we have been the ones who are taking away your freedom.

In Oklahoma, I trap armadillos in my yard. They come in and they will ruin a good yard because they like grub worms. So all you have to do is to lay a few marshmallows out and then put a marshmallow or two in the trap cage and you will catch those suckers.

Well, that is what Washington is doing to the American liberty. We bite the first little bite off the marshmallow and say: Oh, that tastes good. I got a little benefit here. There is no connection between what I have done and me receiving this benefit. And then we take another little bite off the marshmallow or the next one in. And all of a sudden, before you know it, this armadillo—that runs at night mainly that my dogs chase into the woods every time they see one of them—pretty soon that armadillo fellow is in my cage. I got him. The reason I got him is he kept thinking he could get something for nothing. He kept thinking: Man, that is a sweet marshmallow.

So what happens is, here he comes down the road, like us—us promising more, promising more—but, remember, whatever we are promising to give you, we have already taken from you. And when we take it from you, we lessen your liberty, to a great extent. We steal your liberty. We steal your choice. We steal your freedom. We steal your ability to be whom you want to be. We steal your ability to be the parent you want to be because we are interjecting us in the education system between you and your child. We are interjecting and planting the seeds of a lack of responsibility and accountability, as we bite the marshmallow, as we walk into the trap, and the cage closes.

There are two things I do with those armadillos—one of two things. I either put them in the back of my pickup and take them 10 or 15 miles away from my property or I shoot them. That is exactly what is going to happen to us. We are either going to be carried far away from what we know, we trust, and believe in to be right or we are going to be extinct as a nation. We are going to lose the wonderful flavor of the greatest Nation that has ever been on this Earth. We are going to lose—and we are doing that—we are losing it, a little bit at a time because we are similar to the frog that climbed into this wonderful pot of water that slowly and slowly heated up, and he never thought to jump out because, before he knew it, he could not.

So I have just listed about 30 of the first 1,000 projects that went out on the stimulus so you can get a flavor as to what kind of judgment is being made with the money we stole from our grandchildren. I would say we are not doing great. I voted for a stimulus bill that would have spent almost $500 billion—I didn't vote for this one, but it was real stimulus. It was real roads, it was real bridges, it was real sewage plants. It included things we were going to have to do. It was really resetting the military because we are going to buy a whole bunch more military. We are going to be forced to do it. To buy it now will create job after job after job, and it will save us money because we are going to buy it now at a cheaper price than what we will pay 5 years from now.

So I am not critical of having stimulus. I am critical of how we manage it, what we are doing about it, and the severe lack of oversight that Members of this body daily fail to do. They do not do the job demanded of them. It is not enough for us to say where the money is spent. What is required of us is to say where the money is spent and then make sure it is spent wisely, prudently, and in the best interests of everybody in this country, not in the best interests of our next election cycle.

I quoted earlier $350 billion worth of pure waste, fraud, and abuse every year in this country. It is not fair for me to quote that without going through it for you so you can actually see where it is. I did this last year, so I am sure it is worse this year since we have not had the courage to do anything about fixing the problems that cause this. But let me go through it. These are either department agency numbers, CBO numbers, inspector general numbers, or General Accounting Office numbers. They are not TOM COBURN's numbers. Every one of them can be backed up.

Medicare fraud: At a minimum, $80 billion a year. We are contemplating a health care bill. We have Medicare that is upside down, both Part A and Part B, running in the red, and is projected to run into the trillions of dollars. Name something that has been done on that in the last 2 years, 3 years, by us. Medicare improper payments, net loss—in other words, we paid out more than we should or we paid out less than we should—the net difference is $10 billion, so now we are at $10 billion a year.

Medicaid fraud at a minimum—and the reason we say it is at a minimum is because Medicaid can't even tell us what their fraud is. They can't even report it—$30 billion. Improper payments, net loss, $15 billion.

So now we are at $135 billion and we have just gone through two programs.

Social Security disability fraud: I hear every day in my office from people in my State about people who are getting disability who are absolutely not disabled, but they get the check. They are living off us, but they can actually go to work and do something. At a minimum, it is estimated to be—I think this is a very low number, and it doesn't mean I don't want to help people with disability if they are truly disabled. But everybody out in the country will know somebody who is collecting a check who can still ride their horse, still run their rotor tiller, still lay brick, or still do anything else they want, but they can't work: $2.5 billion.

Government-wide improper payments in all of the other agencies, but seven of them we still don't have any reporting on, even though the law says they have to report. It is a Federal law you have to report your improper payments every year, but they don't do it. Of the ones that do report, another $15 billion net loss of paying out more than they should. That is just on the agencies that report.

Maintenance of buildings by the Defense Department that they will not use in the future nor do they use now, but we can't sell them because we have all of these laws in Congress that create an impossibility for us to get them to the market. We have created a bureaucratic nightmare that takes about 10 years to put a building up for sale. We are spending in the Defense Department $3 billion that could go for soldier pay, health care for our veterans, health care for our soldiers; $3 billion to maintain buildings that are sitting empty and to maintain security for them.

We have contracting problems. The bill before us, the Defense authorization—everybody recognizes we have a significant problem with contracting in this country. This data comes not from last year but from the year before last. The Department of Defense paid out $8 billion for performance awards to contractors who did not earn the awards. In other words, they had a contract. Here are the requirements to meet the contract. They didn't meet the requirements of the contract. The Department of Defense paid them anyway. It hasn't stopped, folks. Where is the connection?

It is estimated by GAO that at a minimum, if we eliminated no-bid contracts everywhere in the Federal Government—most earmarks, by the way, are no-bid contracts; it is a sweetheart deal—we would save, at a minimum, $5 billion a year—at a minimum—probably closer to $7 billion or $8 billion. Just to eliminate no-bid contracts pays for the entire budget of the State of Oklahoma for 1 year. Every expense we have, just 1 year of eliminating no-bid contracts would have that kind of savings.

Then we have the wonderful trick: we send bills through here that are supposedly emergency supplementals, and we add all of these things of extra spending onto them that aren't emergencies. It is kind of like an earmark process, except the difference is they

don't have to be within the budget numbers, so they just go straight to the bottom line against our kids. So it doesn't pull back any spending anywhere else, but we spend this money anyhow, and that is another $15 billion a year that the Members of Congress do outside of the budget.

So let's see here. We are at $184 billion. We have a crop insurance program that benefits the crop insurance industry but not the farmers, but we refuse to modernize it. We can save $4 billion if we modernize it, but we don't modernize it because the effect and power of the well-heeled and well-connected keeps us from doing what is right.

Then we send $5.9 billion to the U.N. every year. We know—and this is a report we finally got forced to get out of there; it got leaked out and we finally got ahold of it—that our entire contribution to peacekeeping, which amounts to about 40 percent of our contributions—$2 billion a year—is totally wasted in fraud. In other words, it doesn't help us do peacekeeping anywhere in the world because there is only one agency and one government that is more inefficient than us, and it is the United Nations. Yet we can't have transparency.

Every year I put on the foreign appropriations bill a requirement that for the U.N. dues to be paid, they have to give us transparency about where they are spending our money. It passes 99 to 0, and as soon as it goes to the conference, guess what happens. It gets pulled out because we don't have the courage to confront the U.N. and say: We are giving you $5.9 billion. Tell us how it is being spent. So there is another one.

One of the greatest areas of worry the inspectors general have across all the agencies of government is investment in IT. Last year, we contracted $64 billion of IT contracts through the Federal Government—$64 billion. What we know is at least 20 percent of that ends up totally getting mismanaged and wasted. It gets wasted because they don't know what they want when they sign the contract. They continue to change what they want as the contract goes through, and when we get to what was going to be a $200 million contract, it ends up being an $800 million contract because we have changed what the contract did.

By the way, the contract isn't no-bid; the contract is cost plus, so whoever is doing the contract has every inclination to give them new ideas to make it better and change it. So what happens is we fall way behind, we don't get it, we pay four times as much. What is estimated is that we lose almost $11 billion a year on that kind of poor management. What is being done about it? Nothing in this body. Nothing in this body.

The National Flood Insurance Program is another $17.5 billion of waste and duplication. If we reformed the Tax Code—by the way, we are now right at $218 billion. If we reformed the Tax Code—if we just made it either straight line or simple, straight, fill it in on a postcard, or went to the fair tax, what we know is the Federal Government, just everything else being equal this year, would have $100 billion more collected because there would be $100 billion less in fraud. Just $100 billion. Just $100 billion. But we have a Tax Code that is this thick that no IRS department will give you the same answer to the same question anywhere else in the country, and neither will any of the big auditing firms because the code is so complex that nobody knows what the truth is. So we spend over $200 billion a year in this country paying our taxes.

I am not talking about the taxes we pay, paying our taxes. Either paying somebody else to figure it out or paying the interest because we couldn't figure it out or paying the penalty because we couldn't get it done on time, but most of it comes from paying people to pay our taxes for us.

Then there is a miscellaneous, another $18 billion. I said $350 billion. The total I have given is $385 billion. The reason I said $385 billion, I don't want to exaggerate, so I cut 10 percent off of it. So nobody can say we have exaggerated the waste, fraud, and abuse in the Federal Government that occurs every year.

What would it be like right now if we weren't wasting that? What would happen to Medicare if we didn't have this high number, billions and billions of dollars of fraud in Medicare every year? What would happen? What would happen is Medicare would last a lot longer. No. 2, we would actually get more resources directed to the people who actually need it.

The one story Dr. JOHN BARRASSO, the other physician in the Senate tells, is that Medicare is so well designed to be defrauded that people who deal in drugs stop that and start doing Medicare fraud because it is easier to hit a home run, No. 1; No. 2, if you get caught, the penalties are less. No. 3 is you can make a whole lot more money with a whole lot lower jail sentence. So we have this system that is designed to get defrauded that has $80 billion in it.

So let me make that point and say, if in fact you take—even if you only take half of what I say—$175 billion—but even if you only take half of what I say, here are the things we know: This country is absolutely on an unsustainable course. We cannot sustain what we are doing. We cannot have another year such as this year. We cannot have another year that comes anywhere close to this year.

We can't have another year that moves forward in the direction we are moving in terms of the government taking more of your freedom away and building itself up and building the bureaucracies in this town.

I understand my colleague from Hawaii is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 1522 WITHDRAWN

Mr. AKAKA. Mr. President, I thank my friend Senator COBURN for allowing me to speak at this time. I have been working with him in our Committee on Homeland Security. We have taken up these amendments in committee. I think I am correct when I say that Senator COBURN at the time did support these amendments.

Mr. COBURN. Will the Senator yield?

Mr. AKAKA. Yes.

Mr. COBURN. I think the record will show that I did not support the amendment.

Mr. AKAKA. I thank the Senator for the clarification.

First, I understand the current economic climate. I want the Federal Government to save as much money as it can and to reduce all the inefficiencies there are. My amendment would do that.

My amendment also has been supported by a bipartisan group of Senators. I am proud that the cosponsors include Senators COLLINS, LIEBERMAN, VOINOVICH, MURKOWSKI, BEGICH, KOHL, MIKULSKI, CARDIN, INOUYE, WEBB, and WARNER. It is a bipartisan effort to correct certain inequities in the Federal retirement system. That has been our effort in these amendments.

Also, this effort was supported by a huge number of groups. Some of the organizations are: The American Federation of Government Employees, National Treasury Employees Union; International Federation of Professional and Technical Engineers; Federal Law Enforcement Officers Association; the American Federation of State, County, and Municipal Employees; American Postal Workers Union; National Association of Letter Carriers; National Rural Letter Carriers Association; National Federation of Federal Employees; National Active and Retired Federal Employees Association; Senior Executives Association; Federal Managers Association; Government Managers Coalition; National Association of Postal Supervisors; National Association of Postmasters of the U.S.; and the National Association of Assistant U.S. Attorneys.

That is the kind of support we have. This amendment will ensure that all Federal employees are treated the same when it comes to retirement. This will save money, due to the reduced lost days of work and avoid unnecessary employee transfers, which reduces the need for additional training; reduces litigation costs borne by the government due to different treatment of different classes of employees; improve employee morale, which increases efficiency; and ensure that we are able to transfer institutional knowledge to the next generation of Federal workers.

OPM estimates that $68 million is wasted per year because of the different leave policies in effect. In fact, the amendment would certainly help in that respect. My amendment will reduce the Federal deficit by $36 million over 10 years.

This amendment has the bipartisan support of the committee of jurisdiction and by both managers and employees. I have read a list of the others who support it.

This is a good government bill that protects the taxpayers' dollars.

I look forward to continuing this effort. I want to at this time say that this is a good amendment. I will fight for these provisions in conference. But I don't want to hold up the Defense authorization bill.

Under the circumstances, I will withdraw this amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Oklahoma is recognized.

Mr. COBURN. I thank the Senator. I think he will find another vehicle at some other time. I know this bill is important to him. We just happen to disagree about the priorities. That is what I have been speaking on for 1 hour 20 minutes. I appreciate him doing that as a courtesy to the rest of the Members of this body. I love him dearly as a friend and as a brother. I appreciate it.

I yield the floor.

Mr. LEVIN. Mr. President, let me add my thanks to the Senator from Hawaii. He is doing this for the good of the order to permit us to get on with the bill. He knows how important this is. I appreciate his willingness to withdraw the amendment at this time. It is very much appreciated by all of us. I hope something good could come out of conference.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator HAGAN be recognized to speak on a previous amendment for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mrs. HAGAN. Mr. President, I thank Chairman LEVIN and Ranking Member MCCAIN for reporting out a bill that enacts reforming the Defense Department's budget and reorients weapons systems geared toward the wars we are fighting today. Our soldiers, sailors, marines, and airmen need capabilities that are conducive to implementing the Department's shift to counterinsurgency tactics, techniques, and procedures. There is nothing more important than enhancing the force protection of our troops. That is why I am pleased that this bill provides proven, effective ground capabilities, such as the MRAP vehicles to protect against IEDs.

I want to highlight a couple of provisions in the bill. First, I support funding the administration's request for $7.5 billion for the Afghanistan security forces fund to train and equip the Afghan national army and police. The commander of the 2nd Marine Expeditionary Brigade, Brigadier General Nicholson, recently indicated that the success of the Marine offensive in the Helmand Province is dependent upon placing an Afghan face on the operation, in order to instill confidence among local Afghans in the Afghan Government's abilities to provide safe communities and to govern efficiently.

Equally important is providing coalition support funds for Pakistan. The stability of Afghanistan is dependent on the stability of Pakistan, and vice versa. We need to enable the Pakistan Army and Frontier Corps with the capability to conduct sustained direct action missions against the dangerous elements of the Pakistani Taliban along the federally ministered tribal areas, as well as against the Afghan Taliban High Command in Pakistan's Balochistan province.

Key to successful operations in theater are effective aviation assets. I am a big proponent of the Joint Strike Fighter as it can serve multiple roles, including close air support, tactical bombing, and air defense missions. I am disappointed that we were unable to secure enough votes for Senator BAYH's amendment. I want to reiterate that I think it is important we safeguard language to authorize funding to develop and procure an alternate Joint Strike Fighter engine.

I know the issue of the location of the Navy's OLF has already been debated and voted on, so I will not spend a lot of time on it. I cosponsored an amendment with Senator BURR to prevent the Navy from building an OLF in the Sandbanks and the Hale's Lake locations within Camden, Currituck, and Gates Counties in North Carolina. I am against an OLF at these proposed sites because it would destroy small family farms that have been around for generations, as well as thousands of acres of farmland, essential to the livelihood and economic base of those communities. An OLF in these locations would only bring 52 jobs, and it would destroy valuable farmland that currently employs over 2,000 workers. Moreover, the OLF would only be a few miles away from ongoing projects that will attract new businesses and tourists.

Last week, I met with local government leaders of the respective counties to discuss their concerns regarding construction of the OLF. The State of North Carolina recently passed a law banning the construction of an OLF at these sites. I do not think it would be in the Navy's interests to continue to pursue construction of an OLF at these sites, knowing that it will more likely than not be tied up in litigation for years.

I want to make sure North Carolina is treated fairly. The residents of these counties simply do not want the OLF there. The State of North Carolina is the friendliest military State in the Nation, and we would welcome the opportunity to work with the Navy in identifying sites that could potentially meet the Navy's OLF requirement, and also have the support of the North Carolinians in those counties. One of those sites can be at Marine Corps Air Station Cherry Point or a site close to it within Craven County. All of the elected local officials in that community are in support of having an OLF located there.

The Navy excluded Cherry Point as a potential OLF site because Navy standards specify that an OLF should be no more than 120 nautical miles from home base. Cherry Point sits approximately 135 nautical miles from Oceana, VA. That is just 15 nautical miles beyond the Navy's current requirement. I want to work with the Navy to examine the impact of having an OLF that is located just outside its current requirements, and especially on the readiness of the Navy's personnel and aircraft fleet.

Senator WEBB and I worked together to insert additional language within the committee report to do two things: one, to mandate the Secretary of the Navy issue a report detailing the Navy's consultations with local governments, communities, and stakeholders in North Carolina and Virginia regarding OLF site options; two, to mandate the Navy identify all suitable options for the location of an OLF beyond the five sites identified in both States.

However, I don't think that is good enough. The State of North Carolina has had previous negative experiences with the manner in which the Navy has implemented its OLF site selection process. I strongly feel that the Navy should delete the two current sites in North Carolina.

I also thank the chairman and ranking member for accepting my amendment in committee that provides the Department of Defense with the option to increase the acquisition of additional C–27s in the outyears as mission requirements dictate. That amendment requires the Department to provide its strategic plan to deploy and station C–27 joint cargo aircraft in theater and in the continental United States, as well as plans to procure additional aircraft beyond the 38.

Forty-eight adjutants of the National Guard signed a letter to the committee last month supporting the funding of 78 joint cargo aircraft. Their letter emphasized the C–27 provides an essential airlift capability in war, as well as to State emergency management teams in 48 States.

I also thank the chairman and Ranking Member MCCAIN for accepting my amendment to direct the Secretary of the Army to submit a report to assess the feasibility and advisability of creating a trainees, transients, holdees, and students account within the Army National Guard to ensure all soldiers in

units have completed their initial entry training prior to being deployed.

Approximately 27,000 of the National Guard's end strength are not deployable because they are awaiting training. This account would allow new Guardsmen to be fully trained prior to reporting to their assignment. A TTHS account with the National Guard would improve the unit readiness, increase individual dwell time between deployments, and provide more predictability to soldiers, families, and employers.

Finally, I thank the chairman and ranking member for accepting my amendment involving depot maintenance work. This amendment directs the Secretary of the Navy to submit a cost-benefit analysis report identifying each alternative the Secretary is considering for the performance of the AV–8B Harrier aircraft planned maintenance and aircraft modifications.

We are working with the Navy and the Marine Corps to ensure that depots allow partnerships with the commercial sector, while recognizing the legitimate national security need for the Department of Defense civilian and military personnel to retain the key skills to be responsive to our soldiers fighting in these two wars.

This is an important bill, and despite my and Senator BURR's ongoing concerns about this outlying landing field, I think that Senators LEVIN and MCCAIN deserve our gratitude for their work on this bill, and this bill deserves the support of all of my colleagues.

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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Kyl amendment be temporarily set aside and that the following four amendments then be in order: the Sessions amendment, No. 1657, which is going to be modified and which I understand will not require a rollcall vote; the Isakson amendment, No. 1525, which would then be called up and I understand would require some debate; the Lieberman amendment, No. 1650, which I also understand may be modified; and then the next amendment after that, which I thought I could enumerate, but I cannot now, would be a Democratic amendment and would then be in place; that no amendments would be in order to any of the above amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, let me modify my previous unanimous consent agreement: that prior to those three amendments being called up, we take up the Lincoln amendment, No. 1487, which I understand has been cleared. Again, as to the other three amendments we identified for debate, no amendments will be in order to any of those amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, it is now my understanding that under that UC, we would take up Lincoln amendment No. 1487.

I am wondering whether the Senator from Arkansas would like to have one quick minute to explain her amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1487

Mrs. LINCOLN. Mr. President, I ask unanimous consent that amendment No. 1487 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. RISCH, Mr. ROCKEFELLER, and Mr. WYDEN, proposes an amendment numbered 1487.

The amendment is as follows:

(Purpose: To amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program)

At the end of subtitle G of title V, add the following:

SEC. 573. MODIFICATION OF DEPARTMENT OF DEFENSE SHARE OF EXPENSES UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) MODIFICATION.—Section 509(d)(1) of title 32, United States Code, is amended by striking ''may not exceed'' and all that follows and inserting ''may not exceed the amount as follows:

''(A) In the case of a State program of the Program in either of its first two years of operation, an amount equal to 100 percent of the costs of operating the State program in that fiscal year.

''(B) In the case of any other State program of the Program, an amount equal to 75 percent of the costs of operating the State program in that fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

Mrs. LINCOLN. Mr. President, I thank the chairman, Senator LEVIN, and Senator MCCAIN, Senator GRAHAM, and the others for allowing me to bring up this amendment.

This is a critical amendment at a critical time. Many of us visit our home States, and we see the disadvantaged youth all across our States who are having difficult times. We know unstable economic times bring about instability in our schools, in our families, and in a host of different places.

One of the ways we have of combating this is with the National Guard Youth ChalleNGe Program. It is an excellent program put on by our National Guard in many of our States where these at-risk youth come in and they are surrounded by both structure and support and guidance to be able to meet their needs of getting a GED and their high school education and then going on to make something of their lives, really turning themselves around and making sure they are becoming great parts of our communities, whether it is finding a job or entering the military on their own but certainly turning their lives around and being productive.

What we do in this amendment is we open up our National Guard Youth ChalleNGe Program to new States. Right now, we have it in several of our States. Many of us have been able to see the rewards of this program, but this will open it up to other States to be able to participate.

One of the biggest problems we have had with this program is not the success, because the success has been tremendous, but it is the ability of our States to be able to financially support these programs. Right now, they have to come up with 40 percent of the resources that are necessary. Quite frankly, our States are not entering into these programs because they do not have the resources. These are excellent programs. They have tremendous results. And one of the things we want to make certain of is that we don't lose the opportunity to catch these young people early on and turn their lives around. So our amendment provides a 75–25 percent cost sharing with the States instead of the 60–40. We don't change the amount of money spent, we just change the way it is allocated. We also allow the opportunity for some new States that want to start these programs to come in, and for the first 2 years the Federal Government will support 100 percent of those programs as they get their feet on the ground and they get these programs started, and then they must again resume that 25-percent State responsibility in these programs.

We have a great bill we have introduced. We have tremendous bipartisan support. We have 32 cosponsors of our bill. I am joined in this amendment by Senators BYRD, CASEY, CORNYN, HAGAN, LANDRIEU, MURKOWSKI, RISCH, ROCKEFELLER, SNOWE, and UDALL of Colorado, along with Senator WYDEN. So we have great support for this amendment. It is something that is important for our kids, and it is certainly a great opportunity for us to see how our military can empower our youth by giving them the kind of support that is necessary to turn their lives around through both education and opportunity, helping them to develop skills, working in the community, and really making something of themselves.

I thank the chairman for the ability to be able to offer this amendment on behalf of our States and on behalf of our National Guard, which is doing a tremendous job in these programs, but most importantly on behalf of our children and the great things it does for our children all across this Nation.

Mr. President, a special thanks to the chairman and the ranking member for their indulgence in letting me offer this amendment. I am looking forward to hopefully seeing how we can move it forward.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank Senator LINCOLN for this amendment. The linkage of the National Guard and States and our kids is a very powerful link indeed. I have seen this up close and personal because I am sort of the godfather of the STARBASE Program, which started in Michigan at Selfridge Air National Guard Base, and it has spread. While this program which Senator LINCOLN is so deeply involved with, and her cosponsors, is not an outgrowth of that program, it is very similar in terms of its purpose to link our National Guard and the inspiration they can provide and the technical skills they can provide our children with. So I thank her for her amendment and hope it will be promptly adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1487) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe the next amendment is the Sessions amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1657, AS MODIFIED

Mr. GRAHAM. Mr. President, I call up amendment No. 1657, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for Mr. SESSIONS, proposes an amendment numbered 1657, as modified.

The amendment, as modified, is as follows:

(Purpose: To express the sense of Congress that military commissions are the preferred forum for the trial of alien unprivileged belligerents for violations of the law of war and other offenses triable by military commission)

On page 394, between lines 8 and 9, insert the following:

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) IN GENERAL.—Subchapter I of chapter 47A of title 10, United States Code, as amended by section 1031(a), is further amended by adding at the end the following new section:

"§ 948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

''948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.''.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, we have been working with Senator SESSIONS—myself, Senator LEVIN and his staff, and Senator SESSIONS' staff. This amendment basically clarifies the fact that when a detainee is in military custody or an intelligence agent's custody, being detained as a result of wartime activity, to be interrogated for intelligence gathering, there is no requirement that person have article 31, or Miranda, rights read to them. We don't want to criminalize the war. Military intelligence gathering is not a law enforcement function.

There has been some confusion at Bagram Air Force Base about the Department of Justice FBI agents reading Miranda rights. Clearly, there could be a time when that would be appropriate, but this amendment states unequivocally that Miranda warnings, or article 31 rights, are not to be read or required to be read by DOD personnel or intelligence agencies as a result of battlefield activities or military intelligence gathering.

I think it is a good amendment that will clarify a potentially confusing situation. I appreciate Senator LEVIN's staff helping us with it.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, after a very brief comment, I am going to suggest a quorum be called. This amendment has been significantly modified from its original form. It has been modified in a way which I believe is now satisfactory. It addresses interrogations by the military, by defense agencies. It does not involve interrogations by the Department of Justice, as I understand it.

Mr. GRAHAM. That is correct.

Mr. LEVIN. The Department of Justice is not involved in the warnings that are involved here. It especially provides it must be applied in a manner consistent with the constitutional requirements. With these changes, I am satisfied, but I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the pending Sessions amendment, as modified, be temporarily laid aside and we now proceed to the next item under the unanimous consent agreement, which would be the amendment of Senator ISAKSON.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

AMENDMENT NO. 1525

Mr. ISAKSON. I call up amendment No. 1525.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON], for himself and Mr. CHAMBLISS, proposes an amendment numbered 1525.

The amendment is as follows:

(Purpose: To repeal the sunset of authority to procure fire resistant rayon fiber for the production of uniforms from foreign sources)

On page 245, between lines 3 and 4, insert the following:

SEC. 803. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

Mr. ISAKSON. Mr. President, a few years ago this body granted a Berry waiver on the purchase of rayon fiber made in Austria for the purpose of making fire-resistant uniforms of the U.S. Marines, Army, and aviators. The Berry requirement is the buy American requirement, meaning that you first have to buy American before you go offshore to buy a product.

At the beginning of the Iraq war, the U.S. Army and Marines noticed immediately we had a tremendous increase, because of the nature of that war, in burn injuries. They conducted a survey and looked at the 24 best alternatives they could find anywhere to make fire-resistant uniforms. They finally settled on a para-aramid fire-resistant fiber blend of rayon with nylon.

Environmental Protection Agency requirements to make rayon make it prohibitive in the United States, and there is no rayon produced in the United States. It is produced in Austria.

So the Berry waiver we received a few years ago was to allow them to import, through now and 2013, rayon, fire-resistant rayon, which in the United States is blended for fabric, cut, sewn, produced, and shipped to the U.S. military—10,000 American jobs. The rayon cannot be produced in the United States because of the EPA requirements.

The reason to request an exception and postpone the sunset in 2013 is because the military procurement in the outyears is now reaching beyond that. With the absence of a Berry waiver for those years, they would have to zero

out the purchase for those uniforms which, in turn, would mean the people who make those uniforms would not have the certainty of the Berry waiver because it would be subject to a Berry waiver again. Therefore, the investment they would make would be limited to the years they knew they could make the guaranteed deliveries.

I have offered this amendment as an extension for that very reason. The U.S. Army, the Marine Corps, and the aviators who use the material love it because it breathes, it gives them some circulation, it has tremendous protection against burns and it has performed very satisfactorily and they want to continue to use it and there is no American competitor that can meet or exceed it.

Obviously, if there were, that waiver would go away and we could compete, but at this time they do not. I ask the Members for their consideration on behalf of our military men and women in harm's way in Afghanistan and Iraq and wherever they might be for the uniform that was chosen for the very battle we are now in because it was the best the military could find anywhere in the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, regrettably, I must rise in opposition to this amendment. I believe this amendment is not timely. It is premature to eliminate a congressionally imposed sunset clause for an existing temporary exception to the Berry amendment, an exception that was supposed to be temporary.

In May of this year, Senator GRAHAM and I jointly requested the Secretary of Defense to review the Department of Defense continuing reliance on this exception. The Under Secretary of Defense, Mr. Carter, has confirmed that this review is now underway and the results are expected soon. I do not believe we should modify the current statutory requirement, which would prejudice the outcome of the Department of Defense review, until we have heard the Department's assessment. Removing the sunset clause would result in an indefinite extension of an exception that favors foreign suppliers of rayon over our own American companies.

A vote against this amendment will not have an adverse effect on current arrangements to obtain rayon from foreign sources. Today's Army uniform procurement contract will continue until 2013, so long as the Army stipulates that a requirement for rayon fiber in fire-resistant uniforms and the Department of Defense maintains the exception to the Berry amendment is needed.

The 2013 sunset clause was designed to ensure that American industry will be fairly treated during future competitions for contracts if industry can demonstrate an ability to manufacture materials that satisfy Army requirements for fire resistance and other features. Under the current arrangement, companies are losing jobs because they cannot compete to provide alternate materials. Our domestic manufacturers are now able to provide alternate materials that could satisfy Army procurement requirements. It is not in the best interests of the U.S. defense industrial base, our economy or the U.S. military to remove a congressionally imposed sunset provision at this time.

We have had discussions with General Fuller, the Army's Program Executive Officer Soldier, who is responsible for acquiring the best equipment for the Army and fielding it as quickly as possible. He has confirmed to my staff that he will consult industry to determine what the domestic market has to offer to satisfy performance-based requirements for military uniforms. This will allow American industry to come in with a whole spectrum of ideas and alternate materials. The Army would then be able to explore new technologies that may have evolved since we last visited this issue.

Removing the sunset clause also poses a risk to the Army's future research and development requirements. The Army relies on American private industries to an extensive degree to conduct R&D for next-generation materials and fabrics for uniforms, body armor, and other mission-essential materials. Some companies, such as Dupont, for example, have already lost hundreds of jobs owing to that inability to compete for Army contracts. A continued reliance on this Berry amendment exception would jeopardize their ability to remain competitive in this segment of the defense industrial base. I do not believe the Army can afford to lose this critical R&D capacity. For those reasons, I oppose the amendment and urge my colleagues to also oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I would like to echo the sentiments of Senator WEBB. We have been working together on this. I very much appreciate Senator ISAKSON. I understand this is a bit complicated—there are parochial interests involved—until we understand the dilemma we are in here.

In the fiscal year 2008 Defense authorization bill, we included language that grants a 5-year waiver to the Berry amendment for the procurement of flame-resistant rayon, the material used to make military uniforms. There are 3 years left on the waiver. The Isakson amendment permanently extends this waiver and will end all efforts to produce a domestic material to make military uniforms.

I respectfully oppose the amendment. We are currently procuring the material from Europe. There is no source of domestic rayon.

Neither Congress nor DOD has ever issued a determination or finding that the domestic market lacks sufficient products that could perform the functions desired by DOD. This amendment unfairly excludes, in my opinion, U.S. manufacturers from competing for DOD procurements and improperly limits competition since the domestic market contains products such as flame-resistant cotton, Nomex, and nylon which can fulfill DOD's needs.

DOD's decision to procure flame-resistant fabric from foreign suppliers without even examining whether domestic manufacturers could meet the agency's need with other products violates DOD's statutory mandate to use performance rather than material specifications and to seek free and fair open competition whenever practical.

Instead of affirmatively extending a waiver that has 3 years remaining, we should continue to let the technologies and fabrics develop and reassess where we are in 1 or 2 years. I think that is the wise thing to do, and I respectfully urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Through the Chair, will the Senator from South Carolina yield for a moment for a question?

Mr. GRAHAM. I will.

Mr. ISAKSON. With respect, isn't it true that there is nothing in this waiver that in any way inhibits or prohibits American manufacturers from doing the research and development necessary to attempt to come up with a material that meets or exceeds the rayon made in Austria? The problem is they cannot produce rayon in the United States of America because of EPA prohibitions and the costs to meet that.

Mr. GRAHAM. I thank the Senator for that question. It is my understanding that the efforts made in Virginia and South Carolina to produce this product domestically, and the concerns the Senator has addressed, the private sector is dealing with; and that the ability to produce this material domestically is a viable option. I don't want to take a precedent, in terms of the Berry amendment, that I think would change the spirit of the amendment at a time when we have a potential to make this domestically. I think, as much as we can do domestically to protect our military and to provide resources to our military, the better.

A year or two from now, we will know better. To lift the waiver, to make it a permanent waiver, I think would be an unwise erosion of the Berry amendment at this time. That would be my answer.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, let me comment, if I can. The Berry ''Buy American'' program is absolutely 100 percent on target. The reason for waivers is when we find that there is no domestic product equal to or better than a product that has a component overseas, in the interest of our men and women in the military, we give the

waiver so it doesn't keep us—so we do not prohibit ourselves from having the best material possible. If an American domestic manufacturer produces an alternative fiber or fabric which meets or exceeds the fire-resistant para-aramid rayon that is now being used, the Berry waiver will no longer apply because there will be a domestically produced U.S. product that is superior or equal to that particular product of rayon.

So I would respectfully submit to the Senators from Virginia and South Carolina that the argument that there is a prohibition—that this would keep people from making an investment in R&D to produce something better is the reverse. It actually will accelerate the need for them to make the R&D investment to try and produce something better in the United States, if they can.

One last point. The U.S. military did 24 different evaluations after the initial move into Iraq when we had so many burn injuries. It determined this fabric has to be the best for our men and women aviators, men and women in the Marine Corps, men and women in the Army in combat, and it has performed well in Afghanistan and Iraq ever since.

So I would submit the R&D argument is actually accelerated with the extension of the waiver, and the proof of the product is in the pudding which we have seen with the safety of our troops and our men and women in harm's way.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I rise very quickly in support of the Isakson amendment. There is currently a waiver to the Berry amendment in place which allows companies to import the fire-resistant rayon from foreign countries.

Let me be very clear. The jobs that go with the manufacture of these uniforms for the Army and Marines are U.S. jobs. All of these uniforms are made in the United States. But this fabric is used by TenCate, Incorporated, to make its Defender M fabric to produce fire-resistant uniforms for both the Army and the Marines.

The material is not made in the United States due to EPA standards. This is a classic example of where EPA standards can be too stringent to allow U.S. manufacturers to operate. And, the reason is, it is cost prohibitive to do so.

The current waiver, which includes a 5-year sunset clause, was included in the 2008 Defense authorization bill after a tremendous effort by my colleague, Senator ISAKSON, and obviously is set to expire.

The Army's PEO Soldier expressed very strongly that FR rayon is the superior fabric based upon key selection criteria. The criteria were cost, comfort, durability, and length of time before receiving third-degree burns. We have had some very serious situations, obviously, that have occurred with burns in both Iraq and Afghanistan. That is why the Army and the Marines like this uniform.

We buy 115,000 new FR uniforms every month. This uniform is superior because of the fact that we have been able to import this fabric with the Berry amendment waiver. It is, in my opinion, imperative that we continue for the competition. The uniforms are still competitively bid. So it is not like we are taking anybody out of the marketplace.

I urge my colleagues to vote in favor of the Isakson amendment.

I yield the floor.

AMENDMENT NO. 1657, AS FURTHER MODIFIED

Mr. GRAHAM. Mr. President, I ask unanimous consent to send a further modification of the Session's amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment as further modified is as follows:

At the appropriate place, insert the following:

SEC. ____. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) DEFINITIONS.—In this section—

(1) the term ''foreign national'' means an individual who is not a citizen or national of the United States; and

(2) the term ''enemy combatant'' includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) NO MIRANDA WARNINGS.—Absent an unappealable court order requiring the reading of such statements, no military or intelligence agency or department of the United States shall read to a foreign national who is captured or detained as an enemy combatant by the United States the statement required by Miranda v. Arizona, 384 U.S. 436 (1966), or otherwise inform such a prisoner of any rights that the prisoner may or may not have to counsel or to remain silent consistent with Miranda v. Arizona, 384 U.S. 436 (1966). No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as an enemy combatant by the United States be informed of any rights to counsel or to remain silent consistent with Miranda v. Arizona, 384 U.S. 436 (1966) that the prisoner may or may not have, except as required by the United States Constitution. No statement that is made by a foreign national who is captured or detained as an enemy combatant by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right to counsel or to remain silent that the prisoner may or may not have, unless required by the United States Constitution.

AMENDMENT NO. 1525

Mr. ISAKSON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 54, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—40

Alexander	Enzi	Murkowski
Barrasso	Franken	Reed
Bayh	Grassley	Reid
Bond	Gregg	Risch
Brownback	Hatch	Roberts
Chambliss	Hutchison	Schumer
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Snowe
Corker	Kyl	Thune
Cornyn	Lugar	Voinovich
Crapo	McCain	Whitehouse
Dodd	McCaskill	
Ensign	McConnell	

NAYS—54

Akaka	Feingold	Menendez
Baucus	Feinstein	Merkley
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (NE)
Bingaman	Hagan	Nelson (FL)
Boxer	Harkin	Pryor
Brown	Inouye	Rockefeller
Bunning	Johnson	Sanders
Burr	Kaufman	Shaheen
Burris	Kerry	Specter
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Vitter
DeMint	Lieberman	Webb
Dorgan	Lincoln	Wicker
Durbin	Martinez	Wyden

NOT VOTING—6

Bennett	Kennedy	Mikulski
Byrd	Landrieu	Warner

The amendment (No. 1525) was rejected.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate resume debate on the Kyl amendment No. 1760; that it be in order for Senator KYL to offer a second-degree amendment to his amendment; that once the second degree is reported, it be agreed to, amendment No. 1760, as amended, be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 1807 TO AMENDMENT NO. 1760

Mr. KYL. Mr. President, I call up the second-degree amendment to my amendment No. 1760 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1807 to amendment No. 1760.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the plan for the United States nuclear weapons stockpile, nuclear weapons complex, and delivery platforms, and to express the sense of the Senate on follow-on negotiations to the START Treaty)

Beginning on page 1, line 2, strike ''**LIMITATION**'' and all that follows through page 5, line 3, and insert the following: ''**REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO START TREATY.**

(a) REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is earlier, the President shall submit to the congressional defense and foreign relations committees a report on the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile, modernize the nuclear weapons complex, and maintain the delivery platforms for nuclear weapons.

(2) COORDINATION.—The President shall prepare the report required under paragraph (1) in coordination with the Secretary of Defense, the directors of Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory, the Administrator for the National Nuclear Security Administration, and the Commander of the United States Strategic Command.

(3) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO THE START TREATY.—The Senate urges the President to maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States.

Mr. KYL. Mr. President, I wish to thank the ranking member on the committee, my colleague JOHN MCCAIN, and the chairman of the committee, as well as Senator KERRY and Senator LUGAR, for working through this amendment. We have a good resolution. We will be writing a letter to the President. We will be adding a short provision to the bill that calls for appropriate studies and reports to accompany the START Treaty when that treaty is sent to the Senate. I think it is a good resolution of this issue.

I call for the immediate disposition of the amendment. We do not need the yeas and nays.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me thank Senator KYL and all of those who have been involved in working the Kyl amendment to a point where we are comfortable with it. I think all of us had concerns, and those concerns have been fairly met. I thank the Senator from Arizona for his effort, as well as, of course, my ranking member on the committee and all of the others who have been helpful.

The PRESIDING OFFICER. Under the previous order, amendment No. 1807 is agreed to.

Under the previous order, amendment No. 1760, as amended, is agreed to.

The motion to reconsider is made and laid upon the table.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I believe it is appropriate now to call up the Lieberman amendment, as modified.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, I think we have a package of cleared amendments we would like to do first, if that is agreeable.

Mr. LEVIN. We are not ready yet.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1650, AS MODIFIED

Mr. LEVIN. Mr. President, I now ask unanimous consent that Senators LIEBERMAN and GRAHAM call up amendment No. 1650, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I appreciate the assistance of Chairman LEVIN and all those involved. This is to me a very important statement by the Senate at a crucial time in our Nation's history. Simply put, our amendment is a sense-of-the-Senate statement that there is a preference for military commission trials regarding detained terrorists.

The reason we are making this statement and trying to urge our colleagues to agree with us is that the interim detainee report that has been issued in the last day or two by the White House has a statement within that report that there should be a presumption that detained terrorists would be tried in article III Federal civilian courts.

I could not disagree more. We will keep working with the administration on this issue. There may be an odd case where a Federal court may be an appropriate venue. But I think I speak for Senator LIEBERMAN and I hope most Americans that the people we are talking about are not common criminals. They are not detained because of some violation of domestic criminal law. They are detained because they have been found to be part of al-Qaida and other terrorist organizations that the Congress has previously determined to be enemy combatant belligerents, people who have taken up arms against the United States of America, who are intent on our destruction. They are not accused of robbing a liquor store. They fall within a narrow statutory definition that was created after 9/11. This is an opportunity for the Senate to express itself and say there is a preference for military courts.

I conclude with this thought. I believe we are at war. It is an unusual war but nonetheless a deadly war. The people we are talking about, again, need to be viewed as military threats, and under military law it is appropriate to try someone who has operated outside the law of armed conflict in a military commission.

Our Nation has been doing this for 200 years. The Nazi saboteurs who were caught landing on the coast of Florida were tried by military commission. I can give a long history of how military commissions were used by our Nation at times of war. That is the preferred vehicle when a nation is at war.

I conclude with this thought. Those who can be tried should be tried by military commissions. There will be some enemy combatants determined to be part of al-Qaida who will not be subject to criminal process either in Federal courts or military commission trials. It is my belief that this country cannot afford to release them if they are still a military threat.

Under military law, there is no requirement to release an enemy prisoner as long as they present a threat to your country. There is no such concept in domestic criminal law. We cannot

criminalize this war. It will come back to haunt us.

Due process is available under military law. The men and women running these trials are officers, judge advocates. I have been one for 25 years. They are wonderful people. They will adhere to the law. They understand the law. They will provide transparent justice. But this is the setting that we need to be in regarding these detainees. This statement by the Senate is appropriate.

Mr. President, to my good friend, Senator LIEBERMAN, he has, above all others, tried to remind himself that the Nation's defense is more important than politics. I cannot tell Senator LIEBERMAN how much I admire him. We have worked together to get a sense of the Senate, not binding, but a strong statement that it is a preference that these terrorists detained as part of an al-Qaida network be tried in military commissions, as we have done in our history.

I yield to Senator LIEBERMAN and hope my colleagues will accept this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I call up our amendment No. 1650, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. GRAHAM, proposes an amendment numbered 1650, as modified.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress that military commissions are the preferred forum for the trial of alien unprivileged belligerents for violations of the law of war and other offenses triable by military commission)

On page 394, between lines 8 and 9, insert the following:

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) IN GENERAL.—Subchapter I of chapter 47A of title 10, United States Code, as amended by section 1031(a), is further amended by adding at the end the following new section:

"§ 948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

''948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.''.

Mr. LIEBERMAN. Mr. President, I thank Senator GRAHAM for his overly generous words in my direction. It is always a pleasure to work with him on matters of this kind. Really more than anyone else in the Senate, he knows military law because he practices it in his capacity as a member of the JAG. I thank him for cosponsoring this amendment with me.

Also, I thank Chairman LEVIN, Senator MCCAIN, and Senator GRAHAM for the extraordinary work they have done in improving the military commission system that has been set up. It is the basis for the amendment that Senator GRAHAM and I put in this evening.

The fact is that military commissions, by one name or another, have played a time-honored role in our country in bringing war criminals to justice. The use of military tribunals dates all the way back to the beginning of our country. Our first President, GEN George Washington, relied on them during the Revolutionary War for the trial of violations of the laws of war.

The United States has continued to utilize military commissions or tribunals for the trial of people accused of violations of the laws of war and related crimes throughout our history.

The fact is we are once more at war today against those who planned, authorized, committed, or aided the terrorist attacks of September 11, 2001. There is an existing authorization for the use of military force. Military commissions, in my opinion, and Senator GRAHAM's, are, therefore, the appropriate forum for the trial of war criminals captured during this conflict, as they have been throughout our history. And all the more comfortable should we be in saying that after the amendments to the Military Commissions Act have been adopted as part of this National Defense Authorization Act.

I remind our colleagues, because it was done without a lot of debate, that the package of amendments to the Military Commissions Act that has been adopted as part of this legislation, offered by Senators MCCAIN, LEVIN, and GRAHAM, would ensure lawful, fair, and effective trials by providing a series of protections to the accused for the military commissions, including a prohibition on the use of statements obtained through cruel, inhuman, or degrading treatment, access to exculpatory evidence, and meaningful appellate review of legal and factual findings.

As distinguished witnesses and authorities have testified at a hearing Chairman LEVIN led before the Armed Services Committee on this issue 2 weeks ago, according to these witnesses, including people who work as general counsel in the Defense Department, for instance, the military commission provisions in the bill before us not only meet but surpass by far the fundamental standards of fairness and due process required by our Supreme Court, the Geneva Conventions, and the rules of the International Criminal Court.

Given those robust procedural and substantive rights provided by the system of military commissions established in this bill, I must say that I have been surprised, troubled, and I would even go so far as to say astounded that officials of our administration have now made clear that they prefer prosecuting war criminals in Federal district courts here in the United States as opposed to before the military commissions we have established. That was testimony given before the Armed Services Committee in response to questions of the General Counsel of the Defense Department.

Just this week, an interim report was issued by a Department of Defense and Department of Justice task force on the legal questions associated with the detainees. In that report there is this sentence:

There is a presumption that, where feasible, referred cases will be prosecuted in an Article III court, in keeping with traditional principles of federal prosecution.

Article III courts, of course, are federal courts.

So it is the testimony of the General Counsel of the Defense Department, and now this interim report from the Department of Defense and the Department of Justice, that has led Senator GRAHAM and me to offer this amendment, because we simply disagree, as we think most Americans and most Members of the Senate do, with the idea that there is a presumption in favor of trying prisoners of war before our Federal courts instead of before military commissions, as has been done throughout our history.

This realizes the worst fears of people that we would begin to criminalize the war on terrorism instead of treating it and its perpetrators as war and criminals of war. This change in direction departs from our history and, in some sense, diminishes the extraordinary work that has been done by Chairman LEVIN, Senator MCCAIN, Senator GRAHAM, and others to create and improve these military commissions. It may, in fact, cast unfounded doubt on the legitimacy of the convictions obtained by military commissions on the strength of the evidence used to secure convictions in those proceedings and the procedural protections accorded to defendants by the military commissions process.

Our amendment is very simple. It is a long sentence, and I read it, as follows:

It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.

So we adopt wording in the military commissions section of this legislation regarding violations of the law of war and other offenses made punishable by this chapter, and we say that it is our preference that people accused of such crimes of war be tried before the military commissions.

We have created a system of military commissions that I believe offers remarkable protections—perhaps the best ever offered to people in the status of alleged war criminals against our country or any country, against our citizens or the citizens of any country. And, I repeat, obviously we are at war, and therefore we should use these military commissions we have created and preference should be in their direction.

The fact is, where to bring charges against people accused of violating laws of war or, as we have said in the legislation, other offenses made punishable by this chapter is a decision made by the executive branch. It is not one we can control. But we can express an opinion. We can express an opinion to the executive branch, respectfully, that we think they have made a mistake in stating a presumption to try prisoners of war in Federal district courts. Such an approach would cast doubt, as I have said, on the use of military commissions but I think would also set an unfortunate, even dangerous, precedent for the trial of war criminals today or in future conflicts in Federal courts rather than our Nation's time-honored use of military commissions for the violation of the law of war.

I hope we can unite across party lines to adopt this expression of opinion on a most important question.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to take a moment, in response to my good friends, Senator GRAHAM and Senator LIEBERMAN, and say a word on behalf of the U.S. Department of Justice and its prosecutors, who have been actively engaged in the war on terror for many years now and who have shown considerable success.

The information they have is that the number of individuals who have been successfully prosecuted, convicted, and incarcerated as a result of military commissions numbers in the handful—perhaps even fewer than five. By contrast, just since January 1 of this year, more than 30 individuals have been charged with terrorism, successfully prosecuted, and sentenced to Federal prison—more than 30 convicted or sentenced just this year. There are 355 inmates in Federal prison now who have been successfully charged, prosecuted, convicted, and are now serving lengthy sentences as a result of their history or connection with international or domestic terrorism.

I don't want to get into a discussion right now on whether military commissions are a good or bad idea, but what has proven tried-and-true in terms of actually putting terrorists behind bars, where they belong, has been the expertise and the experience and the capability of the U.S. Department of Justice. They have been successful. There are hundreds of terrorists behind bars. There are far more than have ever come through the military commissions during the course of this struggle. And I think we should bear that in mind as we speak about this issue and as we vote about this issue. There is a lot of high-quality prosecutorial work and a lot of patriotism in the Department of Justice, and there is a reason we should allow the professionals to sort out case by case which is the better venue for the trial, whether a military commission, however new and untested in this modern era, or the tried-and-true model of the U.S. Federal prosecutor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope we can quickly get to a voice vote. I would briefly say that the executive branch created a presumption that the cases would be tried before criminal courts—article III courts. I thought it was a mistake. We should not have a presumption one way or the other. The amendment before us redresses the balance to the extent we can do it tonight.

Also, we were able to get the agreement on the part of the sponsors to strike a part of the original amendment which would have created some very difficult bureaucratic problems in terms of reporting case by case as to why decisions were made one way or another.

So I do hope we can promptly agree to the amendment. I thank Senators LIEBERMAN and GRAHAM.

Again, my own preference is there not be either a presumption or a preference one way or the other, but I think this does even the balance. Again, it is a sense of the Senate, so it will be left to the Department of Justice.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Chairman LEVIN for his statement. It is always a very thoughtful and mutually respectful process when you work with Senator LEVIN, even on matters of disagreement, and I appreciate the resolution.

I would just like to say in response to the comments of my friend from Rhode Island—and there is nothing here intended to in any way disparage the work of the Federal prosecutors, and I appreciate the record he cited of the prosecutions, but the point Senator GRAHAM and I are trying to make, and I hope the whole Senate will, is that violations of the laws of war are inherently different. Regardless of the outcome—how many people are convicted or put in jail or not—those allegations of such crimes belong before military commissions, or tribunals as they have been called throughout our history, not in Federal criminal courts where other violations of our domestic criminal law are handled. Part of that is just an appropriate allocation of responsibility. Part of it is that I think it is important we not fall into a misunderstanding that we are not involved in war. It is a very different kind of war, but it is a war, and we know that from the casualties we suffered on 9/11 and people around the world have suffered before and since in a lot of other cities and countries. So we are making a point of an appropriate forum for the trial of cases, not based on outcome but based on where these allegations are best tried.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1650), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 1481, 1621, AS MODIFIED, 1675, 1700, 1680, 1697, 1494, 1718, 1601, 1738, 1703, 1656, 1523, 1647, 1662, 1741, 1746, 1543, 1740, 1687, 1702, 1717, 1521, 1768, 1752, 1739, AS MODIFIED, 1775, 1735, 1564, 1773, 1774, 1795, 1788, 1780, 1782, 1779, 1785, 1806, 1803, 1727, 1706, 1749, AS MODIFIED, 1799, 1620, 1688, 1765, EN BLOC

Mr. LEVIN. Mr. President, I send a series of 46 amendments to the desk, which have been cleared by myself and Senator MCCAIN, the ranking member, and I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and that the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1481

(Purpose: To require the Director of National Intelligence to submit a report to Congress on retirement benefits for former employees of Air America)

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON AIR AMERICA.

(a) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

(b) REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(2) REPORT ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air American and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and

(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 1621, AS MODIFIED

On page 161, after line 23, add the following:

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

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

''(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

''(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

''(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

''(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

''(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

''(3) OPERATION.—

''(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

''(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

''(ii) examining the influence of military culture on risk and protective factors for suicide; and

''(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

''(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

''(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

''(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

''(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

''(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

''(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.''.

''(4) TERMINATION.—The program established under this subsection shall terminate on October 1, 2012.''.

AMENDMENT NO. 1675

(Purpose: To ensure that members of the reserve components of the Armed Forces who are injured while on active duty are advised of programs to assist in their transition back to civilian life)

At the end of subtitle D of title VI, add the following:

SEC. 652. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

''(A) cleared by appropriate authorities for continuation on active duty; or

''(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

''(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

''(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

''(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

''(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.''.

SEC. 653. USE OF LOCAL RESIDENCES FOR COMMUNITY-BASED CARE FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community-based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is—

''(i) medically feasible, as determined by a licensed military health care provider; and

''(ii) consistent with—

''(I) the needs of the armed forces; and

''(II) the optimal course of medical treatment of the member.

''(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

''(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

''(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent place of residence to a medical facility during the period in which the member is covered by this subsection.''.

SEC. 654. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

''§ 1218a. Discharge or release from active duty: transition assistance

''The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

''(1) Information on the availability of care and administrative processing through community based warrior transition units.

''(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

''(3) An opportunity to consult with a member of the applicable judge advocate general's corps, or other qualified legal assistance attorney, regarding the member's eligibility for compensation, disability, or other transitional benefits.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

''1218a. Discharge or release from active duty: transition assistance.''.

AMENDMENT NO. 1700

(Purpose: To ensure the security of Iraq through defense cooperation between the United States and Iraq)

At the end of subtitle A of title XII, add the following:

SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

The President may treat an undertaking by the Government of Iraq that is made between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for purposes of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

AMENDMENT NO. 1680

(Purpose: To authorize the availability of appropriated funds for certain activities conducted under the State Partnership Program of the National Guard)

At the end of subtitle A of title XII, add the following:

SEC. 1211. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.

(a) AVAILABILITY OF APPROPRIATED FUNDS.—The Secretary of Defense may, under regulations prescribed by the Secretary, use funds appropriated to the Department of Defense for fiscal year 2010 to pay the costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting activities under the State Partnership Program—

(1) to support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted; or

(2) to build international civil-military partnerships and capacity on matters relating to defense and security.

(b) LIMITATIONS.—

(1) APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) PARTICIPATION BY MEMBERS.—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

AMENDMENT NO. 1697

(Purpose: To require a biennial report on the military power of Iran)

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON MILITARY POWER OF IRAN.

(a) BIENNIAL REPORT.—Not later than March 31, 2010, and in each even-numbered year thereafter until 2020, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on the Army, Air Force, Navy, and Revolutionary Guard Corps of the Islamic Republic of Iran.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) As assessment of the grand strategy, security strategy, and military strategy of the Government of the Islamic Republic of Iran, including the following:

(A) The goals of the grand strategy, security strategy, and military strategy.

(B) Aspects of the strategies that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the Middle East region.

(2) An assessment of the capabilities of the conventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size, location, and capabilities of the conventional forces.

(B) A detailed analysis of the conventional forces of the Government of the Islamic Republic of Iran facing United States forces in the region and other countries in the Middle East region.

(C) An estimate of the funding provided for each branch of the conventional forces of the Government of the Islamic Republic of Iran.

(3) An assessment of the unconventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size and capability of special operations units, including the Iranian Revolutionary Guard Corps-Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations in particular those forces that have been assessed as willing to carry out terrorist operations on behalf of the Islamic Republic of Iran.

(C) A detailed analysis of the unconventional forces of the Government of the Islamic Republic of Iran and their implications for the United States and other countries in the Middle East region.

(D) An estimate of the amount of funds spent by the Government of the Islamic Republic of Iran to develop and support special operations forces and terrorist groups.

(c) DEFINITIONS.—In this section:

(1) CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term ''conventional forces of the Government of the Islamic Republic of Iran''—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(2) MIDDLE EAST REGION.—The term ''Middle East region'' means—

(A) the countries within the area of responsibility of United States Central Command; and

(B) the countries within the area covered by the Bureau of Near Eastern Affairs of the Department of State.

(3) UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term ''unconventional forces of the Government of the Islamic Republic of Iran''—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from the Government of Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of the Government of the Islamic Republic of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on the Islamic Republic of Iran.

AMENDMENT NO. 1494

(Purpose: To require a report on criteria for the selection of strategic embarkation ports and ship layberth locations)

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON CRITERIA FOR SELECTION OF STRATEGIC EMBARKATION PORTS AND SHIP LAYBERTHING LOCATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report with criteria for the selection of strategic embarkation ports and ship layberth locations.

(b) DEVELOPMENT OF CRITERIA.—The criteria included in the report required under subsection (a) shall—

(1) prioritize the facilitation of strategic deployment and reduction of combatant commander force closure timelines;

(2) take into account—

(A) time required to crew, activate, and sail sealift vessels to embarkation ports;

(B) distance and travel times for the forces from assigned installation to embarkation ports;

(C) availability of adequate infrastructure to transport forces from assigned installation to embarkation ports; and

(D) time required to move forces from embarkation ports to likely areas of force deployment around the world; and

(3) inform the selection of strategic embarkation ports and the procurement of ship layberthing services.

AMENDMENT NO. 1718

(Purpose: To provide authority to transfer covered defense articles no logner needed in Iraq and to provide defense services to the security forces of Iraq and Afghanistan)

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The President is authorized to transfer defense articles from the stocks of the Department of Defense, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed $500,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) immediately before the transfer were in use to support operations in Iraq;

(B) were present in Iraq as of the date of enactment of this Act; and

(C) are no longer required by United States forces in Iraq.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT.—

(1) IN GENERAL.—The President may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the process by which potential requirements for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(F) A description of the plan, if any, for reimbursing military departments from which non-excess defense articles are transferred under the authority provided in subsection (a).

(G) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(H) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(I) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) NOTIFICATION.—

(1) IN GENERAL.—The President may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the President has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) CONTENTS.—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) an identification of the military department from which the defense articles being transferred are drawn;

(D) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided;

(E) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

(F) a certification by the President that—

(i) the Secretary of Defense has determined that—

(I) the defense articles to be transferred are no longer required by United States forces in Iraq;

(II) the proposed transfer of such defense articles will not adversely impact the military preparedness of the United States;

(III) immediately before the transfer, the defense articles to be transferred were being used to support operations in Iraq;

(IV) the defense articles to be transferred were present in Iraq as of the date of enactment of this Act; and

(V) the defense articles to be transferred are required by the military and security forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) QUARTERLY REPORT.—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) DEFENSE ARTICLES.—The term ''defense articles'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term ''defense services'' has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term ''military and security forces'' means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(h) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by Section 516 of the Foreign Assistance Act of 1961.

(2) AGGREGATE VALUE.—The value of excess defense articles transferred to Iraq during fiscal year 2010 pursuant to Section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act.

AMENDMENT NO. 1601

(Purpose: To require a report on simplifying defense travel)

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A comprehensive discussion of aspects of the Department of Defense travel system that are most confusing, inefficient, and in need of revision.

(2) Critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(4) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2), including recommendations for legislative authority.

(5) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

AMENDMENT NO. 1738

(Purpose: To provide for an annual comprehensive report on the status of United States efforts and the level of progress achieved to counter and defeat Al Qaeda and its related affiliates and undermine long-term support for the violent extremism that helps sustain Al Qaeda's recruitment efforts)

At the appropriate place, insert the following:

SEC. ____. ANNUAL COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Success in Countering Al Qaeda Reporting Requirements Act of 2009''.

(b) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2010, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies;

(D) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(E) a determination of whether the National Counterterrorism Center exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458);

(F) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(G) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through military, financial, political, intelligence, paramilitary, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(H) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(I) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(J) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(K) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(L) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(M) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence;

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

AMENDMENT NO. 1703

(Purpose: To reauthorize the SBIR program and the STTR program, and for other purposes)

(The amendment is printed in the RECORD of Wednesday, July 22, 2009, under ''Text of Amendments.'')

AMENDMENT NO. 1656

(Purpose: To require a report on the recruitment and retention of members of the Air Force in nuclear career fields)

At the end of subtitle D of title VI, add the following:

SEC. 652. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) A description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and retention of officers and enlisted personnel by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

AMENDMENT NO. 1523

(Purpose: To amend provisions relating to Federal civilian employee retirement, and for other purposes)

(The amendment is printed in the RECORD of Tuesday, July 14, 2009, under ''Text of Amendments.'')

AMENDMENT NO. 1647

(Purpose: To express the sense of the Senate on costs for health care for members of the Armed Forces and their families)

On page 213, between lines 14 and 15, insert the following:

SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENEFITS AND COSTS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current combat operations, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of retirement benefits, including lifetime health benefits, that a grateful Nation provides for those who choose to subordinate their personal life to the national interest for so many years.

(4) Currently serving and retired members of the uniformed services and their families and survivors deserve benefits equal to their commitment and service to our Nation.

(5) Many employers are curtailing health benefits and shifting costs to their employees, which may result in retired members of the Armed Forces returning to the Department of Defense, and its TRICARE program, for health care benefits during retirement, and contribute to health care cost growth.

(6) Defense health costs also expand as a result of service-unique military readiness requirements, wartime requirements, and other necessary requirements that represent the ''cost of business'' for the Department of Defense.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, too many of those efforts have been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces who have earned health care benefits in return for a career of military service.

(8) In some cases health care providers refuse to accept TRICARE patients because that program pays less than other public and private payors and imposes unique administrative requirements.

(9) The Department of Defense records deposits to the Department of Defense Military Retiree Health Care Fund as discretionary costs to the Department in spite of legislation enacted in 2006 that requires such deposits to be made directly from the Treasury of the United States.

(10) As a result, annual payments for the future costs of servicemember health care continue to compete with other readiness needs of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense and the Nation have an obligation to provide health care benefits to retired members of the Armed Forces that equals the quality of their selfless service to our country;

(2) past proposals by the Department of Defense to impose substantial fee increases on military beneficiaries have failed to acknowledge properly the findings addressed in subsection (a); and

(3) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program.

AMENDMENT NO. 1662

(Purpose: To expand the provision authorizing special compensation for members of the uniformed services with certain injuries or illnesses incurred in the line of duty)

Strike section 617 and insert the following:

SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH SERIOUS INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living

''(a) MONTHLY COMPENSATION.—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

''(b) COVERED MEMBERS.—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

''(1) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

''(2) has a serious injury, disorder, or disease of either a temporary or permanent nature that—

''(A) is incurred or aggravated in the line of duty; and

''(B) compromises the member's ability to carry out one or more activities of daily living or requires the member to be constantly supervised to avoid physical harm to the member or to others; and

''(3) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

''(c) AMOUNT.—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

''(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

''(A) The extent to which home health care and related services are being provided by the Government.

''(B) The extent to which aid and attendance services are being provided by family and friends who may be compensated with funds provided through the monthly special compensation.

''(d) PAYMENT UNTIL MEDICAL RETIREMENT.—Monthly special compensation is payable under this section to a member described in subsection (b) for any month that begins before the date on which the member is medically retired.

''(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

''(f) BENEFIT INFORMATION.—The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

''(g) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.''.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for the compensation.

(E) A summary of the types of injuries, disorders, and diseases of members of the uniformed services receiving such compensation that made such members eligible for such compensation.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

''439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.''.

AMENDMENT NO. 1741

(Purpose: To require the Secretary of Defense to report on the status of the Air National Guard and the Air Force Reserve)

At the end of subtitle E of title III, add the following:

SEC. 342. REPORT ON STATUS OF AIR NATIONAL GUARD AND AIR FORCE RESERVE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, the Chief of the Air Force Reserve, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the Air National Guard and the Air Force Reserve; and

(2) the plans of the Department of Defense to ensure that the Air National Guard and the Air Force Reserve remain ready to meet the requirements of the Air Force and the combatant commands and for homeland defense.

AMENDMENT NO. 1746

(Purpose: To require reports on the service life and replacement of AC-130 gunships of the Air Force)

At the end of subtitle C of title I, add the following:

SEC. 125. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC–130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC–130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC–130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) ANALYSIS OF ALTERNATIVES.—The Secretary of the Air Force, in consultation with the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

AMENDMENT NO. 1543

(Purpose: To authorize the service Secretaries to increase the end strength of the Selected Reserve by two percent)

On page 100, between lines 2 and 3, insert the following:

SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR SELECTED RESERVE END STRENGTHS.

Section 115(g) of title 10, United States Code, is amended to read as follows:

''(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

''(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

''(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

''(2) Any increase under paragraph (1) of the end strength for an armed force or the Selected Reserve of a reserve component of an armed force shall be counted as part of the increase for that armed force or Selected Reserve for that fiscal year authorized under subsection (f)(1) or subsection (f)(3), respectively.''.

AMENDMENT NO. 1740

(Purpose: To require a plan for sustaining the land-based solid rocket motor industrial base)

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) SUBMISSION OF PLAN.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a), together with an explanation of how fiscal year 2010 funds will be used to sustain and support the plan and a description of the funding in the future years defense program plan to support the plan.

AMENDMENT NO. 1687

(Purpose: To require a national security interest certification for Coalition Support Fund reimbursements provided to the Government of Pakistan)

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. CERTIFICATION REQUIREMENT FOR COALITION SUPPORT FUND REIMBURSEMENTS.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking ''the Secretary of Defense shall submit'' and inserting ''the Secretary of Defense, after consultation with the Secretary of State, shall submit''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking ''shall include an itemized description'' and inserting the following: ''shall include the following:

''(A) An itemized description''; and

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

''(B) A certification that the reimbursement—

''(i) is consistent with the national security interests of the United States; and

''(ii) will not adversely impact the balance of power in the region.''.

AMENDMENT NO. 1702

(Purpose: To require the Secretary of Defense and the Secretary of Veterans Affairs to submit to Congress a report on the use of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals)

At the end of subtitle D of title VII, add the following:

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on research related to post-traumatic stress disorder.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The status of all studies and clinical trials that involve treatments of post-traumatic stress disorder conducted by the Department of Defense and the Department of Veterans Affairs.

(2) The effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(3) Identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans' Affairs of the House of Representatives.

AMENDMENT NO. 1717

(Purpose: To carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities)

At the end of subtitle H of title X, add the following:

SEC. 1083. PILOT PROGRAM ON USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States owes a profound debt to those who have served the United States honorably in the Armed Forces.

(2) Disabled veterans suffer from a range of physical and mental injuries and disabilities.

(3) In 2008, the Army reported the highest level of suicides among its soldiers since it began tracking the rate 28 years before 2009.

(4) A scientific study documented in the 2008 Rand Report entitled ''Invisible Wounds of War'' estimated that 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom currently suffer from post-traumatic stress disorder.

(5) Veterans have benefitted in multiple ways from the provision of service dogs.

(6) The Department of Veterans Affairs has been successfully placing guide dogs with the blind since 1961.

(7) Thousands of dogs around the country await adoption.

(b) PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this

Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program by partnering with nonprofit organizations that—

(A) have experience providing service dogs to individuals with injuries or disabilities;

(B) do not charge fees for the dogs, services, or lodging that they provide; and

(C) are accredited by a generally accepted industry-standard accrediting institution.

(2) REIMBURSEMENT OF COSTS.—The Secretary shall reimburse partners for costs relating to the pilot program as follows:

(A) For the first 50 dogs provided under the pilot program, all costs relating to the provision of such dogs.

(B) For dogs provided under the pilot program after the first 50 dogs provided, all costs relating to the provision of every other dog.

(d) PARTICIPATION.—

(1) IN GENERAL.—As part of the pilot program, the Secretary shall provide a service dog to a number of veterans with physical or mental injuries or disabilities that is greater than or equal to the greater of—

(A) 200; and

(B) the minimum number of such veterans required to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) COMPOSITION.—The Secretary shall ensure that—

(A) half of the participants in the pilot program are veterans who suffer primarily from a mental health injury or disability; and

(B) half of the participants in the pilot program are veterans who suffer primarily from a physical injury or disability.

(e) STUDY.—In carrying out the pilot program, the Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the pilot program.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings relating to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(3) The effectiveness of using service dogs to prevent suicide.

(f) REPORTS.—

(1) ANNUAL REPORT OF THE SECRETARY.—After each year of the pilot program, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the pilot program.

(2) FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 180 days after the date of the completion of the pilot program, the National Academy of Sciences shall submit to Congress a report on the results of the pilot program.

AMENDMENT NO. 1521

(Purpose: To enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces)

At the end of subtitle H of title X, add the following:

SEC. 1083. EXPANSION OF STATE HOME CARE FOR PARENTS OF VETERANS WHO DIED WHILE SERVING IN ARMED FORCES.

In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs shall permit a State home to provide services to, in addition to non-veterans described in such subsection, a non-veteran any of whose children died while serving in the Armed Forces.

AMENDMENT NO. 1768

(Purpose: To authorize the Secretary of Defense to carry out a pilot program for providing cognitive rehabilitative therapy services under the TRICARE program)

Strike section 731 and insert the following:

SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces is described in this subsection if—

(1) the member or former member—

(A) is otherwise eligible for medical care under the TRICARE program;

(B) has been diagnosed with a moderate to severe traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(C) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(D) is referred by a qualified physician for cognitive rehabilitative therapy; and

(2) cognitive rehabilitative therapy is not reasonably available to the member or former member through the Department of Veterans Affairs.

(c) ELEMENTS OF PILOT PROGRAM.—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) ENTITIES AND OFFICIALS TO BE CONSULTED.—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the effectiveness of the pilot program in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) TRICARE PROGRAM DEFINED.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(g) FUNDING.—Of the amount authorized to be appropriated by section 1403 for the Defense Health Program, not more than $5,000,000 may be available to carry out the pilot program under this section.

AMENDMENT NO. 1752

(Purpose: To reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care and to provide an offset)

At the end of subtitle B of title VII, insert the following:

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking ''100 miles'' and inserting ''50 miles''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby decreased by $14,000,000, with the amount of the decrease to be derived from unobligated balances.

AMENDMENT NO. 1739, AS MODIFIED

At the end of subtitle H of title X, add the following:

SEC. 1083. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(B) by adding at the end the following:

''(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined by section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of title 5, United States Code), or customs and border protection officer (as defined in section 8401(36) of title 5, United States Code) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department

of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by adding ''or'' at the end; and

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

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1083(e) of the National Defense Authorization Act for Fiscal Year 2010;

''(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1083(a)(2) of the National Defense Authorization Act for Fiscal Year 2010.

(c) MANDATORY SEPARATION.—Section 8425 of title 5, United States Code, is amended—

(1) in subsection (b)(1), in the first sentence, by inserting '', except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period;

(2) in subsection (c), in the first sentence, by inserting '', except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period; and

(3) in subsection (d), in the first sentence, by inserting '', except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''total service as'' and inserting ''civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,''; and

(2) in paragraph (2), by striking ''so much of such individual's total service as exceeds 20 years'' and inserting ''the remainder of such individual's total service''.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

AMENDMENT NO. 1775

(Purpose: To support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran, to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference, and for other purposes)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 1735

(Purpose: To express the sense of Congress regarding the development of manned airborne irregular warfare platforms)

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.

It is the sense of Congress that the Secretary of Defense should, with regard to the development of manned airborne irregular warfare platforms, coordinate requirements for such weapons systems with the military services, including the reserve components.

AMENDMENT NO. 1564

(Purpose: To enhance travel and transportation benefits for survivors of deceased members of the uniformed services for purposes of attending memorial ceremonies)

At the end of subtitle C of title VI, add the following:

SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking ''subsection (a)(1)'' the first place it appears and inserting ''paragraphs (1) and (2) of subsection (a)''; and

(2) by striking ''subsection (a)(1)'' the second place it appears and inserting ''paragraph (1) or (2) of subsection (a)''.

AMENDMENT NO. 1773

(Purpose: To require the Comptroller General to conduct a study on the stockpile stewardship program)

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the timeline for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the study required by subsection (a).

AMENDMENT NO. 1774

(Purpose: To extend the sunset for the Congressional Commission on the Strategic Posture of the United States and to require an additional report)

At the end of subtitle H of title X, add the following:

SEC. 1083. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) EXTENSION OF SUNSET.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking ''September 30, 2009'' and inserting ''September 30, 2010''; and

(3) by inserting after subsection (e) the following new subsection:

''(f) FOLLOW-ON REPORT.—Following submittal of the report required in subsection

(e), the Commission may conduct public outreach and discussion of the matters contained in the report.''.

AMENDMENT NO. 1795

(Purpose: To express the sense of Congress on continued support by the United States for a stable and democratic Republic of Iraq)

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge was a critical factor contributing to significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security gains following the surge and the willingness of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains in Iraq must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as appropriate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States should help the people of Iraq promote the stability of their country and peace in the region; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region.

AMENDMENT NO. 1788

(Purpose: To express the sense of Congress that flexible spending arrangements should be established for members of the uniformed services)

At the end of subtitle D of title VI, add the following:

SEC. 652. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) IN GENERAL.—It is the sense of Congress that, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) CONSIDERATIONS.—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

AMENDMENT NO. 1780

(Purpose: To require a report on the Yellow Ribbon Reintegration Program and plans for further implementation)

On page 161, after line 23, insert the following:

SEC. 557. REPORT ON YELLOW RIBBON REINTEGRATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including an assessment of the best practices from pilot programs offered by various States to provide supplemental services to Yellow Ribbon and the feasibility of incorporating those practices into Yellow Ribbon.

(2) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(3) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(4) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

AMENDMENT NO. 1782

(Purpose: To require a report on the feasibility of requiring post-deployment health assessments of Guard and Reserve members deployed in connection with contingency operations at their home stations or counties of residence)

On page 220, between lines 4 and 5, insert the following:

SEC. 713. REPORT ON POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on post-deployment health assessments of Guard and Reserve members.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the feasibility of administering a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the Armed Forces returning to the member's home station from deployment in connection with a contingency operation at such home station or in the county of residence of the member within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, an assessment administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the Armed Forces returning from deployment, by not later than the member's release from active duty following such deployment.

(2) An assessment of the feasibility of requiring that Post-Deployment Health Assessments described under paragraph (1) be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(3) A description of—

(A) the availability of personnel described under paragraph (2) to perform assessments described under this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces; and

(B) if such personnel are not available at such locations, the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

AMENDMENT NO. 1779

(Purpose: To provide for the notification of certain individuals regarding options for enrollment under Medicare part B)

On page 213, between lines 14 and 15, insert the following:

SEC. 706. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

''(a) IN GENERAL.—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period under part B of such title.''.

AMENDMENT NO. 1785

(Purpose: To require a report on the defense modeling and simulation industrial base)

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Assistant Secretary of Defense for Manufacturing and Industrial Base, and the Commander of the United States Joint Forces Command, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation industrial base.

(6) Other matters as determined appropriate by the Secretary.

AMENDMENT NO. 1806

(Purpose: To include additional members and additional duties for the independent panel assessing the 2009 quadrennial defense review)

At the end subtitle H of title X, add the following:

SEC. 1083. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) FINDING.—Congress understands that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, will be comprised of twelve members equally divided on a bipartisan basis.

(b) SENSE OF CONGRESS ON INDEPENDENT PANEL.—It is the sense of Congress that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, should be comprised of members equally divided on a bipartisan basis.

(c) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the ''2009 QDR''), the independent panel established under subsection (f) of such section (in this section referred to as the ''Panel'') shall include eight additional members to be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(d) ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) make any recommendations it considers appropriate for consideration.

(e) REPORT OF SECRETARY OF DEFENSE.—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(f) TERMINATION.—The provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

AMENDMENT NO. 1803

(Purpose: To require the Secretary of the Army to conduct a comparative evaluation of extended range modular sniper rifle systems)

Add the end of subtitle D of title II, add the following:

SEC. 252. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) FUNDING.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

AMENDMENT NO. 1727

(Purpose: To require the report on the global defense posture realignment to include information relating to the effect of the comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations on United states security commitments under international security treaties and the current security environments in the combatant commands)

On page 549, strike line 9 and all that follows through ''any comments resulting'' on line 16 and insert the following: ''congressional defense committees and the Committee on Foreign relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations. The report shall address the following:

(1) How the plans would support the security commitments undertaken by the United States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

(3) Any comments of the Secretary of Defense resulting

AMENDMENT NO. 1706

(Purpose: To require the Secretary of Defense and the Secretary of Transportation to develop a plan for providing access to the national airspace for unmanned aircraft)

At the end of subtitle D of title IX, add the following:

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide access to the national airspace for unmanned aircraft of the Department of Defense.

(2) Specific milestones, aligned to operational and training needs, for providing access to the national airspace for unmanned aircraft and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

AMENDMENT NO. 1749, AS MODIFIED

At the end of subtitle A of title IX, add the following:

SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

"§ 10505. Vice Chief of the National Guard Bureau

''(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

''(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

''(C) are in a grade above the grade of colonel.

''(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

''(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

''(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

''(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

''(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in a grade decided by the Secretary of Defense.

''(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

''10505. Vice Chief of the National Guard Bureau.

''10505a. Director of the Joint Staff of the National Guard Bureau.''.

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking ''and the Director of the Joint Staff of the National Guard Bureau'' and inserting '', the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau''.

AMENDMENT NO. 1799

(Purpose: To require the Department of Defense to improve access to mental health care for family members of members of the National Guard and Reserve who are deployed overseas)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 557. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department of Defense to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

AMENDMENT NO. 1620

(Purpose: To amend the Small Business Act to create parity among certain small business contracting programs)

At the end of subtitle D of title VIII, add the following:

SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

AMENDMENT NO. 1688

(Purpose: To create parity among small business contracting programs, and for other purposes)

At the end of subtitle H of title X, add the following:

SEC. 1083. CONTRACTING IMPROVEMENTS.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

(c) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(d) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

AMENDMENT NO. 1765

(Purpose: To require a report on the re-engining of E–8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft)

At the end of subtitle C of title I, add the following:

SEC. 125. REPORT ON E-8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINING.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft. The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) LIMITATION ON CERTAIN ACTIONS.—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1759

Mr. CONRAD. Mr. President, I would like to speak today about an amendment I have offered to the National Defense Authorization Act, No. 1759, to provide $16.8 million in funding for the research and development of a program called ''1760 in the Bay,'' which will allow for our B–52 fleet to carry GPS-guided ''smart weapons'' internally in the bomb bay.

Currently, the B–52 can only carry these important weapons externally, on its wing pylons. Giving the B–52 this expanded capability would allow for an increase in the aircraft's overall bomb-load capacity, or for an increase in its fuel efficiency and range by using an internal-only weapons load.

As early as 1993, the Air Force documented the requirement for internal carriage of precision-guided munitions in its B–52H Conventional Upgrade Operational Requirements Document. The Air Force reaffirmed its belief in the need for this requirement in 2005, and Congress continued to fund the program in 2006 and 2007. The program is on the Air Force's fiscal year 2010 unfunded priorities list.

My amendment would provide $16.8 million in R&D funding to complete required hardware and software development and testing for an electrical upgrade to ''military standard 1760,'' which provides a common electrical and digital interface between weapons and aircraft. The MIL–STD–1760 connecter is used to transfer guidance information to weapons including the GBU–32 JDAM, the AGM–154, and the CBU–103, CBU–104, and CBU–105. This technology upgrade will also make it easier to add WCMD, JSOW, and JASSM weapons to the B–52 in the future.

This is exactly the kind of investment we need to be making in the B–52, an aircraft that is indispensable to maintaining an effective bomber force. It is unmatched in its range and payload ability. It is the most cost-effective and reliable component of our Nation's bomber force. It is a plane that we are going to be using more than 30 years from now. It is truly the ''best bomb truck for the buck.'' Particularly in light of the decision by the President and Secretary Gates to delay procurement of the next-generation bomber, it is critical that we continue to outfit each B–52 with new technology like the ''1760 in the Bay'' program.

AMENDMENT NO. 1656

Mr. President, I want to take a moment to talk about an amendment I have offered to the National Defense Authorization Act, No. 1656, that would require a study and report on the recruitment and retention of members of the Air Force in nuclear career fields.

One of the key lessons learned from the nuclear incidents that occurred a couple of years ago is that we need to be able to keep our best and brightest in the nuclear force. Working with America's nuclear arsenal is one of the most demanding jobs in the Air Force. It takes special people with unique skills to maintain and safeguard our nation's most powerful weapons. That is why the Air Force has stated that one of its biggest priorities is reinvigorating the nuclear mission.

In recent months, I have heard from a number of senior Air Force leaders working in the nuclear mission that interest among airmen in the nuclear career field is very high, in part due to sustained leadership attention to the nuclear force. Right now, the best and the brightest are flocking to this career field. However, I remain concerned about the long-term outlook of this important area of work. I want to be sure that interest in the field will not wane if the Air Force's top priority shifts to other issues.

There is absolutely no doubt that leadership at every level of the Air Force understands that our nuclear weapons are one of our Nation's most critical assets. By deterring America's enemies, assuring our allies, and dissuading potential future adversaries, our nuclear personnel are at war every single day. This is the message of Air Force and Department of Defense leadership, and it is the message of the Senate and the Congress. But it is not enough for our airmen to simply hear that message. They must be given evidence to demonstrate that it is more than words.

Few needs are more critical than the ongoing effort to determine the best ways to make the systemic change necessary to ensure that every airman working on the nuclear mission believes each and every day that his job is critical to the strength and security of the United States. The standup of the Strategic Deterrence and Nuclear Integration Office on the Air Staff and the new Global Strike Command major command are important steps. But steps must also be taken to make sure that the message is understood at every level, even to the youngest cadet.

I believe it is necessary to examine what incentives could or should be built into the system in order to ensure that we continue to be able to recruit, retain, and develop highly trained and motivated nuclear personnel. That is why I have introduced this amendment to ask the Air Force to provide a report on the steps it has taken to improve recruiting and retention and to gauge the potential impact that new retention bonuses or assignment incentive pay could have on the attractiveness of serving in the nuclear mission, and, in turn, on the effectiveness of the force.

AMENDMENT NO. 1780

Mrs. SHAHEEN. Mr. President, I wish to speak about an amendment that I have filed to the National Defense Authorization Act of 2010. The amendment is an attempt to improve our Nation's support system for our National Guard and Reserve members and their families. The amendment requires evaluating the Yellow Ribbon Reintegration Program, and identifying programs that will make the program truly comprehensive.

Today, our military and our country have come to rely heavily on the men and women of our National Guard and Reserves to protect our national security. More and more, these citizen-soldiers and their families have gone above and beyond the call of duty to serve our country's interests, engaging in multiple deployments in dangerous regions all over the world. Since 9/11, we have seen this increasing reliance on our Guard and Reserves in States throughout the country. New Hampshire is no exception. Thousands of Guardsmen and women have already deployed overseas into combat areas. And more than 1,100 members of the 197th Fires Brigade were recently notified that they will be deployed to the Middle East sometime in the next year. This will represent the single largest deployment in New Hampshire's history. Although our Guardsmen and Reservists show unwavering passion and courage no matter their assignment, these men and women and their families did not sign up for this high number of dangerous deployments. It is our responsibility to make sure servicemembers and their families receive the proper services before, during and after deployment so that they can return to their normal lives.

The Yellow Ribbon Reintegration Program provides important support services to Guard and Reserve members through informational events and activities throughout the predeployment and deployment phases, as well as after 30, 60, and 90 days upon their return. However, these programs—often held in an impersonal group setting—are not enough.

The National Guard in New Hampshire came to realize that, despite their best efforts, many of those who deployed continued to fall through the cracks upon their return. They realized that they needed a more intensive, more personal, professional, and persistent program which catered to individual family needs. The New Hampshire National Guard developed a pilot program to provide each National Guard and Reservist a professional ''care coordinator'' who is responsible for the kind of personal attention and support that is required to identify and support those who are struggling.

Though the names have been changed, the real-life stories of the New Hampshire Guard who have participated in the program are moving and demonstrate a clear need for creating a seamless, nationwide program.

In his twenties and a self-employed mechanic by trade, Sergeant Joe served in Iraq from 2006 to 2007. Prior to his deployment, he set up his girlfriend and her children in a rental apartment and gave his savings to support her while he has in Iraq. When he

returned to New Hampshire, he suffered from ongoing back pain and PTSD that went undiagnosed; he found that his girlfriend had squandered his savings and defaulted on the rent; and that his business partner had closed up shop. Distraught but not defeated, he rented a room and tried to reestablish his business. Despite his best efforts, he has faced a series of jobs losses, bills he could not pay, increasingly severe PTSD, and, ultimately, eviction. The New Hampshire National Guard Chaplain eventually found out about Joe's circumstances and connected him immediately with a care coordinator. His personal care coordinator helped Joe turn his life around: she used emergency funds to provide a modest income and secure temporary housing; she connected him with medical and mental health services through the VA; and paired him with the Easter Seals job placement services that helped Joe get a less physically demanding, full-time job with benefits. Because of this safety net, Joe recently bought a home and is continuing treatment for his PTSD.

Because of the New Hampshire National Guard's unique partnership with the New Hampshire Department of Health and Human Services, Easter Seals in New Hampshire and 22 other civilian and veteran service organizations, Guard members and Reservists like Sergeant Joe are able to reenter civilian life.

However, there is a clear need to provide counseling and support services predeployment as well. As shown in the story of Staff Sergeant Mary, a single mother of two who is slated for deployment later this year, predeployment services create a foundation for parents and families to adjust to deployment while minimizing disruptions to their lives.

Mary, upon learning of her deployment, feared that she could not leave her children with her ex-husband and that she would be unable to fulfill her duty with the New Hampshire National Guard despite her desire to serve alongside her colleagues. Hesitant to take help from a stranger, she initially resisted meeting with her care coordinator. The coordinator persisted, slowly built a close bond with Mary, and designed a plan to address Mary's concerns. The care coordinator connected Mary to legal representation to negotiate how the children will be cared for while she is in Iraq—a necessary step to create a positive environment for Mary to leave her children. The coordinator also went to the children's school, met with the teachers and administration personally, and provided them with a direct link for communication and concerns while Mary is deployed. She also arranged counseling for the children so that they will have extra support while grappling with their mother's absence. Mary says that her care coordinator is a ''beacon of light'' who helps guide her through the challenges of being a single parent and deploying soldier. She finds comfort in knowing she has one person by her side throughout her deployment.

Unfortunately, the problems Adam and Mary faced are not unique. National Guard and Reservists nationwide face similar problems, and without programs like the New Hampshire National Guard pilot program they may fall between the cracks.

My amendment requires the Secretary of Defense to evaluate the nationwide Yellow Ribbon Reintegration Program and to closely examine how states have filled gaps in the program to better serve our National Guard and Reserve members and their families. Furthermore, the amendment seeks to identify the best programs so that they can be replicated nationwide.

As we call on the National Guard and Reserve to protect the Nation at home and abroad, I call on my colleagues in the Senate to protect these brave men and women and their families to the best of our ability. We need to make sure our policies and programs are worthy of the great sacrifice of our citizen-soldiers.

Mr. SANDERS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent the order for the quorum call be rescinded.

Mr. LEVIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1799, AS MODIFIED

Mr. LEVIN. First, Mr. President, I ask unanimous consent to modify a previously agreed to amendment, No. 1799.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 1799), as modified, is as follows:

AMENDMENT NO. 1799, AS MODIFIED

At the end of subtitle F of title V add the following:

SEC. 557. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department of Defense to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

INTERCONTINENTAL BALLISTIC MISSILE.

Mr. CONRAD. Mr. President, I rise to engage in a colloquy with my esteemed colleague Senator ENZI, the cochairman of the Senate ICBM Coalition, about an amendment the coalition has offered to express the sense of Congress on the strategic importance of the intercontinental ballistic missile.

I am happy to offer this amendment on behalf of the members of the Senate ICBM Coalition, including my cochairman Senator ENZI, as well as Senators HATCH, TESTER, BENNETT, BAUCUS, BARRASSO, and DORGAN.

This amendment, No. 1682, expresses the sense of the Congress that we must maintain the long-term vitality of the triad, that the land-based nuclear force is the most stabilizing portion of our nuclear arsenal, and that our robust ICBM force must be retained to advance our Nation's strategy of deterrence, assurance, and dissuasion.

I strongly believe that all three legs of the triad must be maintained in order to retain a highly reliable and credible nuclear force, and we particularly believe that our ICBM force takes on even greater importance as we draw down our nuclear force.

As GEN Larry Welch and others have argued, our land-based nuclear force is the most stabilizing portion of our nuclear arsenal, and it becomes even more so as total warhead numbers shrink. The readiness, broad dispersion, numbers, and low warhead loading of the ICBM force make a successful disarming attack nearly impossible. That deters attack from near-peer competitors and dissuades future adversaries from building their nuclear forces. It also eliminates the pressure to maintain a launch-on-warning posture.

While almost everyone agrees with us that the ICBM is an essential part of the triad, some believe that the size of the force can or should be reduced. I strongly oppose cutting the ICBM force below its current force structure of 3 wings of 150 missiles each. A reduction in the size of the force below 3 wings would make it increasingly difficult to recruit, retain, and develop highly trained and motivated people. That would have a tremendous impact on the effectiveness of the force.

Finally, in light of the serious fiscal challenges facing our Nation, it is worth noting that ICBMs are by far the most cost-effective leg of the nuclear triad, coming in at about one-fifth the annual operating cost of the submarine-launched leg. What is more, ICBM costs will be stable for many years to come, while an extremely expensive replacement program for the Ohio-class submarine is just about to begin.

I support President Obama's efforts to negotiate a new arms control treaty with Russia to replace the expiring Strategic Arms Reduction Treaty. However, we must be very careful that reductions to our nuclear forces are conducted in a way that avoids creating unnecessary risks. Our ICBM force dramatically decreases the risk of nuclear war by providing a stabilizing constant in our nuclear posture, and it ought to be maintained at its current levels as an essential part of our nation's nuclear force.

I thank my colleague Senator ENZI for his work as cochair of the ICBM Coalition.

Mr. ENZI. I would echo my colleague's remarks, and I share his concern about a reduction in the current ICBM force. The current force of 3 missile wings of 150 missiles is appropriate for our national needs.

America's dispersed and alert Minuteman III ICBM force is a critical element of the nuclear triad and represents our most responsive, stabilizing, and cost-effective strategic force.

The strategic nuclear forces that deterred Soviet aggression and kept the limited conflicts of the Cold War era from escalating continue to play a critical role in deterring aggression and dissuading new near-peer competitors. At its present size, our ICBM force represents a nearly insurmountable hedge against strategic surprise. That force, because of its broad dispersion and high survivability, is nearly impossible to preempt or disarm. Additionally, the current ICBM force offers a high level of crisis stability. This capability also helps to reduce the risk of regional arms races that could encourage friends and allies to develop their own nuclear capabilities.

As our Nation proceeds to analyze and make decisions on future strategic posture and U.S. nuclear policy, I believe that ICBMs will continue to be the most responsive and stabilizing element of the nuclear triad. Minuteman III is a robust, cost-effective, and highly capable system.

I also thank my colleague, Senator CONRAD, for his work on behalf of the coalition on this issue.

Mr. CONRAD. Mr. President, I thank my friend Senator ENZI and each member of the ICBM Coalition for their support for this amendment.

NATIONAL GUARD—STATE PARTNERSHIP PROGRAM

Mr. VOINOVICH. Mr. President, I would like to thank the chairman and ranking member for their leadership and courtesy regarding my amendment to provide budget authority for the National Guard—State Partnership Program. I understand that this amendment as accepted would provide the program with budget authority for fiscal year 2010. I urge the committee to consult with the Department of Defense, our combatant commanders in the field, and our State adjutant generals regarding the efficacy of permanent authority for the program as the committee prepares next year's defense bill.

Mr. LEVIN. Mr. President, I appreciate the efforts of my friend from Ohio on this issue. I know that the committee will continue to consider the views of all stakeholders about this program. I encourage the Department of Defense to include a request for formal authority in its annual legislative proposal to the committee should they find permanent authority necessary.

Mr. AKAKA. Mr. President, I would like to thank Chairman LEVIN and Ranking Member MCCAIN for their leadership and my colleagues on the Senate Armed Services Committee for working in a bipartisan fashion to craft the National Defense Authorization Act for Fiscal Year 2010. This bill provides our troops with the resources, training and equipment they need to fulfill their mission. It takes care of our troops and their families, including a 3.4-percent across-the-board pay raise. Additionally, it authorizes fiscal year 2010 end strengths to allow for the expansion of our Armed Forces and provide a greater time period between deployments, which will ease some of the burden placed on our troops and their families.

This bill includes important language to ensure that the Iraqi and Afghan governments take more responsibility for ensuring their own security and stability. It provides nearly $7.5 billion to train and equip the Afghan National Army and National Police Force; extends for one year the authority for the Department of Defense—DOD—to support State Department programs for security and stabilization assistance; emphasizes the need to establish comprehensive measures of progress for the administration's strategy in Afghanistan and Pakistan and report regularly to Congress on progress in the region; and provides funding for the Commanders' Emergency Response program in Iraq and Afghanistan to enable Commanders to quickly fund humanitarian relief and reconstruction projects and authorizes funds to promote Afghan-led local development.

I am pleased that this bill provides our brave men and women in uniform the equipment, training and support they require. The bill fully funds readiness and depot maintenance programs to ensure that forces are trained and their equipment deployment ready. This bill provides $6.7 billion for the Mine Resistant Ambush Protected Vehicle Fund to protect our troops in Iraq and Afghanistan. The bill also provides full funding for the Joint Improvised Explosive Device Defeat Organization. This is very timely as there have been reports of stepped up use of Improvised Explosive Devices—IED—in Afghanistan. In light of the recent missile tests conducted by North Korea, the authorization to convert six additional Aegis ships for missile defense capabilities and field additional Terminal High Altitude Air Defense—THAAD—and Standard Missile 3—SM–3—missile defense capabilities is very timely. As a long time proponent of corrosion control for DOD systems, I am happy to note that this bill provides for corrosion protection to keep equipment working effectively for a longer period of time. This is especially important in light of our current budget situation. If we can protect our systems from the detrimental effects of corrosion and make them last longer, it will save valuable resources.

As stewards of taxpayer dollars, we must ensure that there is thorough oversight of the Department of Defense's programs and activities. This bill takes important steps to accomplish this including, enhancing the ability of the DOD IG to conduct audits by authorizing the IG to subpoena witnesses; requiring DOD to justify all sole-source contract awards in excess of $20 million; and improving DOD financial management by requiring the Department to engage in business process reengineering before it approves a new business system modernization program.

One of my priorities as a member of the Senate Armed Services Committee and chairman of the Senate Veterans' Affairs Committee is to ensure our servicemembers and veterans receive the health care services they need, including treatment for invisible wounds of war such as post-traumatic stress disorder. I am pleased that this bill

takes some important steps in caring for our troops. For example, it: Requires the Secretary of Defense to develop and implement a plan to increase the number of military and civilian behavioral health personnel and to consider the feasibility of additional officers and enlisted specialties as behavioral health counselors; authorizes the service secretaries to detail up to 25 officers each year as students to study for doctorate degrees in clinical psychology; requires person-to-person mental health assessments at designated intervals for servicemembers deployed in connection with contingency operations; requires an assessment of case management services for behavioral health care under TRICARE; authorizes travel and transportation allowances for up to three individuals to travel with seriously injured or wounded individuals during their inpatient stay; authorizes compensation to caregivers for the assistance they provide to servicemembers with combat-related catastrophic injuries or illnesses requiring assistance in daily living; and, requires the Department of Defense to initiate a process of reform and improvement of the TRICARE system. It extends eligibility for TRICARE Standard to gray area retirees.

I have also worked to improve the collaboration and cooperation between the Department of Defense and the Department of Veterans Affairs to help smooth the transition from military to civilian life. I applaud the inclusion of language in this bill that requires the Secretary of Defense to report on the exchange of medical data between the Department of Defense and the Department of Veterans Affairs, an issue I have worked on with Chairman LEVIN. In addition, the bill authorizes the Department of Defense and the Department of Veterans Affairs to jointly operate a Federal Health Care Center to showcase its ability to work in unison to serve current and former servicemembers.

This bill exemplifies what can be achieved when we put aside our party differences and work together to support our military. Moreover, it demonstrates our commitment to provide our troops and their families with the support that they require and deserve.

Mr. LEAHY. Mr. President, Senator KIT BOND and I have worked for many years together as cochairs of the Senate National Guard Caucus. With the assistance of Chairman LEVIN, we were able to enact landmark legislation in the fiscal year 2008 Defense authorization bill that among other actions elevated the chief of the National Guard from three-star general to full general. That so-called National Guard Empowerment Act was designed to ensure that the Guard has a seat at the table in major budget and policy decisions.

There were some important lessons learned as the Department of Defense moved forward with executing the important changes for the Guard implemented in the fiscal year 2008 Defense bill. One glaring omission in the reorganization of the Guard Bureau was the absence of a vice chief.

This evening, Senator BOND and I have again worked closely with Chairman LEVIN and the Armed Services Committee to address this situation. We have proposed and the Senate has adopted an amendment to create the position of vice chief at the National Guard Bureau. This position is critical to the National Guard Bureau and will further improve the day-to-day operations of the National Guard organizing, training and equipping over 460,000 soldiers, airman and civilian forces serving in the United States and overseas.

Since the elevation of the chief of the National Guard Bureau to a full general, the roles and responsibilities of the chief have greatly expanded. Much as there is a vice chairman of the Joint Chiefs of Staff, it became apparent that the National Guard chief needs a senior general officer serving as a vice chief to adequately assist the chief with the demands of that new elevated role.

In its new capacity as a joint activity, the National Guard bureau has a greater number of joint and interagency responsibilities assigned to it. The vice chief will provide essential support to the chief to execute these responsibilities.

I join with Senator BOND in thanking Chairman LEVIN, the Armed Services Committee and all of our Senate colleagues for adopting this amendment to create a vice chief at the National Guard Bureau. Over the past 10 years, our nation has called on our Guard forces at home and abroad like never before. The Senate is again recognizing the role the Guard serves in our national defense by passing this important amendment.

Ms. SNOWE. Mr. President, in 2005, the Base Realignment and Closure—the so-called BRAC—Commission released a final report recommending the closure of 33 military installations and the realignment of 29 other bases. While many of us in Congress and communities across the country fought against these closures, the report was approved in September 2005—an approval that resulted in dozens of cities and towns nationwide facing a new overwhelming, onerous burden in redeveloping these shuttered bases. According to the data contained in the 2005 base-closing round, nearly 33,000 civilian jobs will be lost in base closures and realignments, 6,500 of which are projected to occur at the Brunswick Naval Air Station, BNAS, in my home State of Maine.

These communities must be equipped with tools—not hamstrung by obstacles—to recover from such a dramatic event as a base closing. And so, I rise today to advocate that when this bill goes to conference, the conferees should retain language included in the House Armed Services Committee's, HASC, version of the National Defense Authorization Act for Fiscal Year 2010 which would encourage the use of no-cost economic development conveyances, EDCs, when disposing of excess military property, in order to assist these communities with the difficult process of base closures. This language was based on a provision I originally authored in the Defense Communities Assistance Act of 2009, which was cosponsored by Senators PRYOR, COLLINS, COCHRAN, and CORNYN.

Undeniably, base closures have a devastating impact on local economies. In the wake of a closure, communities that have invested so much over the years to integrate servicemembers and their families invariably confront a sudden and sharp reduction in the number of townspeople. The children who have gone to their schools leave, threatening to lower the amount of funding their districts are eligible for and, in some cases, leading to layoffs of teachers who would no longer be required. Friends who have attended the same church, banked at the same financial institutions, and shopped at the same grocery store are gone. Tax revenues decrease and community programs suffer. The consequences of these changes are dramatic enough in even the best of economic times.

No-cost EDCs mitigate this harm by providing land in the hands of communities faster—and by transferring property at no cost to the community. By accelerating the transfer process, the Department of Defense—DOD—will be turning property over to communities faster, allowing them to redevelop and create jobs more quickly. This approach benefits everyone involved. The DOD saves both time and money that would otherwise be spent maintaining these facilities during protracted negotiations; communities receive the property at no cost to them and can begin the critical work of economic development and job creation in less time; the taxpayers spend less because the land does not remain in Federal ownership for a period of years—even a decade; and economic redevelopment helps diminish the number of unemployed.

Indeed, in 1999, with the help of the Clinton administration, we added no-cost EDCs to the DOD's property disposal toolbox. A January 2005 Government Accountability Office, GAO, report indicated that the change in policy to no-cost EDCs had yielded successful gains. The report stated that, according to Department of Defense and community officials, the use of economic development conveyances ''. . . had gained in popularity with the adoption of the no-cost provision, which, in addition to saving money for the new user, virtually eliminated the delays resulting from prolonged negotiations over the fair market value of the property and accelerated economic development and job creation.'' In other words, the change in policy garnered the desired effect. In fact, the rate of property transfer increased nearly 200 percent during the years following the no-cost provision.

Yet regrettably, in 2001, some in this body added a requirement to the Defense Base Closure and Realignment Act that stipulated that the Department of Defense, when using an EDC, should seek ''fair market value'' in return for the land being transferred. In the past four base-closure rounds, we have had 97 major base closures, along with 235 smaller closures and 55 major realignments, and we never asked for fair market value. Why we took steps backward to this requirement of ''fair market value'' when we succeeded in clearing the logjam makes no sense to me.

It is unfair to now begin placing such a high premium on fair market value for EDCs after four rounds that have spurred significant savings to the Department of Defense. Recognizing this problem, I introduced an amendment in 2005 to the Defense authorization bill that was far more stringent than the current House language. It would have essentially required all excess real and personal property to be transferred to communities at no-cost, with exceptions for national security reasons. That amendment received 36 votes then—even in its rather rigid form. In fact, then-Senator Obama voted for my amendment—an amendment that would have gone much farther in its scope than the language in the HASC bill.

Earlier this year, to once again stand up for these base communities, I introduced the Defense Communities Assistance Act of 2009. As I mentioned before, this vital legislation includes a provision to strike existing language stating that the DOD shall seek fair market value when disposing excess military property, and encourage the transfer of closed military installations to communities quickly by placing the no-cost economic development conveyance on a level playing field with other methods of disposal. I am pleased a modified version of my provision was included in the House Armed Services Committee's bill. The Senate Armed Services Committee, SASC, meanwhile, has included language in its version of the DOD authorization bill reiterating the Department's ability to use a range of property transfer options, including the no-cost EDC. Regrettably, the Sense of the Senate language, even as improved by the amendment Senator PRYOR and I have introduced, does not go far enough. That is why, moving forward, I urge my colleagues to support the House provision in conference.

Redeveloping base properties today and in the near future, our defense communities must address an economic landscape that is unlike any other we have witnessed in decades. The unemployment rate stands at 9.5 percent—the highest level in nearly 26 years. The economy shed 467,000 jobs in June alone. More than 14.7 million Americans are presently without jobs, and 6.5 million payroll jobs have been lost since the beginning of this recession in December 2007. We are in the worst economy since the Great Depression, one that contracted 5.5 percent in the first quarter of 2009.

As such, there is much concern—particularly among those communities enduring impending base closures—that without increased use of no-cost EDCs, communities will not be able to quickly bring back the jobs that will be lost and acres upon acres of property will sit fallow, more a hazard to the community than a benefit. They fear that time-consuming, costly delays will hamper their effective and meaningful redevelopment efforts as the DOD attempts to play realtor. As former DOD Deputy Under Secretary for Installations, Randall Yim, summarized in 1999, ''The No-Cost EDC authority provides an opportunity for a collaborative relationship by assisting communities with creating new jobs on the former installation and relieving the Department of needless caretaker expenses.'' And that is what the crux of the matter is—working with communities affected by the closure of a military installation to mitigate devastating economic consequences, and doing so in a timely manner that curbs the waste of taxpayer dollars.

I also would like to add that the House Armed Services Committee's provision would not eliminate the Department's ability to use other methods of disposal presently available in the toolbox—such as public auctions, public benefit conveyances, disposal for use by the homeless, negotiated sales, transfers to other Federal agencies, and leases of land. Instead, it would put the no-cost EDC on a level playing field with these other essential disposal mechanisms, so that communities may begin the urgent process of creating good, high-paying jobs while simultaneously saving the Defense Department from needless costs and waste of taxpayer dollars.

The No. 1 complaint I have heard over and over again from communities with BRAC-closed bases is the time-consuming, lengthy, and inefficient process with regard to property transfer. The House provision would take a giant step toward reversing these trends and help get communities back on their feet faster, particularly during the economic conditions our Nation presently faces. I hope we would respect the interests of the community that is directly affected. After all, they are the ones who are disproportionately bearing the costs of the base closure.

In closing, I want to again cite Secretary Yim, who, in reference to the job losses facing communities with base closures, eloquently wrote that, ''. . . these jobs were an economic engine . . . of enormous power for these communities, and these communities contributed in many ways to our mission, from building roads, schools, utility systems, to making educational and business and consumer and recreational opportunities readily available for our military. Some communities even went so far as to give us the property for free. We have an obligation to help mitigate the impacts caused by our base closure decisions.'' He continued by saying that, ''We view it as an investment, not a give-away, and a continuation of the tradition of taking care of our people before, during, and after our time of need.'' And, frankly, isn't that how we should view our defense communities that have time and again sacrificed so much for the good of the Nation? I certainly believe it is.

Mr. NELSON of Florida. Mr. President, I wish to speak in support of the Levin-McCain amendment, Senate amendment No. 1469, to the 2010 National Defense Authorization Act. Ending production of the F–22 and support for the Levin-McCain amendment reflects the best judgment of the President, Secretary of Defense Gates, Chairman of the Joint Chiefs of Staff Mullen, the unanimous Joint Staff including the Chief of Staff of the Air Force Schwartz and Secretary of Air Force Donley. These individuals have carefully considered and weighed the current and likely threats to the nation. They have considered the Nation's national security priorities, policies, and budget, including the defense budget, and have reached the unanimous conclusion to end production at 187 aircraft.

On July 16, Secretary Gates said in Chicago that ''the grim reality is that with regard to the defense budget, we have entered a zero-sum game. Every defense dollar devoted to—diverted to fund excess or unneeded capacity, whether for more F–22s or anything else, is a dollar that will be unavailable to take care of our people, to win the wars we are in, to deter potential adversaries, and to improve capabilities in areas where America is underinvested and potentially vulnerable. That is a risk I cannot accept and one that I will not take.''

I agree with Secretary Gates; therefore, I voted to strike the $1.75 billion to fund just seven more F–22 aircraft—not even a full squadron.

Not only do I support the administration's budget request in this regard, but I also support the excellent work of the Armed Services Committee. Under the leadership of Chairman LEVIN and Senator MCCAIN, the committee funded the urgent research and development priorities of the Air Force's Joint Strike Fighter Program; the high but unfunded priorities of the Navy; and the all-important operations and maintenance needs of the Army. As Secretary Gates said, ''we have entered a zero-sum game'' and every defense dollar counts.

If the $1.75 billion F–22 funding stayed in the bill it would cut $850 million from operations and maintenance—O&M—accounts—this is money that would be used to perform depot maintenance on our Navy aircraft and ships at Navy and industry locations

around the country including facilities located in Jacksonville, FL. The Chief of Naval Operations identified these funding priorities in the fiscal year 2010 unfunded programs list, UPL. Mr. President, I will ask to have printed in the RECORD the Chief of Naval Operations and the Navy's UPL. If we authorize and fund continued procurement of F–22, then these critical shortages will not be addressed.

Other accounts reduced to pay for the $1.75 billion unwanted F–22 procurement include funding for aircraft maintenance for the Air Force and mission support and training activities for Special Operations Command. Furthermore, $400 million would be cut from military personnel accounts. Reductions in military personnel funding will affect unit readiness by hindering the Services' ability to meet manning goals for end strength and operational units prior to deployment.

It has indeed become a zero-sum game; thus, I support the effort of Chairman LEVIN and Senator MCCAIN to restore funding for these vital accounts for readiness, support, and personnel. I support the military and professional judgments of the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Joint Staff to end the F–22 program at 187 aircraft.

Mr. President, I ask unanimous consent to have printed in the RECORD the Chief of Naval Operations and the Navy's UPL to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
CHIEF OF NAVAL OPERATIONS,
Washington, DC, May 19, 2009.

Hon. JOHN M. MCHUGH,
Ranking Member, Committee on Armed Services, House of Representatives, Washington. DC.

DEAR MR. MCHUGH; Thank you for your letter of April 21. 2009. concerning the Navy's Fiscal Year 2010 Unfunded Programs. Our unfunded list includes both aviation and ship depot maintenance actions totaling $395M. A brief summary of details are provided on the enclosed list. Nothing in these Unfunded Requirements is of a higher priority than anything contained in Navy's Fiscal Year 2010 Budget Submissions.

Thank your for your Committee's interest in addressing the Navy's needs. If I may be of further assistance. please let me know.

Sincerely.

G. ROUGHEAD,
Admiral, U.S. Navy.

Enclosure: 1. Fiscal Year 2010 Unfunded Programs List.

FY 10 UNFUNDED PROGRAMS LIST

Title (program/issue)	FY10	Justification
Aviation Depot Maintenance	$195M	Program funded 87% of goal. Accepted risk to goal in order to balance across portfolio. Funds 86 deferred airframes/314 deferred engines.
Ship Depot Maintenance	200M	Program funded 96% of goal. Accepted risk to goal in order to balance across portfolio. Funds 20 surface ship availabilities.
Total Unfunded Programs List:.	395M	

Ms. COLLINS. Mr. President, I rise today in strong support of the Fiscal Year 2010 National Defense Authorization Act. Let me begin by thanking the committee's distinguished chairman, Senator LEVIN, and ranking member, Senator MCCAIN, for their leadership in crafting this bill and for their strong commitment to our Nation's Armed Forces.

This legislation will provide essential training, equipment, and support to our troops as they engage in combat overseas and in exercises at home. The legislation will provide critical force protection to our men and women in uniform; help restore our military's readiness; and continue the development of technologies to counter existing and emerging threats. This is a critical time in our nation's history and the committee has, once again, demonstrated its strong support of our soldiers, airmen, sailors, and marines and their families.

It also offers an important opportunity for continued debate as to our Nation's strategy in Afghanistan. The legislation we are now debating contains an amendment that Senator BEN NELSON and I offered during committee markup to express the sense of Congress that the administration should review any previously established measures of progress and establish further measures of progress for both Afghanistan and Pakistan.

Our proposal was approved unanimously by the Senate Armed Services Committee. It represents a significant bipartisan call for the administration to establish clearly defined policy objectives for Afghanistan as our nation sends more troops and billions of additional dollars to the region.

Time and again, I have expressed serious reservations about sending more troops to Afghanistan without clear, specific benchmarks. The President needs to provide clear, measurable goals for Afghanistan and the region. I have raised my concerns with top Pentagon officials, including Commander of U.S. Central Command General David Petreaus and Commander of U.S. Forces in Afghanistan General Stanley McChrystal about the risks in sending additional troops to Afghanistan. I have no doubts at all about the courage and skill of our men and women in uniform. They are simply the best in the world. I have considerable doubts about whether the President's strategy can succeed.

The legislation before us also includes a strong commitment to strengthening Navy shipbuilding. A robust Navy budget is of critical importance. Our nation needs a strong and modern naval fleet in order to counter existing and emerging threats.

For several years, military leaders have documented a minimum national requirement for 313 ships to support our Navy and Marine Corps. Unfortunately, however, the Navy's fleet has declined to 283 ships. I am deeply concerned by the decreasing size of the Navy fleet and have worked to increase the funding allocated to shipbuilding. This legislation is an important step toward reversing that troubling decline.

As the threats from around the world continue to grow, it is vitally important that the Navy have the best fleet available to counter those threats, keep the sealanes open, and to defend our Nation. Bath Iron Works and the shipyards of this country are ready to build whatever ships the Navy needs. It is vitally important that there not be a gap in shipbuilding that jeopardizes our industrial base. That is what this legislation works to accomplish.

The instability and inadequacy of previous naval shipbuilding budgets have had a troubling impact on our shipbuilding industrial base and has contributed to significant cost growth in the Navy's shipbuilding programs. The 313-ship plan, combined with more robust funding by Congress, will begin to reverse the decline in Navy shipbuilding.

This bill authorizes $1 billion in funding for construction of the third DDG–1000 and honors the agreement the Navy negotiated to build all three ships at Bath Iron Works, BIW. The Pentagon's preference to have BIW build all three of the DDG–1000s demonstrates confidence in BIW, should ensure stable work for the shipyard, and should also help to stabilize production costs for the Navy.

That same confidence was also demonstrated this May when Defense Secretary Robert Gates toured BIW, the first official tour of our shipyard by a Defense Secretary since the 1950s. Secretary Gates said that what impressed him most during his tour was BIW's ability to innovate and the pride and professionalism of its workforce. Maine has a long and proud history of innovation and creativity, and BIW represents Maine ingenuity at its best. Secretary Gates's statement that the men and women of BIW will have consistent work for years into the future was a very welcome acknowledgement of the yard's accomplishments.

In addition, this legislation authorizes $2.2 billion for continued DDG–51 procurement and nearly $150 million for the DDG–51 modernization program.

Our bill also includes a provision that repeals a requirement enacted in the National Defense Authorization Act for Fiscal Year 2008 that would require all future surface combatants to have nuclear propulsion systems. The provision allows the Navy to conduct analyses of requirements capabilities for new ship classes without biasing the analyses in favor of one propulsion option or another. Continuing this requirement would dramatically increase the costs of large surface combatants, reduce the overall number of ships that could be built at a time when the Navy is seeking to revitalize and modernize its fleet, and would undermine the Chief of Naval Operations 313-ship plan.

Our Senate bill also includes funding for additional littoral combat ships.

While this program has suffered a number of setbacks, the Navy, with the help of Congress, has taken significant steps in order to better oversee this program. These ships are important for the Navy in order to counter new, asymmetric threats, and the Navy needs to get these ships to the fleet soon.

The Senate's fiscal 2010 Defense authorization bill also includes funding for other defense-related projects that benefit Maine and our national security.

The bill authorizes $28 million for a new aircraft hangar at the Bangor Air National Guard base in Bangor, ME. This new hangar is essential for the Maine Air National Guard and will replace the 55-year-old building the guard now uses. With the construction of a new hangar, the Maine Air Guard will be able to better maintain its aircraft.

The bill also authorizes $7.1 million for Portsmouth Naval Shipyard to be used for security improvements at Gate No. 2. The money will be used to install new antiterrorism and protection measures at the guard house that will improve security.

Funding also is provided for machine guns and grenade launchers, both of which are manufactured by the highly skilled workers at Saco Defense in Saco, ME.

In addition, the legislation authorizes $10.5 million for the University of Maine. This funding would support continued research and development of light weight modular ballistic tent insert panels designed by the University of Maine's Army Center of Excellence in Orono. These panels provide crucial protection to servicemembers in temporary dining and housing facilities in mobile forward operating bases in Iraq and Afghanistan.

The funding would also support continued research and development of high temperature sensors for health monitoring of aerospace components. These sensors are capable of sensing physical properties such as temperature, pressure, corrosion and vibration in critical aerospace components.

And, the bill would also support continued research and development of cellulose nanocomposites panels for enhanced blast and ballistic protection as well as provide for woody biomass conversion to JP–8 Fuel.

Finally, I am pleased that this bipartisan Defense bill also authorizes a 3.4-percent across-the-board pay increase for servicemembers, half a percent above the President's budget request.

This bill provides the vital resources to our troops and our nation and recognizes the enormous contributions made by the State of Maine to our national security. The bill provides the necessary funding for our troops, and I offer it my full support.

Mr. LEVIN. Mr. President, I ask unanimous consent that no further amendments be in order other than the pending amendments; that upon disposition of the pending amendments and managers' amendments as noted below, the bill be read a third time, and the Senate then proceed to vote on passage of S. 1390, as amended; further, that upon passage of S. 1390, it be in order, en bloc, for the Senate to consider the following Calendar items: 90, 91, and 92; that all after the enacting clause of each bill be stricken and the following divisions of S. 1390, as passed by the Senate, be inserted as follows: Division A, S. 1391; Division B, S. 1392; Division C, S. 1393; that these bill be read a third time, passed, and the motions to reconsider be laid upon the table, en bloc; further, that the consideration of these items appear separately in the RECORD; further, that the Senate then proceed to the consideration of Calendar No. 96, H.R. 2647, the House companion; that all after the enacting clause be stricken and the text of S. 1390, as amended, and passed by the Senate be inserted in lieu thereof, the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that upon passage of H.R. 2647, as amended, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the Armed Services Committee appointed as conferees; that notwithstanding passage of S. 1390, it still be in order for managers' amendments to be considered and agreed to if they have been agreed upon by the managers and the leaders; and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, we will be in session tomorrow. We have some work to do. There will be no votes tomorrow. We received permission from everyone to move to the Energy and Water appropriations bill. We will do that sometime late Monday afternoon. We have to make sure the managers are available.

We have accomplished a great deal with this massive bill that is now before this body. We had a few rocky roads to begin with—hate crimes and gun legislation—but we were able to arrive at this point with the skill of the two managers, frankly. I appreciate very much Senator LEVIN and Senator MCCAIN for their brilliant work on this bill. We have 2 weeks after we come back. We have two appropriations bill to do. We have the Supreme Court nomination. We have to make sure we take action so the highway fund doesn't go dry. We have some FHA stuff that is important. We have some unemployment stuff. It appears at this time the House is going to send us a single package for that. We have travel promotion. All of these things I have spoken about in some detail with the Republican leader. Now that we have a pathway forward, I think we can have a very productive work period.

The Finance Committee is still working on a markup as it relates to health care, but that is a different issue, and I don't think we need to involve that tonight.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1657, AS FURTHER MODIFIED

Mr. LEVIN. Mr. President, I ask unanimous consent that amendment No. 1657, Senator SESSIONS amendment, be further modified and that we agree to it by voice vote.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 1657), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) DEFINITIONS.—In this section—

(1) the term ''foreign national'' means an individual who is not a citizen or national of the United States; and

(2) the term ''enemy combatant'' includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) NO MIRANDA WARNINGS.—Absent an unappealable court order requiring the reading of such statements, no military or intelligence agency or department of the United States shall read to a foreign national who is captured or detained as an enemy combatant by the United States the statement required by Miranda v. Arizona, 384 U.S. 436 (1966), or otherwise inform such a prisoner of any rights that the prisoner may or may not have to counsel or to remain silent consistent with Miranda v. Arizona, 384 U.S. 436 (1966). No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as an enemy combatant by the United States be informed of any rights to counsel or to remain silent consistent with Miranda v. Arizona, 384 U.S. 436 (1966) that the prisoner may or may not have, except as required by the United States Constitution. No statement that is made by a foreign national who is captured or detained as an enemy combatant by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right to counsel or to remain silent that the prisoner may or may not have, unless required by the United States Constitution.

(c) This section shall not apply to the Department of Justice.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1657, as further modified.

Without objection, the amendment, as further modified, is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

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 California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 7, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—87

Akaka	Franken	McConnell
Alexander	Gillibrand	Menendez
Baucus	Graham	Merkley
Bayh	Grassley	Murkowski
Begich	Gregg	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Bond	Hatch	Pryor
Boxer	Hutchison	Reed
Brown	Inhofe	Reid
Brownback	Inouye	Risch
Bunning	Isakson	Roberts
Burr	Johanns	Schumer
Burris	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lieberman	Voinovich
Crapo	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCain	Wicker
Ensign	McCaskill	Wyden

NAYS—7

Barrasso	Enzi	Vitter
Coburn	Feingold	
DeMint	Sanders	

NOT VOTING—6

Bennett	Feinstein	Mikulski
Byrd	Kennedy	Rockefeller

The bill (S. 1390), as amended, was passed.

Mr. LEVIN. Mr. President, I move to reconsider that vote.

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. Under the previous order, S. 1390, as amended, is inserted in lieu of the language of H.R. 2647.

Without objection, the bill is considered read the third time and the bill is passed, as amended.

The bill (H.R. 2647), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The bill (S. 1391) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2010

The bill (S. 1392) to authorize appropriations for fiscal year 2010 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2010

The bill (S. 1393) to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House.

The Chair appointed Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. BAYH, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. BURRIS, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. GRAHAM, Mr. THUNE, Mr. MARTINEZ, Mr. WICKER, Mr. BURR, Mr. VITTER, and Ms. COLLINS conferees on the part of the Senate.

Mr. LEVIN. I wonder now if the Senator from New York might be recognized for a brief colloquy with me which will last no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today to speak about an amendment which I had offered which was not included in the managers' package. It has passed in the House. It is about the issue of autism.

We have a significant issue with regard to autism in the military. The autism spectrum disorder affects 1 in every 150 American children, 1 in every 90 boys, more than pediatric cancer, diabetes, and AIDS combined. A new case of autism is diagnosed every 20 minutes, making it the fastest growing serious developmental condition in the United States. And if this continues, autism could reach 4 million Americans in the next 10 years.

In the military, autism is even more prevalent. There are currently over 13,000 children of Active-Duty servicemembers with autism. Representing about 1 percent of the Nation's total population, military families understand all too well the financial impact and the emotional burden of this disorder. Despite this, the Department of Defense has been unable to adequately provide autism therapy services to their families.

Currently, autism treatment is subject to a monthly cap under the health insurance system, TRICARE. It also has a very burdensome application process, which can delay critical care for our military families. My amendment is designed to change this, to make sure this cap no longer applies so that these military families have access to the care their children need.

One example. One family's son, Taylor, has autism, and he is 7 years old. They are dependent on the TRICARE autism treatment because his IQ is at 73, and the cutoff for the New York State program is 70. So they budget about $500 extra out of pocket per month to pay for Taylor's therapy. But it is far less than Taylor actually needs to achieve his potential.

So what we are hoping to do is ultimately make sure that children who have autism, whose mothers or fathers are serving in the military will have access to the number of hours of treatment doctors recommend. We hope that through these efforts, down the line we can begin to provide these resources for the men and women who put their lives on the line every day for our country.

Mr. LEVIN. Mr. President, let me commend the Senator from New York for identifying a very significant problem. She has always shown great sensitivity to the men and women in the Armed Forces.

There is a provision in the House bill—we are not sure exactly what it is—that relates to this issue and the need to provide for autistic kids. We will take a look at that in conference and see if there is anything we can do to move in the direction which the Senator from New York has so properly identified.

THANKING STAFF

The proud tradition that our committee has maintained every year since 1961 continues with the Senate's passage of this 48th consecutive national defense authorization bill. We are motivated to pass this bill, as we are every year. In fact, we are inspired to pass this bill for the men and women of our Armed Forces and their families. They give it everything they have 24/7. They never give up and they never give in. We always have to work long and hard to pass this bill, but it is worth every bit of effort we put into it. I

thank our leadership on both sides of the aisle and all Senators for their role in keeping the tradition going.

Our committee's bipartisanship also makes this moment possible. I am proud to serve with Senator MCCAIN. I am grateful for his partnership and his friendship. To all of the committee members—we have one of our committee members presiding at the moment—your work on a bipartisan basis the entire year is most appreciated.

I want to thank not only our subcommittee chairs and ranking members but give special thanks to the six new members who joined our committee this year. We work together in committee. We did not allow our differences on this bill to divide us; we reported the bill unanimously. And to Charlie Armstrong in the Office of Senate Legislative Counsel, after drafting hundreds of amendments to this bill again this year, many, many special thanks to you.

Our committee staff members, if they are still here—many of them are—many of them are still in Russell working tonight—you deserve much more than heartfelt thanks, but that is all we can offer to you right now. They were led by Rick DeBobes, our committee staff director, and Joe Bowab, our Republican staff director. Our staff unselfishly sacrifices and works incredibly hard on this bill.

So please go home now, staff, enjoy a couple of hours—no more than 3, please—of sleep and enjoy a nonmicrowave meal for a change. We know you will be back at 6 o'clock in the morning fully rested and ready to tackle the conference with your talents, ability, and teamwork. We could not be where we are now without you.

They deserve our recognition as a tribute to their professionalism. And as a further expression of our gratitude, I ask that all of their names appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE ARMED SERVICES COMMITTEE STAFF

Adam J. Barker, Professional Staff Member; June M. Borawski, Printing and Documents Clerk; Joseph W. Bowab, Republican Staff Director; Leah C. Brewer, Nominations and Hearings Clerk; Joseph M. Bryan, Professional Staff Member; Pablo E. Carrillo, Minority Investigative Counsel; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; Christine E. Cowart, Chief Clerk; Madelyn R. Creedon, Counsel; Kevin A. Cronin, Staff Assistant; Richard D. DeBobes, Staff Director; Gabriella Eisen, Counsel; Richard W. Fieldhouse, Professional Staff Member; Richard H. Fontaine, Jr., Deputy Minority Staff Director; Creighton Greene, Professional Staff Member; Mary C. Holloway, Staff Assistant; and Gary J. Howard, Systems Administrator.

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Mr. LEVIN. I again offer my special thanks to my very dear friend, the Senator from Arizona, Mr. MCCAIN, who has amazing energy and passion for this subject. He is an inspiration to all of us that he serves as he does on this Armed Services Committee.

Mr. MCCAIN. Mr. President, I would like to thank Senator LEVIN and the staff as well on both sides of the aisle and thank Senator LEVIN for his patience, for his perseverance, his knowledge, and his commitment to the security of this Nation and the men and women who serve it. I am honored to have the opportunity to serve with him. I share his praise for our staffs. In addition, I also thank our floor staffs who make our machinery run when it comes to a grinding halt from time to time. I am grateful for their help, their assistance, and the hard work they have given us as well.

I think we have a managers' package, and we will be done for this year. Again, my sincere appreciation to the chairman whom I had the great honor and privilege now of serving with for nearly a quarter of a century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Arizona for thanking our floor staff. I overlooked that. Even though we look at them hour after hour after hour, somehow or other we manage to overlook that, their great service when it comes to thanking everybody who is involved. We do thank the floor staffs for their phenomenal work.

Mr. MCCAIN. Particularly Lula.

Mr. LEVIN. Particularly Lula.

AMENDMENTS NOS. 1572; 1802; 1801; 1606, AS MODIFIED; 1808; 1705; 1797, AS MODIFIED; 1732; 1753; 1758; 1751; 1661; 1653; 1811; 1516, AS MODIFIED; 1812; 1658; 1796, AS MODIFIED; 1533, AS MODIFIED, EN BLOC

Mr. LEVIN. Mr. President, we have 18 amendments at the desk, and I understand these have been approved now by both Senator MCCAIN and I and the two leaders. They have all approved these 18 amendments. Under the previous unanimous consent agreement, these amendments now are part of the managers' package and, with the approval of the four I have identified, I understand that these are now part of the bill. Is my understanding correct?

The PRESIDING OFFICER. The Senator is correct.

The amendments were agreed to, as follows:

AMENDMENT NO. 1572

(Purpose: To provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay for members of the Armed Forces)

At the end of subtitle D of title VI, add the following:

SEC. 652. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

AMENDMENT NO. 1802

(Purpose: To extend the monthly special pay benefit for members of the reserve components of the Armed Forces to include time spent performing pre-deployment and re-integration duty)

Beginning on page 184, line 20, strike ''serves on active duty'' and all that follows through ''serves on active duty'' on page 185, line 6, and insert the following: ''serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces,

AMENDMENT NO. 1801

(Purpose: To require the Secretary of the Navy to solicit competing bids for the procurement of steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program)

At the end of subtitle B of title I, add the following:

SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.

The Secretary of the Navy shall take measures to ensure competition, or the option of competition, for steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program in accordance with section 202 of the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note).

AMENDMENT 1606, AS MODIFIED

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. SENSE OF THE SENATE ON PRODUCTION OF MOLYBDENUM-99.

(a) FINDINGS.—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (Mo-99) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable, supply of medical radioisotopes, including Mo-99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

AMENDMENT NO. 1808

(Purpose: To provide to members of the Armed Forces and their families comprehensive information on benefits for members of the Armed Forces and their families)

At the end of subtitle G of title V, add the following:

SEC. 573. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) TIMES FOR PROVISION OF INFORMATION.—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member's office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) COVERED BENEFITS.—The benefits on which a member of the Armed Forces and family members shall be provided comprehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) BIENNIAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.—

(1) BIENNIAL NOTICE REQUIRED.—The Secretary of each military department shall provide to each member of the Armed Forces under the jurisdiction of such Secretary on a biennial basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) ELEMENTS.—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 24 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers' Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) OTHER OUTREACH.—

(1) IN GENERAL.—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) INTERNET OUTREACH WEBSITE.—

(A) IN GENERAL.—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) CONTACT INFORMATION.—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) RECORDS MAINTAINED.—The Secretary of Defense or the military department concerned shall maintain records that contain the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

AMENDMENT NO. 1705

(Purpose: To extend the deadline for the completion of the independent study of concepts and systems for boost-phase missile defense)

At the end of subtitle C of title II, add the following:

SEC. 245. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4392) is amended by striking ''October 31, 2010'' and inserting ''March 1, 2011''.

AMENDMENT NO. 1797, AS MODIFIED

(Purpose: To reauthorize the Maritime Administration, and for other purposes)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 1732

(Purpose: To provide for an additional duty for the advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents)

At the end of subtitle F of title X, insert the following:

SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is amended by—

(1) redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) in paragraph (4), by striking ''other department'' and inserting ''other departments''; and

(3) by inserting after paragraph (6) the following new paragraphs:

''(7) assess the adequacy of the process and methodology by which the Department of Defense establishes, maintains, and resources dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

''(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);''.

AMENDMENT NO. 1753

(Purpose: To require the Department of Defense to ensure full access to mental health care for family members of members of the National Guard and Reserve who are deployed overseas)

At the end of subtitle F of title V, add the following:

SEC. 557. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) EXPANDED INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall expand existing Department of Defense initiatives to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The expanded initiatives, which shall build upon and be consistent with ongoing efforts, shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Guidelines for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times as the Secretary deems appropriate thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

AMENDMENT NO. 1758

(Purpose: To require a report on enabling capabilities for Special Operations forces)

On page 429 between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the chiefs of the services, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the chiefs of the services consider useful and relevant.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

AMENDMENT NO. 1751

(Purpose: To authorize a study on the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System)

At the appropriate place, insert the following:

SEC. ___. NATIONAL D–DAY MEMORIAL STUDY.

(a) DEFINITIONS.—In this section:

(1) AREA.—The term ''Area'' means in the National D–Day Memorial in Bedford, Virginia.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) CRITERIA.—In conducting the study required by paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a-5(c)).

(3) CONTENTS.—The study required by paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) REPORT.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a-5(c)) shall apply to the conduct of the study required by this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

AMENDMENT NO. 1661

(Purpose: To include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay)

At the end of subtitle D of title VI, add the following:

SEC. 652. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''September 11, 2001''; and

(2) by striking ''in any fiscal year after such date'' and inserting ''in any fiscal year after fiscal year 2001''.

AMENDMENT NO. 1653

(Purpose: To require a report on Taiwan's Air Force)

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON TAIWAN'S AIR FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense's (DoD) 2009 Annual Report on Military Power of the People's Republic of China, the military balance in the Taiwan Strait has been shifting in China's favor since 2000, marked by the sustained deployment of advanced military equipment to the Chinese military regions opposite Taiwan.

(2) Although the DoD's 2002 Report concluded that Taiwan ''has enjoyed dominance of the airspace over the Taiwan Strait for many years,'' the DoD's 2009 Report states this conclusion no longer holds true.

(3) China has based 490 combat aircraft (330 fighters and 160 bombers) within unrefueled operational range of Taiwan, and has the airfield capacity to expand that number by hundreds. In contrast, Taiwan has 390 combat aircraft (all of which are fighters).

(4) Also according to the DoD's 2009 Report, China has continued its build-up of conventional ballistic missiles since 2000, ''building a nascent capacity for conventional short-range ballistic missile (SRBM) strikes against Taiwan into what has become one of China's primary instruments of coercion.'' At this time, China has expanded its SRBM force opposite Taiwan to seven brigades with a total of 1,050 through 1,150 missiles, and is augmenting these forces with conventional medium-range ballistic missiles systems and at least 2 land attack cruise missile variants capable of ground or air launch. Advanced fighters and bombers, combined with enhanced training for nighttime and overwater flights, provide China's People's Liberation Army (PLA) with additional capabilities for regional strike or maritime interdiction operations.

(5) Furthermore, the Report maintains, ''the security situation in the Taiwan Strait is largely a function of dynamic interactions among Mainland China, Taiwan, and the United States. The PLA has developed and deployed military capability to coerce Taiwan or attempt an invasion if necessary. PLA improvements pose new challenges to Taiwan's security, which has historically been based upon the PLA's inability to project power across the 100 nautical-mile Taiwan Strait, natural geographic advantages of island defense, Taiwan's armed forces' technological superiority, and the possibility of U.S. intervention''.

(6) The Taiwan Relations Act of 1979 requires that, in furtherance of the principle of maintaining peace and stability in the Western Pacific region, the United States shall make available to Taiwan such defense articles and defense services in such quantity ''as may be necessary to enable Taiwan to maintain a sufficient self-defense capability,'' allowing that ''the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan . . .''.

(b) REPORT TO CONGRESS ON TAIWAN'S CURRENT AIR FORCE AND FUTURE SELF-DEFENSE REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified form, containing the following:

(1) A thorough and complete assessment of the current state of Taiwan's Air Force, including—

(A) the number and type of aircraft;

(B) the age of aircraft; and

(C) the capability of those aircraft.

(2) An assessment of the effectiveness of the aircraft in the face of a full-scale concerted missile and air campaign by China, in which China uses its most modern surface-to-air missiles currently deployed along its seacoast.

(3) An analysis of the specific weapons systems and platforms that Taiwan would need to provide for it's self-defense and maintain control of its own air space.

(4) Options for the United States to assist Taiwan in achieving those capabilities.

(5) A 5-year plan for fulfilling the obligations of the United States under the Taiwan Relations Act to provide for Taiwan's self-defense and aid Taiwan in maintaining control of its own air space.

AMENDMENT NO. 1811

(Purpose: To extend and enhance reporting requirements related to United States contributions to the United Nations)

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking ''until December 31, 2010, the President shall submit'' and inserting ''(but not later than the first of each May), the Director of the Office of Management and Budget shall submit''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.''.

AMENDMENT NO. 1516, AS MODIFIED

(Purpose: To provide certain requirements with respect to public-private competitions)

On page 77, strike lines 1 through 26 and insert the following:

SEC. 323A. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) REQUIREMENT.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) by striking ''A function'' and inserting ''No function'';

(2) by striking ''10 or more''; and

(3) by striking ''may not be converted'' and inserting ''may be converted''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed the period specified in paragraph (B), commencing on the date on which funds are obligated for contractor support of the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

''(B) The period referred to in paragraph (A) is . . . months with respect to a single formation activity and 30 months with respect to a multi-formation activity.

''(C) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims.

''(D) In this paragraph, the term 'preliminary planning' with respect to a public-private competition means any action taken to carry out any of the following activities:

''(i) Determining the scope of the competition.

''(ii) Conducting research to determine the appropriate grouping of functions for the competition.

''(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

''(iv) Determining the baseline cost of any function for which the competition is conducted.''.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 323C. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TERMINATION OF CERTAIN STUDIES.—Any Department of Defense public-private competition that exceeds the time limits established in §2461(a) shall be reviewed by the Secretary of Defense and considered for termination. If the Secretary of Defense does not terminate the competition, he shall report to Congress on the reasons for his decision.

AMENDMENT NO. 1812

On page 483, between lines 8 and 9, insert the following:

SEC. 1232. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter ''harm'') incident to combat activities of the United States Armed Forces during contingency operations.

(b) MATTERS TO BE INCLUDED IN REPORT.—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide ex gratia, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedure, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general procedures and guidelines would create a legally enforceable entitlement to ''compensation'' and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counterinsurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor's assessment of the facts.

(G) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(H) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) RECOMMENDATIONS.—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 1658

(Purpose: To require the Comptroller General of the United States to report to Congress on financial assistance for child care available to deployed members of the reserve components of the Armed Forces)

At the end of subtitle F of title V, add the following:

SEC. 557. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representative a report on financial assistance for child care provided by the Department of Defense, including through the Operation: Military Child Care and Military Child Care in Your Neighborhood programs, to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The types of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) Any other matters the Comptroller General determines relevant to the improvement of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

AMENDMENT NO. 1796, AS MODIFIED

(Purpose: To modify the provision requiring a report on potential foreign military sales of the F–22A fighter aircraft to have the report developed by a federally funded research and development center)

In section 123, insert:

ADDITIONAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of Defense, a report on potential foreign military sales of the F–22A fighter aircraft, addressing the same elements as in subsection (b) of this section.

AMENDMENT NO. 1533, AS MODIFIED

(Purpose: To clarify that the definition of unprivileged enemy belligerent includes members of al Qaeda)

On page 323, beginning on line 19, strike ''or'' and all that follows through line 22, and insert the following:

''(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

''(C) is a member of al Qaeda''.

MORNING BUSINESS

Mr. LEVIN. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREATY MAKING PROCESS

Mr. MCCONNELL. Mr. President, as some of my colleagues may be aware, this week the State Department acceded to a Treaty of Amity and Cooperation in Southeast Asia, TAC. This action reflects an effort by the administration to engage vigorously in the region, which I applaud.

The State Department consulted with the Senate prior to taking this step. During the course of these consultations, Senator KERRY, Senator LUGAR, and I sought clarification on issues related to the substance of the TAC and to the unique process suggested for U.S. accession. To confirm our understandings on these points, Senators KERRY, LUGAR, and I sent a letter to the Secretary of State on July 10, 2009. On the basis of the understandings set forth in this letter, we did not object to the Department's plan for acceding to the TAC. I believe the letter may be of some interest to Senators since it involves both the constitutional role of the Senate in the treaty making process and American foreign policy in Southeast Asia.

I ask unanimous consent to have printed in the RECORD the letter to Secretary Clinton dated July 10, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 10, 2009.

Hon. HILLARY RODHAM CLINTON,
Secretary of State,
Washington, DC.

DEAR SECRETARY CLINTON: We write to you regarding the proposed U.S. accession to the Treaty of Amity and Cooperation in Southeast Asia (TAC). We believe that U.S. accession to the TAC reflects the strong American commitment to the region and to vigorous engagement with the Association of Southeast Asian Nations (ASEAN), both of which we fully support. The U.S. has important foreign policy and economic interests in Southeast Asia which we believe this agreement can further.

There are two important points of clarification, however, that we wish to make as part of the Senate's input in the context of the State Department's congressional consultations. First, we understand that the Department is considering having the United States accede to the TAC in late July as a sole executive agreement, which would not require the advice and consent of the Senate. We note that the title of the agreement refers to the agreement as a ''treaty,'' and we are unaware of any precedent for the United States acceding to an agreement styled as a ''treaty'' without the advice and consent of the Senate as provided for in Article 11, Section 2 of the Constitution. At the same time, we are mindful that other factors apart from the formal name of the agreement could suggest that it is consistent with U.S. practice for the United States to accede to the TAC as an executive agreement. Of particular importance, the agreement is largely limited to general pledges of diplomatic cooperation and would not appear to obligate the United States to take (or refrain from taking) any specific action (with the exception of provisions of Article X which we understand will be the subject of a reservation as discussed below). We also note that the United States did not take part in the negotiations among ASEAN countries leading up to the conclusion of the TAC in 1976, or in the decision to characterize it as a treaty.

In light of these unique considerations, we will not object to the Department's plan to accede to the TAC as an executive agreement. We continue to believe, however, that the use of the term ''treaty'' in the title of an agreement will generally dictate that Senate advice and consent will be required before the United States may accede to the agreement. In this regard, treatment of the TAC as an executive agreement should not be considered a precedent for treating future agreements entitled ''treaties'' as sole executive agreements. To ensure our understanding that the process surrounding this agreement is not misinterpreted in the future as a precedent, we will submit this letter into the Congressional Record. We would also request that the State Department include it in the next edition of the Digest of United States Practice in International Law.

Second, Article X of the TAC provides that ''[e]ach High Contracting party shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party.'' We also note that the U.S. has proposed a reservation to the TAC that states that the TAC, noting in particular Article X, ''does not limit actions taken by the United States that it considers necessary to address a threat to its national interests.''

We interpret this reservation as ensuring that the TAC does not limit the authority of the U.S. government—either the executive branch or the Congress—to take actions that it considers necessary in pursuit of U.S. national interests in the region or with respect to any individual nation.

We thank you for your close consideration of this matter and for the Department's consultation prior to acceding to the TAC.

Sincerely,

JOHN F. KERRY,
Chairman, Senate Committee on Foreign Relations.

MITCH MCCONNELL,
Republican Leader United States Senate.

RICHARD G. LUGAR,
Ranking Member Senate Committee on Foreign Relations.

EXECUTIVE CALENDAR OBJECTION

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, intend to object to proceeding to the nomination of George Wheeler Madison to be General Counsel of the Department of the Treasury, Calendar No. 302, and to the nomination of Carmen R. Nazario to be Assistant Secretary for Family Support of the Department of Health and Human Services, Calendar No. 304, dated July 23, 2009, for the following reasons.

My support for the final confirmation of Mr. Madison rests on his continued responsiveness, and the responsiveness of the Treasury Department, to my questions. I am very concerned that the Special Inspector General for the Troubled Asset Relief Program is not getting the cooperation Congress entitled him to from the Treasury Department and that his recommendations are not being seriously considered.

Regarding Ms. Nazario, I still have an outstanding issue regarding the release of key data on States' TANF participation rates that need to be resolved.

AUTOMOBILE DEALER ECONOMIC RIGHTS RESTORATION ACT OF 2009

Mr. ROCKEFELLER. Mr. President, I take this opportunity to discuss the recent decisions by General Motors and Chrysler to eliminate thousands of automobile franchises across America. This is an extremely important issue: GM's and Chrysler's actions have had a negative impact on small businesses, employees, consumers, and communities in every corner of my State, West Virginia.

Although I do not question the automakers' need to restructure their companies and become financially viable, I do have serious concerns about the way they have handled these dealership terminations. Neither company has been fully transparent in explaining why they needed to terminate dealerships or how they decided which ones to eliminate. Neither company has provided dealers with an adequate opportunity to fully appeal their terminations—in fact, Chrysler has not established an appeals process at all. And though both companies claim that dealers will be fairly compensated for vehicles, parts, and specialty tools, the reports I continue to receive from terminated Chrysler dealers is that they still have hundreds of thousands of dollars in parts and specialty tools and many have received ''no response at all'' from Chrysler to their ''numerous requests for assistance.''

I also continue to hear the argument that ''this is how things happen in the normal bankruptcy process.'' But GM's and Chrysler's bankruptcies are anything but normal. How many bankruptcies are funded with billions of taxpayer dollars? How many bankruptcies result in the government obtaining a majority interest in the restructured companies? Under these circumstances, the thousands of small business owners whose franchise agreements have been summarily revoked deserve more from the companies that would not exist but for taxpayer support.

That is why I have been fighting from the beginning to find a better resolution for the thousands of terminated auto dealers throughout this country. And although we have seen improvements on behalf of dealers so far, I must admit that I am thoroughly disappointed that GM and Chrysler have refused to do more. For that reason, I am cosponsoring S. 1304, the Automobile Dealer Economic Rights Restoration Act of 2009.

I fully understand the serious concerns that have been raised about this bill. But the reality is that GM and Chrysler need to understand that they cannot ignore repeated requests by Congress and the American people to treat terminated dealers fairly. It is my hope that by cosponsoring this bill, I can help the automakers better appreciate that very important point and ultimately come to the table. They should work with Congress and the dealers on a reasonable resolution—one that provides dealers with fair compensation and a meaningful opportunity to challenge their terminations. That is what the people of West Virginia and America expect, and that is what the terminated dealers deserve.

35TH ANNIVERSARY OF THE LEGAL SERVICES CORPORATION

Mr. HARKIN. Mr. President, Saturday, July 25, marks the 35th anniversary of the Legal Services Corporation, LSC. In 1974, Congress—with bipartisan support, including that of President Nixon—established LSC to be a major source of funding for civil legal aid in this country. LSC is a private, nonprofit corporation, funded by Congress, with the mission to ensure equal access to justice under law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes 95 percent of its annual Federal appropriations to

137 local legal aid programs, with more than 900 offices serving all 50 states and every congressional district.

LSC and LSC funded programs make a crucial difference to millions of Americans. In fact, LSC-funded programs close nearly 1 million cases per year and provide other assistance to more than 5 million people.

Recipients of LSC funding help clients secure basic human needs, such as access to wrongly denied benefits including Social Security, pensions and needed health care. Families of 9–11 victims, flood victims, and hurricane evacuees have received crucial legal assistance in obtaining permanent housing, unemployment compensation and government benefits. Further, members of our Armed Forces and their families receive help with estate planning, consumer and landlord/tenant problems and family law.

It is LSC-funded attorneys who help parents obtain and keep custody of their children, help family members obtain guardianship for children without parents, assist parents in enforcing child support payments and help women who are victims of domestic violence. In fact, three out of four legal aid clients are women, and legal aid programs identify domestic violence as one of their top priorities.

I know firsthand the important work of the Legal Services Corporation. Before I was elected to Congress, I worked as a legal aid attorney in Polk County, IA. I experienced the challenges—and also the rewards—of representing people who otherwise would not have the legal assistance they deserve. And I developed a deep appreciation for the role that legal aid attorneys play within our system of justice.

The fact is, our promise of ''equal justice under law'' rings hollow if those who are most vulnerable are denied access to quality legal representation. As former Justice Lewis Powell said: ''Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status.''

Given the vital role played by LSC-funded attorneys, it is disturbing to note that, this year, more than 50 percent of eligible clients who seek assistance will be turned away because of lack of LSC program resources. With unemployment nearly 10 percent, and with poor Americans struggling to keep their jobs, cars and basic necessities, the need for legal aid attorneys has never been greater, yet funding for LSC remains inadequate. This is something Congress needs to address and I look forward in the coming months and years to doing so.

On this anniversary, I salute the Legal Services Corporation and LSC-funded attorneys for the vital work they do every day on behalf of Americans who need qualified counsel. Every day that a legal aid attorney protects the safety, security and health of our most vulnerable citizens, they bring this nation closer to living up to its commitment to equal justice for all.

COMMENDING JACOB TRIOLO

Ms. SNOWE. Mr. President, today I wish to recognize the outstanding service Jacob Triolo has provided to the Senate Committee on Small Business and Entrepreneurship in his capacity as a professional staff member. When Jacob—known to most as Jake—joined the committee staff in the spring of 2007, I knew that I had selected a top-notch staffer who cared deeply about making a difference in peoples' lives. We will miss his dedication and insight when he leaves Capitol Hill next month to pursue a law degree at Washington & Lee University in historic Lexington, VA.

A native of Oregon and a 2004 dean's list graduate of the University of Oregon, Jake came across the country to Capitol Hill in the summer of 2004 to begin working for my good friend and former colleague, Senator Gordon H. Smith. Starting out in the front office as a staff assistant, Jake immediately sought out additional responsibilities and was promoted to the position of legislative correspondent in less than a year's time. In 2007, when I was looking to hire a new staff member to handle a wide-ranging portfolio of issues for the Small Business Committee, I was immediately impressed by Jake's ability to multitask and his willingness to tackle a variety of issues simultaneously. His astute research, concise analysis, and willingness to accept new challenges made him an ideal candidate to represent the committee on a variety of small business initiatives, including entrepreneurial development programs, disaster oversight, science and innovation, and funding for the Small Business Administration. Additionally, those who know Jake, including Senator Smith, spoke glowingly of his professionalism and creativity.

Jake immediately hit the ground running, compiling intelligent and thoughtful background memoranda and hearing materials that contained tremendous insight and detailed analysis. One of his first endeavors as part of my staff was playing a leading role in developing legislation that would overhaul the SBA's disaster response program. In the wake of the devastation wrought by Hurricanes Katrina and Rita back in 2005, Jake helped me to identify the causes of the Federal Government's substandard response by working on the Small Business Disaster Response and Loan Improvement Act of 2007. Early in his tenure, Jake came into the office over several weekends, on his own volition, and successfully advocated to include these key provisions into the farm bill conference. As a result of his diligence and persistence, I successfully worked with a number of my Senate colleagues in advocating for private lending institutions to have the option of making private disaster loans following large-scale disasters. This change, which was passed into law, will greatly improve our country's ability to respond to natural disasters. As a responsible and trusted member of the committee team, Jake has also traveled to the gulf region to monitor progress and attend critical field hearings focused on rebuilding communities devastated by hurricanes.

Additionally, as ranking member of the Senate Small Business Committee, I am charged with fully considering the concerns of entrepreneurs and small firms nationwide. As such, Jake labored extensively on the Patent Reform Act of 2007, helping me to ensure that small businesses retained their voice in the process by preparing me for negotiations with the Judiciary Committee on provisions that would protect their unique interests. While this legislation did not pass, his efforts helped guarantee that entrepreneurs will be taken into account during discussions of policy changes, such as modifications to the post-grant review process—work that will provide a solid foundation as the Senate continues its attempt at patent reform this Congress.

Jake's command of individual subject matters and appreciation for collaboration has been a direct result of his tenacious study and exposure to the legislative process. In large measure, his success as a Hill staffer is due to his ability to cultivate lasting professional relationships with staffers from other offices in the Senate, House, and at Federal agencies. His sense of humor and easygoing personality make him easily likeable, and many of his colleagues have become close friends throughout the years. Jake is also a tremendously caring individual, and his family plays a central focus in his life. That is why when his sister, Renata, came to Washington for an internship, Jake was certain to look after her as she followed in her big brother's footsteps.

Jake is fond of saying that the classic movie ''Mr. Smith Goes to Washington'' has influenced his career, and provided him the impetus for attending law school. Well, Mr. President, Jake Triolo has gone to Washington, and he is now headed into a vast frontier where, with his knowledge, resilience, and passion, he has a bright future with no bounds. I fully expect that in 3 years' time, Jake will be back in Washington, serving our Nation's people in one capacity or another. A dedicated public servant who has demonstrated a capacious appetite for learning and a true talent for public policy, Jacob Triolo has been an asset to me and to the committee staff during his nearly 2½ years here. I wish him luck at Washington & Lee and in every endeavor he pursues.

COMMENDING JIM FISHER

Mr. RISCH. Mr. President, I rise today in recognition of Jim Fisher and his contribution to my home State of Idaho. For much of the past three decades, Jim has worked at the Lewiston Morning Tribune—first as a political reporter and then as an editorial page editor.

Over the years, Jim and I have crossed paths several times, particularly on the opinion page. In most cases, our views on a given issue were not congruent. On the few occasions when Jim and I shared the same opinion, I especially had to take a second look at my position. But you could always count on Jim to be grounded—he always thought the issue through before reaching an opinion. He challenged his readers to think and question their assumption or knowledge about an issue. He relished being a lightening rod and getting people to talk about the subject of the day.

During my time as an Idaho State senator, Governor, and now as U.S. Senator, Jim has continued to challenge me to reach for solid, grounded thinking. In doing so, I respect and value his viewpoint even when we disagree. His desire was to make his community and state a better place. He wanted to give a voice to those that could not be heard. Jim Fischer did his job well.

I extend to Jim my thanks for his many years of outstanding work on the editorial page in promoting critical thinking on the issues important to Idaho. Vicki and I wish him the best in his retirement.

ADDITIONAL STATEMENTS

20TH ANNIVERSARY OF THE SAN FRANCISCO BAYKEEPER

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 20th anniversary of the San Francisco Baykeeper.

Created in 1989 as the first ''waterkeeper'' organization on the west coast, Baykeeper has experienced many successes over the past 20 years in its efforts to reverse the environmental degradation of the past, and promote new strategies and policies to protect the water quality of the San Francisco Bay. The ''waterkeeper'' concept dates back to a 19th century English tradition, and today, the International Waterkeeper Alliance is 157 programs strong, with each organization working to enforce provisions of the 1972 Clean Water Act and other Federal and State laws.

Baykeeper fills a unique niche in the bay area by acting as the watchdog for the San Francisco Bay. Baykeeper has become the bay area's most effective advocate, working tirelessly to address the most pressing problems facing the bay.

In its 20 year history, Baykeeper has fought tirelessly to hold polluters accountable for illegal toxics, protect native fish and wildlife, keep pesticides out of the bay, and fight for an end to sewage spills in the bay. Today, as it gets ready to enter its third decade of defending the bay from pollution, Baykeeper is seeing progress toward its vision of a healthy, thriving bay.

For 20 years, Baykeeper has worked passionately and effectively to ensure a thriving San Francisco Bay for generations to come. I commend Baykeeper staff and volunteers for their continuing efforts to restore the bay to a teeming estuary that attracts millions of birds, fish, and marine mammals—as well as enchanted visitors, devoted residents, and passionate recreationists. I look forward to future generations having the opportunity to enjoy this special part of California for many years to come.•

REMEMBERING KEN GORELICK

• Mr. LAUTENBERG. Mr. President, on June 8, 2009, a brilliant physician, humanitarian, intellectual and caring person passed away. I knew Ken Gorelick and his extended family for almost 50 years and fully believe that more physicians like him would make health care more effective for many. With all of his intelligence he had a unique belief that his principal responsibility was to devote as much energy as he could muster to help those who needed professional care recover from their illnesses. He was daring in his choices of treatment for his patients always searching to reach beyond conventional methodology for the best outcome.

To commemorate his life I ask that a eulogy which was prepared for his funeral be printed in the RECORD. It so fully describes the unusual character of this great human being who will be missed by all who had the privilege of knowing him.

The eulogy follows:

KENNETH PAUL GORELICK, M.D.

Psychiatrist, essayist, poet, and leading poetry therapist Dr. Kenneth Paul ''Joshua'' Gorelick has left us and this world, after two years of valiant efforts to overcome brain cancer. He was 67.

When recently asked why he had chosen psychiatry as a career and life pursuit, Ken responded that he had been fascinated by psychology's promise of a ''way to understand the invisible parts of life'' and ''to understand life stories.'' This great fascination was driven by Ken's intrinsic love of life and people and the human narrative, which, in turn, propelled him on the lifelong journey of an insatiable learner, an inspired teacher, and a caring doctor. He read widely and avidly; he relished the arts and supported them; he wrote extensively, both prose and poetry; he instructed and lectured; he ministered to those in need and healed those he could. Ken possessed that rare Renaissance mind that brought a rich and textured approach to his daily life, his practice as a psychiatrist, and his teaching of psychiatry at St. Elizabeth's Hospital and George Washington University (GWU), where he was awarded Professor Emeritus status, and numerous national and international conferences. Yet, throughout his life of great academic and professional pursuits and accomplishments, he never stopped his joyful appreciation and examination of human behavior and the human condition, and he never stopped attempting to improve that condition through is work and his daily interactions with others.

Born and raised in Paterson, New Jersey, the son of Russian Jewish immigrant parents, Ken was inspired to become a doctor early on. When he was four, his father had a heart attack and the daily doctor visits left an indelible impression. A favorite story of his recalls the compliment he received early in his training from a medical school professor for conducting a skillful psychiatric interview. He explained that he had asked just what he had learned to ask customers during his childhood in Gorelick's Bakery, ''How may I help you?''

Ken's academic life testified to his fervent desire for learning and understanding. He was first in his class at Montclair Academy (New Jersey) and at Rutgers College. He was awarded the Phi Beta Kappa Prize, as well as General Electric, Robert Wood Johnson Foundation, and Henry Rutgers scholarships, and he graduated summa cum laude. Accepted at Columbia, Yale and Harvard Medical Schools, Ken chose instead to accept a Fulbright scholarship to Bordeaux in order to research French literature and study French language, continuing what had by then become a lifelong passion for the beauty and power of the written and sounded word.

Again applying to Harvard, Ken was accepted, and he then graduated in 1967. After his medical internship at Mount Zion Hospital and Medical Center in San Francisco, he returned to Harvard in 1968, completing his residence in 1971 at the Massachusetts Mental Health Center. During this period, he also served on the Harvard University faculty as Clinical Instructor in psychiatry.

At St. Elizabeth's, the first Federal mental health facility, Ken was an expert in the Hospital's history. He gave numerous lectures and keynoted the St. Elizabeth's 150th Anniversary celebration in 2005. He was a founder of the Historical Museum. Ken was deeply moved and inspired by founder Dorothea Dix's commitment to ''the most humane care and enlightened curative treatment.'' Ken brought this commitment to his private practice and hospital work, encouraged a patient enterprise program, and led DC Council members and others on a visit to Bethel, Germany to see model humane treatment of patients.

Ken was a noted pioneer and widely respected leader in the use of literature in the field of psychotherapy, particularly poetry therapy, serving on the executive boards of the National Federation for Biblio/Poetry Therapy, as president of the National Association for Poetry Therapy, and on the National Council of Creative Therapies. In recognition of his many contributions to the field, he received the Outstanding Achievement Award and the Morris Morrison Education Award in 2004. With colleague Arleen Hynes, he established the first standardized training curriculum for poetry therapy, founded the Bibliotherapy Training Program at St. Elizabeths, and served as its co-director and clinical supervisor, training hospital staff and community mental health professionals in the use of poetry and other literature in the treatment of hospitalized patients with severe and persistent mental illness. From 1993 to 2007, he co-directed the Wordsworth Center for Poetry Therapy Training.

A much sought-after speaker and workshop leader, Ken presented workshops, seminars, and Grand Rounds lectures nationally and internationally at hospitals, universities, and organizational meetings. His articles on mental health, psychopathology, and literature were published in the American

Journal of Social Psychiatry, Arts in Psychotherapy, Journal of Poetry Therapy, and Expressive Therapies, to name just a few of the many publications he contributed to over his lifetime. In fact, Ken's contributions as a speaker, writer, organizer, editor, advisor, and leader were extremely numerous and a testament to a man who had amazing erudition and energy.

Ken was also an exceptionally generous mentor and colleague and friend, who readily shared his resources, ideas, time, and energy to educate and empower. He had a superb sense of humor and a laugh that was unrestrained and utterly gleeful, and he had the endearing ability to bring smiles and laughter to other people, no matter how difficult their circumstances. His voice's melodic, pleasant lilt communicated a special combination of maturity and caring and welcome that immediately put people at ease, disarming them, and opening them up to the possibilities of life. He possessed deep wisdom and insight into human nature, and he showed exceptional levels of kindness, compassion, and gentleness toward those who are most vulnerable and in need of care. And, despite his intellectual brilliance and considerable professional accomplishments, he had that rare gift to make all those he encountered feel respected and worthy.

Never once did Ken Gorelick lose his appreciation of what is essential: each single day, each single person. In an article after a childhood of fear-defying, successful scuba-diving experience, he wrote: ''This day, like every day, has had something to celebrate. And to be grateful for,'' and he went on to quote William Stafford's lines, ''Will you ever bring a better gift for the world/than the breathing respect that you carry/wherever you go right now?''

He valued each moment and each person around him. In his touching eulogy for his beloved friend and mentor, Arleen Hynes, Ken praised what he deemed as her superb talent of ''finding the dazzling part of each person, and letting that person know she saw it.'' Ken, too, had that talent and used it to its fullest.

There can be no greater example of Ken's sacred, lifelong commitment to serve humanity and his immeasurable generosity of spirit than how he used his own life-threatening brain cancer diagnosis as a powerful means to teach his students, future doctors, the power of human empathy. He openly shared with them how this diagnosis feels to a patient, allowing them to question, sharing his story of how he was treated by doctors, and, through this intimate personal revelation, he taught them how necessary it is to have genuine empathy and what this means to the patient. He taught them the great power of the simple words, ''I'm sorry.'' In Leslie Milk's interview with Ken which is transcribed in her article ''The Doctor as Patient,'' Washingtonian, May 2009, Ken disclosed his story of coping with his brain cancer diagnosis, his awareness of its typical course, his experience with the medical community and the limited status of research, and, so typical of Ken, his determination to enjoy life's riches. He again underscored the value of a doctor's simple ''I'm sorry.''

Ken continued, to the very last, to teach medical students and residents to use the power of literature, the words that tell the story of humanity, in their endeavors to help others. He believed in the connection of all people through all time and how that connection can be accessed in the stories, great and small, of each and every person. And, in the end, he even offered the story of his own experience with terminal illness to encourage them to always make the human connection.

A poem—written after the first surgery to remove the brain tumor—shares some of his deepest reflections: ''I feel my life has been right . . . I put into each act more thought and mindfulness . . . The trees have been challenged by dryness and lack of cold/ Out of this dearth has come such beauty/ Still clinging with all its tenacity.''

Ken's immense joy of being alive and his savoring of each moment of life are reflected in his verses and are echoed by two of his favorite poets, Stanley Kunitz and Mary Oliver. Kunitz wrote in his poem ''The Round'': ''I can scarcely wait till tomorrow/ when a new life begins for me,/ as it does each day,/ as it does each day.'' And Oliver wrote in her poem ''Peonies'': ''Do you love this world?/ Do you cherish your humble and silky life?/ Do you adore the green grass, with its terror beneath?'' Ken's answer, our answer with him, is ''Yes! Forever!''

Ken's passing is a great sad event which is for us a time to feel not only the deep loss of a man who gave so much to all, but also the joyful celebration that he lived, a man whose spirit and actions will continue to influence the many people he touched during his time on earth.

Dr. Gorelick is survived by his beloved wife, Cheryl Opacinch Gorelick, a retired international policy analyst; a sister and brother-in-law, Arlene and Joseph Taub of New Jersey; a niece and nephew, Michelle Taub Tesser and Scott Tesser; and Marc Taub and Karen Taub, great-nieces and great-nephews, other relatives, friends and colleagues.

Looking back I feel my life has been right
No second-guessing that this or that might have been better,
No ache that I might have climbed higher mountains.

I am in a generous leisurely mood with myself
Filled with gratitude and awe for what has been,
The gifts, the luck, the love.

My hunger now is different.
I put into each act more thought and mindfulness.
Eventually the true clichés come to pass: like ''living in the moment.''

Time has slowed to a crawl.
That is a good thing.
Every grain counts as it drops
My being, my spirit are pulled by gravity.
And they soar.

Moment to moment I try to solve, ignore, or transcend the frustrations
My big eye on the big picture.
And that picture is beautiful.

This fall foliage has not been spectacular.
But here, at my back door, there is a city forest
No flaming colors
Yet the palette is subtle and exquisite
A harmony of golds, greens, rusts.

The trees have been challenged by dryness
And lack of cold
Out of this dearth has come such beauty
Still clinging with all its tenacity

—Ken Gorelick 11/14/07●

REMEMBERING WILLIAM L. UTSEY

● Mr. SHELBY. Mr. President, today I pay tribute to William Utsey, who passed away on July 18, 2009. A highly successful attorney, William Utsey was a personal friend and along, with his friends and family, I mourn his passing.

William was born on October 28, 1939, in Gilbertown, AL. He graduated from the University of Southern Mississippi in 1962 and received his J.D. from the University of Alabama School of Law. In 1965, William was admitted to the Alabama State Bar. He began his legal career serving as a clerk and later as an attorney with the firm of Clement, Rosen, Hubbard, and Waldrop in Tuscaloosa.

After practicing law for 5 years in Huntsville, William returned to his home in Choctaw County to embark as a solo practitioner. At the time of his death, William was the senior partner of Utsey and Utsey where he practiced with his son. William's fondness of the legal profession extended well past his private practice. He served as president of the Choctaw County Bar Association and the Alabama Association for Justice. In addition, William held memberships to the Alabama State Bar Association, the First Judicial Circuit Bar Association, and the Alabama Trial Lawyers Association.

Most people in west Alabama know William for his many contributions to the Democratic Party in west Alabama. For 20 years, William served as chairman of the Choctaw County Democratic Executive Committee. I knew William to be honest, hard-working, and committed to his family and to the people of Choctaw County.

William is loved and will be missed by his wife Treobye Britton Utsey; his sons William Jacob Utsey and John Jefferson Utsey; his daughter Elizabeth Utsey Sadler; and nine grandchildren. I ask the entire Senate to join me in recognizing and honoring the life of William Utsey.●

REMEMBERING COLONEL LEWIS STEWART

● Mr. SHELBY. Mr. President, today I pay tribute to my good friend Colonel Lewis Minor Stewart, U.S. Army, Retired. Lewis passed away on July 18, 2009. He was a personal friend and, along with his family, I mourn his passing.

Lewis was born on June 13, 1918, and raised in Marion, AL. He graduated from the Marion Military Institute and attended the University of Alabama School of Law. In 1941, Lewis joined the Army. He was a proud solider whose tours during World War II included fighting with the 261st Infantry, 65th Division, landing in LeHarve, France, and ending the war in Austria. Lewis went on to serve as regimental staff officer and then the commander of 24th Squadron, 4th Constabulary Regiment in Lenz, Austria, during the tensions of the Berlin airlift. He also served 16 months in Korea during the early occupation.

He was awarded several prestigious honors including the Legion of Merit, Bronze Star with Oak Leaf Cluster, Combat Infantry Badge, Expert Infantry Badge, Army Commendation Medal, Army of Occupation Medal, World War II Medal, American Campaign Ribbon, National Defense Medal with Oak Leaf Cluster, Korean Service Medal, Korean Conflict Ribbon, and the

Middle Eastern Campaign Ribbon. Lewis was also selected for the Infantry OCS Hall of Fame for obtaining field grade rank starting from the rank of private.

After a distinguished military career, in 1972 Lewis retired at the rank of colonel from the Army. Following his retirement, Lewis returned to Marion and remained very active in the community. He served as administrator for the local Public Housing Authority, formed Stewart Real Estate, rehabilitated two historic homes and a Marion commercial building, served as director of special services for the district attorney, 4th Judicial Circuit, AL. He was also deeply involved in the American Legion, the Veterans of Foreign Wars, the Perry County Historical Society, and the Lions Club. As an active member of St. Wilfred's Episcopal Church, Lewis served as senior warden of the Vestry and led the revival of the church's historic cemetery.

Lewis is loved and will be missed by his two sons Lewis Minor Stewart, Jr. and SG Matthew Rebel Stewart, U.S. Army, Retired, as well as his four grandchildren, three great-grandchildren, and two sisters. Lewis was an inspiration to many and will be remembered as an outstanding husband, father, soldier, churchman, community contributor, friend, and leader.

I ask the entire Senate to join me in recognizing and honoring the life of my great friend, Lewis Minor Stewart.●

COMMENDING KATIE'S CAFÉ

● Ms. SNOWE. Mr. President, tourism represents Maine's largest economic sector, and as a result, many of my State's nearly 150,000 small businesses are seasonal. But this year, between the deepest economic recession our country has faced since the Great Depression and a streak of unfortunate weather throughout Maine, these boutiques, shops, and restaurants are in many cases not experiencing the level of business they would traditionally. Despite these disparaging factors, one small restaurant in the town of Ogunquit, Katie's Café on Shore Road, recently undertook a significant and bold expansion to attract new customers.

While Katie's Café on Shore Road is a new restaurant on the scene, having opened just last year, it has already taken noteworthy steps towards establishing itself as a preeminent member and integral part of the local community. Katie's is owned by Rich Yurko; Donna Andersen; Rob Leary; and Katie Yurko, Rich and Donna's mother for whom the restaurant is named. An Alberta, Canada, native, Katie and her husband Mike, along with their six children, are known for their abundant energy and hospitality. The Yurko family's first foray into the hospitality business occurred in 1999, when they purchased Breakfast on the Connecticut, a luxurious bed and breakfast in Lyme, NH.

Although a new establishment, Katie's boasts a knowledgeable staff with years of experience in the restaurant industry. The café is run by David Carme, who brings with him a plethora of experience from some of Boston's finest restaurants, including Teatro, an upscale Italian restaurant in Boston's theatre district, and Mistral, a trendy French Mediterranean establishment in the city's south end. Katie's also added executive chef Jason Grant to the team in May. An experienced cook, Grant brings 20 years of culinary experience to this new position.

Following a successful first year of operation last year, Katie's Café used the winter to expand its facilities, adding 40 new seats including a new porch seating area. Additionally, Katie's increased its kitchen space as well as the size of its lounge. With this recent expansion, Katie's Café serves as the perfect meeting place where customers are assured that they will receive a five star dining experience in a welcoming, relaxed social environment. With its expanded capacity, Katie's provides a unique locale for special events such as birthdays, weddings, receptions, and family holiday gatherings. Additionally, the café hosts ''Lounge Socials'' every Saturday and Sunday, complete with complementary appetizers and drink specials.

In its short time on Shore Road, Katie's has already taken the initiative to join with other area businesses in making several community events successful. In particular, the restaurant helped sponsor last December's Christmas by the Sea festivities, and took part in the town's Cinco de Mayo weekend this past May. These annual celebrations are a true example of community spirit, and they draw new faces from across the region to explore Ogunquit and the surrounding towns of York County.

A noteworthy seasonal small business that has quickly made a name for itself, Katie's Café has taken several concrete steps to ensure that it has a bright future beyond these tumultuous times. I congratulate everyone at Katie's Café for their vision and creativity, and wish them many more successful seasons.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1511. An act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

H.R. 1675. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

H.R. 2920. An act to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

H.R. 2938. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 2972. An act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the ''Conrad DeRouen, Jr. Post Office''.

H.R. 3119. An act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1511. An act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

H.R. 1675. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2920. An act to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration; to the Committee on the Budget.

H.R. 2938. An act to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Natural Resources.

H.R. 2972. An act to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the ''Conrad DeRouen, Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3119. An act to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the ''Lim Poon Lee Post Office''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2394. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Basic Provisions; Grape Crop Insurance Provisions and Table Grape Crop Insurance'' (RIN0563-AC09) received in the Office of the President of the Senate on July 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2395. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Livestock Indemnity Program and General Provisions for Supplemental Agricultural Disaster Assistance Programs'' (RIN0560-AH95) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2396. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Reserve Program'' (RIN0560-AH80) received in the Office of the President of the Senate on July 14, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2397. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenamidone; Pesticide Tolerances'' (FRL No. 8423-8) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2398. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Persons Contributing to the Conflict in Côte d'Ivoire Sanctions Regulations'' (31 CFR Parts 543) received in the Office of the President of the Senate on July 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2399. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a confirmation in the position of Assistant Secretary for Community Planning and Development in the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC–2400. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Iranian Transactions Regulations'' (31 CFR Parts 560) received in the Office of the President of the Senate on July 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2401. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the remaining obstacles to the efficient and timely circulation of $1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC–2402. A communication from the Director of Insular Affairs, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report entitled ''Impact of the Compacts of Free Association on Guam: Fiscal Year 2004 through Fiscal Year 2008''; to the Committee on Energy and Natural Resources.

EC–2403. A communication from the Secretary of the Department of Energy, transmitting proposed legislation to repeal Subtitle J, Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources, of Title IX of the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC–2404. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Minor Amendments to the Renovation, Repair, and Painting Program'' (FRL No. 8422-7) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Environment and Public Works.

EC–2405. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Revisions to General Air Quality Rules and the Mass Emissions Cap and Trade Program'' (FRL No. 8931-1) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Environment and Public Works.

EC–2406. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Correction of Effective Date Under Congressional Review Act'' (FRL No. 8930-2) received in the Office of the President of the Senate on July 15, 2009; to the Committee on Environment and Public Works.

EC–2407. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting proposed legislation which authorizes appropriations for fiscal year 2010; to the Committee on Environment and Public Works.

EC–2408. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—August 2009'' (Rev. Rul. 2009-22) received in the Office of the President of the Senate on July 20, 2009; to the Committee on Finance.

EC–2409. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report on Disability-Related Air Travel Complaints; to the Committee on Health, Education, Labor, and Pensions.

EC–2410. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, annual reports relative to the category rating system for the Department of Justice; to the Committee on Homeland Security and Governmental Affairs.

EC–2411. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Privacy Office Third Quarter Fiscal Year 2009 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–2412. A communication from the District of Columbia Auditor, transmitting a report entitled ''Fiscal Year 2008 Annual Report on Advisory Neighborhood Commissions''; to the Committee on Homeland Security and Governmental Affairs.

EC–2413. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the transfer of funds between drug control agency programs; to the Committee on the Judiciary.

EC–2414. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Hart-Scott-Rodino Annual Report: Fiscal Year 2008''; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–58. A resolution adopted by the Senate of the State of Louisiana urging Congress to address the escalating electronic payment interchange rates that merchants and consumers are assessed; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 131

Whereas, improved technology combined with consumer convenience has caused a rise in credit and debit card electronic payment systems; and

Whereas, in order for merchants to accept these payment systems, merchants are required to enter into an unfair contractual relationship with the credit card companies and their member banks; and

Whereas, in exchange for the electronic payment system, merchants must pay interchange fees and these interchange fees are usually hidden and not disclosed to the consumer; and

Whereas, credit card companies increase interchange fees and change the terms of merchant contract agreements without providing sufficient written or electronic notice to card accepting merchants; and

Whereas, the interchange fees are ultimately passed on to the consumers, including those who pay with cash or a check and who, in effect, subsidize rewards given to credit card customers; and

Whereas, the number of rewards cards in circulation is rapidly increasing, and the new rewards cards carry higher interchange fees and therefore, are more costly for both merchants and consumers; and

Whereas, merchants are contractually obligated to accept all cards from a credit card issuer and may not refuse payment from a card charging higher interchange rates; and

Whereas, the interchange fees, including those paid on food and gasoline, are typically almost double the profit margin of the merchant; and

Whereas, traditional economic models are not applicable because merchants are forced to accept contractual terms dictated often without notice or recourse; and

Whereas, small businesses struggle to absorb the constant increases in the cost of accepting electronic payments; and

Whereas, it is advantageous that economic models facilitate a highly competitive marketplace; and

Whereas, the increased consumer use of electronic payments requires Congress to assure the existence of a highly competitive and vibrant market that promotes an economic playing field that is fair to consumers, merchants, and card providers: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana hereby memorializes the Congress of the United States to address the escalating electronic payment interchange rates that merchants and consumers are assessed. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–59. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress, the Governor of Louisiana, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission, to assist in putting wood to electricity projects on a commensurate funding and taxation level with wind and solar generated electricity; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 49

Whereas, the major focus of the Wood Products Development Foundation is the expansion or development of new uses of wood and wood waste products that result in a positive impact on the economic conditions of the state; and

Whereas, the timber industry has experienced a serious decline in recent years, and this downturn will continue unless new use sources are developed in the immediate future; and

Whereas, after studying numerous potential industries, the foundation determined a project that used wood and wood waste products to create electricity would be the most economically viable expansion of raw wood products for the long term; and

Whereas, the use and need for electricity will continue to increase, and these projects will provide a renewable, green source of electric power that does not affect the nation's food supply or demand for food-based agricultural products and materials for an indefinite period; and

Whereas, these wood to electricity projects provide an additional market for raw wood products even in a distressed market, provide an additional source of electricity at a market rate that is carbon neutral, and provide a dedicated electrical source available locally to supply viable defense structures and critical facilities in times of natural disasters; and

Whereas, the foundation has completed plans for two centrally located plants within the state that will use wood waste products from wood producers in the vicinity; and

Whereas, the electrical production will be made equally available to wood-related industries and a grid for the benefit of low-income households within reasonable vicinity of the plant sites; and

Whereas, the two proposed projects will inject sixty million dollars into the economy in terms of construction and start-up costs and will create a minimum of thirty permanent full-time jobs at the plant sites and approximately one hundred jobs for suppliers of the wood fuel feedstock; and

Whereas, in the last several months, significant regional job losses in the wood industry make this effort even more vital to securing new alternatives for value-added market activity related to the wood resources of the state; and

Whereas, there is a current need for additional funding to complete the necessary regulatory, environmental, engineering, and administrative functions to fulfill the requirements for construction loan approvals: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation, the governor, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission to assist in providing funding for any necessary additional requirements, documentation, or studies that may be needed to secure long-term funding, and to assist in developing state and federal policies for wood to electricity projects that put them on a commensurate funding and taxation level with wind and solar generated electricity: Be it further

Resolved, That a copy of this Resolution be transmitted to the Louisiana congressional delegation, the governor, the Department of Economic Development, the Department of Agriculture and Forestry, and the Public Service Commission.

POM–60. A concurrent resolution adopted by the Senate of the State of Louisiana expressing continued support for the Coastal Restoration and Enhancement Through Science and Technology Program for its role in providing new research and scientific information for coastal restoration; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 20

Whereas, the Legislature of Louisiana expressed its support for the CREST Program in Senate Concurrent Resolution No. 21 of the 2008 First Extraordinary Session of the Legislature; and

Whereas, the CREST Program and its member educational institutions in Louisiana and Mississippi are continuing to work to provide applied research in innovative and practical technologies to meet the urgent need for coastal restoration and protection and to support a new generation of restoration scientists drawn from students working in science and engineering; and

Whereas, one of CREST's aims is to help policymakers, planners and coastal resource managers use the latest science and best technologies to ensure sustainable and productive coastal habitats and communities; and

Whereas, the CREST Program has been funded on an annual ''add-on'' basis in the federal budget and is therefore highly vulnerable to loss of its funding, a situation which would be improved by having the program become a regular part of the budget for the National Oceanic and Atmospheric Administration; and

Whereas, research funded by CREST has helped to improve barrier island restoration, marsh terracing, and re-vegetation techniques, to develop water and sediment budget needed for sustaining the Chenier Plain, and to understand the effects of Hurricane Katrina on the marsh areas below the Caernarvon Freshwater Diversion structure: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby express continued support for the Coastal Restoration and Enhancement Through Science and Technology Program for its role in providing new research and scientific information for coastal restoration and protection: Be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United States, the administrator of the National Oceanic and Atmospheric Administration, the director of Coastal Restoration and Enhancement Through Science and Technology Program, and to each member of the Louisiana delegation to the United States Congress.

POM–61. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation to adjust the Federal Medical Assistance Percentage rules to ameliorate the unintended negative impact caused by the infusion of disaster relief funding, both in public and private, into Louisiana's and other state's economies following major disasters; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 137

Whereas, in 2005 and 2008, Louisiana was struck by hurricanes Katrina, Rita, Gustav, and Ike, collectively requiring billions of dollars of federal and private assistance to the state; and

Whereas, the people of Louisiana are grateful for the support of the American people and of the United States Congress as the state is recovering from these catastrophic events; and

Whereas, coastal states, such as Florida, Mississippi and Texas, and other states, such as Iowa, have recently experienced significant disasters related to either hurricanes or flooding, and coastal states can reasonably expect to experience similar calamities in the future; and

Whereas, after a disaster resulting in massive and wide spread damage to public and private property, economic activity may temporarily significantly increase as the state and local communities endeavor to rebuild; and

Whereas, due to the increased economic activity resulting from hurricanes Katrina and Rita, Louisiana's per capita personal income saw an unusual and extraordinary increase of forty-two percent from 2005 through 2007; and

Whereas, the per capita personal income for Louisiana grew by six point eight percent from 2000 through 2005; and

Whereas, the bureau of economic analysis of the U.S. Department of Commerce stated in its 2007 report entitled State Personal Income, that ''Louisiana grew ten point five percent in 2007, down from twenty point six percent in 2006,'' and that ''these growth rates are substantially higher than any other state''; and

Whereas, the bureau further reported that, ''the rental income component of Louisiana personal income was boosted by five point four billion dollars of Road Home subsidies from the U.S. Department of Housing and Urban Development,'' and that much of the per capita personal income gain in Louisiana ''is accounted for by the Road Home subsidies which average nearly twelve hundred fifty dollars per Louisiana resident''; and

Whereas, evidence shows that even though the per capita personal income had grown by forty-two percent from 2005 through 2007, median income has remained stable which indicates that real personal income has not grown in a sustained way; and

Whereas, the bureau of economic analysis captures not only the economic activity generated by the receipt of government disaster relief payments but receipt of insurance payments that would not have occurred but for the hurricanes—activity which, when included in the overall calculations of per capita personal income are extremely difficult to disaggregate for attribution to specific causes as the spending percolates throughout the economy; and

Whereas, the increased economic activity in Louisiana in 2006 and 2007 is clearly a direct result of the rebuilding that occurred in the aftermath of hurricanes Katrina and Rita and this economic activity led to a corresponding increase in per capita personal income in Louisiana in 2006 and 2007; and

Whereas, accurate considerations of per capita personal income are important because federal law establishes the formula by which the FMAP for each state is determined based on a comparison of each states per capita personal income to the per capita income personal income of the United States as calculated by the bureau of economic analysis; and

Whereas, when a state's per capita personal income increases relative to the average of the United States, the state's FMAP decreases; and

Whereas, according to the federal formula, the increase in per capita personal income in Louisiana in 2006 and 2007 will have the unintended consequence of reducing Louisiana's FMAP for federal fiscal years 2010 and 2011; and

Whereas, Louisiana's FMAP will decrease to 67.61% in federal fiscal year 2010 and to

63.16% in federal fiscal year 2011, a total decrease of 6.53% over two years, the largest decline of any state; and

Whereas, Louisiana's FMAP is temporarily enhanced to eighty percent as a result of the enactment of the American Recovery and Reinvestment Act of 2009 (ARRA), but that enhanced FMAP will terminate on December 31, 2010; and

Whereas, Louisiana's FMAP will drop precipitously from eighty percent to sixty-three point sixteen percent on January 1, 2011, and this loss in federal match will annualize to approximately one billion dollars; and

Whereas, Louisiana has demonstrated a significant commitment to its programs for providing health care access to the poor by investing in substantial sums of state general fund dollars through Medicaid, SCHIP and a statewide system of public hospitals, all of which to combine to provide a safety net for a state with low income and significant provider access problems, and such a drastic reduction in Louisiana's FMAP will have devastating impact on the state's infrastructure for caring for the poor; and

Whereas, the presumed purpose for using the per capita personal income as a basis for the calculation of FMAP is to ensure resources are directed to states which are more likely to have low-income populations, and thus, a more significant burden on the Medicaid program; and

Whereas, Louisiana's Medicaid program has not seen a decrease in enrollment after hurricanes Katrina and Rita, but rather an increase, and thus, from an economic perspective, it is clear the purpose for utilizing per capita personal income as the primary driver of the state's FMAP cannot be accurately and fairly applied to Louisiana during the period following the temporary increase in economic activity; and

Whereas, the Louisiana Legislature does not accept that it is the intention of the United States Department of Health and Human Services or the United States Congress, through an artifact of the FMAP formula, to financially penalize Louisiana and other states working to rebuild their communities after major disasters: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to adjust the Federal Medical Assistance Percentage rules to ameliorate the unintended negative impact caused by the infusion of disaster relief funding, both public and private, into Louisiana's and other state's economies following major disasters; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–62. A concurrent resolution adopted by the Senate of the State of Louisiana affirming Louisiana's sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Consitution of the United States of America.

SENATE CONCURRENT RESOLUTION NO. 2

Whereas, the Tenth Amendment to the Constitution of the United States of America reads as follows: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the states are reserved to the states respectively, or to the people''; and

Whereas, the Tenth Amendment to the Constitution of the United States of America defines the total scope of federal power as being that specifically granted to the Constitution of the United States of America and no more; and

Whereas, the Tenth Amendment to the Constitution of the United States of America means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, today, in 2009, the states are demonstrably treated as agents of the federal government; and

Whereas, many powers assumed by the federal government as well as federal mandates are in direct violation of the Tenth Amendment to the Constitution of the United States of America; and

Whereas, the United States Supreme Court has ruled in *New York* v. *United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some pending with the present administration as well as from Congress may further violate the Constitution of the United States of America: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States of America that the legislature affirms Louisiana's sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America; Be it further

Resolved, That the Legislature of Louisiana also demands that the federal government halt and reverse its practice of assuming powers and imposing mandates upon the states for purposes not enumerated by the Constitution of the United States of America; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress and to the president of the United States of America and to the governor of Louisiana.

POM–63. A concurrent resolution adopted by the Senate of the State of Louisiana urges Congress to adopt and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a federal balanced budget; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, as the country copes with economic challenges beyond those this generation has experienced, a host of ideas and proposals have been put forth in an effort to alleviate economic stress; and

Whereas, the complexities of the problems facing the nation are mirrored in the variety of stimulus legislation proposals and many valid projects are being suggested, including those rebuilding the country's infrastructure; and

Whereas, the Congress of the United States has repeatedly repealed statutory requirements that mandate a balanced federal budget, making it abundantly clear that it lacks an understanding of fiscal discipline and restraint; and

Whereas, the repeated practice by the Congress of the United States of engaging in deficit spending and the accumulation of national debt endangers the jobs, incomes, retirement security, and welfare of the American people; and

Whereas, such deficits and debt also increase pressure to raise taxes on the American people; and

Whereas, Article V of the Constitution of the United States provides that an amendment to the constitution may be proposed by Congress, or on the application of the legislatures of two-thirds of the states, thereby Congress is required to call a constitutional convention for the purpose of proposing an amendment which shall become part of the constitution when ratified by the legislatures of three-fourths of the several states; and

Whereas, forty-nine states have balanced budget requirements, thirty-one of which mandate constitutionally that their budgets shall be balanced:

Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a federal balanced budget; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–64. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress and the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility, Cuba to prisons in Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, since the United States began its Global War on Terrorism in 2001, alleged terrorists captured by the United States and their allies have been detained in the facilities at Guantanamo Bay Detention Facility (GTMO), Cuba; and

Whereas, the detainee complex at Guantanamo Bay, Cuba, is the only complex in the world that has been established solely to safely and humanely hold individuals that pose a high-security risk to the United States; and

Whereas, GTMO is a secure location, away from the United States population, in general, and population centers, most especially, which provides the maximum security required to prevent escape, provides multiple levels of confinement opportunities based upon the level of compliance of the detainee, and provides medical care not available to a majority of the population of the world; and

Whereas, GTMO houses two hundred forty-five detainees from over thirty countries who include terrorist trainers, terrorist financiers, bomb makers, suspected Al-Qaeda recruiters and facilitators, and would-be suicide bombers; and

Whereas, in 2007, the Senate of the United States passed a resolution by a vote of 94–3, stating ''detainees housed at Guantanamo should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods''; and

Whereas, despite the best efforts of the Federal Bureau of Prisons, these detainees, if transferred stateside to facilities in American communities and neighborhoods, would present a significant threat to the American people at large, and, most especially, to those people located near any federal detention facility; and

Whereas, several federal detention facilities are located in the state of Louisiana, any of which could potentially house detainees released from GTMO; and

Whereas, any housing of these detainees in Louisiana would present a high risk and a clear and present danger to all Louisianians: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States and urges and requests the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility (GTMO), Cuba to prisons in Louisiana; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, to the Attorney General of the United States, and to the director of the Federal Bureau of Prisons.

POM – 65. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to establish an additional classification for airports; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 120

Whereas, the only airports or portions of airports eligible for Airport Improvement Program (AIP) funding are public use airports that serve civil aviation; and

Whereas, airport classifications serve as a framework for describing the existing function of each airport in the system and as reference for evaluating how system airports have changed their functions or are projected to change their functions as a result of accommodating forecast demands; and

Whereas, federal law defines airports by categories of airport activities, including commercial service, primary, cargo service, reliever, and general aviation: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to establish an additional classification for airports that have:

(1) Monthly operations in excess of two thousand five hundred.

(2) Airport buildings or other airport facilities in excess of five hundred thousand square feet and valued over fifty million dollars.

(3) Industrial and other business-related tenants.

(4) Activity that generates fuel sales in excess of one million five hundred thousand gallons of jet fuel or aviation gas per year.

(5) Economic impact in the local economy of twenty million dollars per year.

(6) A requirement for a functioning air traffic control tower: Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM – 66. A resolution adopted by the Senate of the State of Louisiana urging Congress to establish an additional classification for airports; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 123

Whereas, the only airports or portions of airports eligible for Airport Improvement Program (ALP) funding are public use airports that serve civil aviation; and

Whereas, airport classifications serve as a framework for describing the existing function of each airport in the system and as reference for evaluating how system airports have changed their functions or are projected to change their functions as a result of accommodating forecast demands; and

Whereas, federal law defines airports by categories of airport activities, including commercial service, primary, cargo service, reliever, and general aviation: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to establish an additional classification for airports that have:

(1) Monthly operations in excess of two thousand five hundred dollars;

(2) Airport buildings or other airport facilities in excess of five hundred thousand square feet and which are valued over fifty million dollars;

(3) Industrial and other business related tenants;

(4) Activity that generates fuel sales in excess of one million five hundred thousand gallons of jet fuel or aviation gas per year;

(5) An economic impact in the local economy of twenty million dollars per year; or

(6) A requirement for a functioning air traffic control tower: Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM – 67. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact the Credit Card Accountability, Responsibility, and Disclosure Act; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 47

Whereas, citizens have been adversely affected by the economic recession; and

Whereas, almost eighty percent of American households have credit cards; and

Whereas, the average outstanding credit card balance for those households was over ten thousand dollars; and

Whereas, credit card delinquency rates have risen over sixty percent since 2005; and

Whereas, many of the largest credit card issuers have received billions of dollars in taxpayer funded federal bailout funds; and

Whereas, the Credit Card Accountability, Responsibility, and Disclosure Act is currently pending before Congress; and

Whereas, if enacted, the Credit Card Accountability, Responsibility, and Disclosure Act would enact many consumer protections, including:

1. Protection of consumers from arbitrary interest rate, fee and finance charges, and prohibiting universal default on existing balances.

2. Prohibiting interest charges on paid-off balances from the previous billing cycle.

3. Protecting students and other young consumers from aggressive credit card solicitations.

4. Ensuring that payments are fairly allocated to the account with the highest interest rate first.

5. Requiring greater disclosure of rates, terms, and billing details by credit card companies.

6. Establishing tougher penalties for credit card companies that violate the law: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact the Credit Card Accountability, Responsibility, and Disclosure Act; Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Kim N. Wallace, of Texas, to be a Deputy Under Secretary of the Treasury.

*George Wheeler Madison, of Connecticut, to be General Counsel for the Department of the Treasury.

*Miriam E. Sapiro, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

*Carmen R. Nazario, of Puerto Rico, to be Assistant Secretary for Family Support, Department of Health and Human Services.

*William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

*Rosa Gumataotao Rios, of California, to be Treasurer of the United States.

*Daniel M. Tangherlini, of the District of Columbia, to be an Assistant Secretary of the Treasury.

*Daniel M. Tangherlini, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

*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 Mr. PRYOR (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. BURR):

S. 1505. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program, and for other purposes; to the Committee on Finance.

By Mr. REID (for Ms. MIKULSKI (for herself, Mr. CARDIN, and Mrs. MURRAY)):

S. 1506. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER:

S. 1507. A bill to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself, Mr. COBURN, Mrs. MCCASKILL, Ms. COLLINS, and Mr. MCCAIN):

S. 1508. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself, Mr. VOINOVICH, and Mr. LEVIN):

S. 1509. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1510. A bill to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Mr. GRAHAM):

S. 1511. A bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 1512. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself and Ms. COLLINS):

S. Res. 222. A resolution recognizing Lieutenant Commander Chris Cassidy, space shuttle mission specialist of the STS–127 space shuttle mission and the Expedition 19 International Space Station mission, for becoming the 500th person to fly into space; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 251

At the request of Mrs. HUTCHISON, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 330

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 330, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 511

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 512

At the request of Mr. KOHL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 512, a bill to amend chapter 1 of title 9, United States Code with respect to arbitration.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 801

At the request of Mr. AKAKA, the names of the Senator from Maryland (Mr. CARDIN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 839

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 839, a bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten.

S. 849

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 849, a bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

S. 913

At the request of Mr. CORNYN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 913, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 934

At the request of Mr. HARKIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 968

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1163

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1204

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of 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.

S. 1281

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1281, a bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs.

S. 1283

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1283, a bill to require persons that operate Internet websites that sell airline tickets to disclose to the purchaser of each ticket the air carrier that operates each segment of the flight, and for other purposes.

S. 1284

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1284, a bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national

standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1318

At the request of Mr. GREGG, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1344

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1362

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1473

At the request of Mrs. HAGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1473, a bill to catalyze change in the care and treatment of diabetes in the United States.

S. 1490

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1490, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1492

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 1492, supra.

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 1492, supra.

S. 1495

At the request of Mr. FRANKEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1495, a bill to require the Secretary of Veterans Affairs to carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S.J. Res. 17, supra.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 33

At the request of Mr. BURRIS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the crew of the USS Mason DE–529 who fought and served during World War II.

S. RES. 185

At the request of Mr. WARNER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 185, a resolution supporting the goals and ideals of National Alzheimer's Disease Awareness Month and National Memory Screening Day, including the development of a national health policy on dementia screening and care.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as ''National Childhood Cancer Awareness Day''.

S. RES. 215

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 215, a resolution designating August 8, 2009, as ''National Marina Day''.

AMENDMENT NO. 1484

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 1484 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1491

At the request of Mr. PRYOR, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1491 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1517

At the request of Mr. BUNNING, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 1517 intended to be proposed to S. 1390, an

original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1572

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1572 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1574

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1574 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1627

At the request of Mr. LIEBERMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 1627 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1657

At the request of Mr. BENNETT, his name was added as a cosponsor of amendment No. 1657 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1670

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1670 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1681

At the request of Mrs. LINCOLN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 1681 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1701

At the request of Mr. JOHANNS, the names of the Senator from Utah (Mr. BENNETT) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 1701 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1704

At the request of Mr. CARPER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1704 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1706

At the request of Mr. DORGAN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1706 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1717

At the request of Mr. FRANKEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 1717 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1744

At the request of Mr. BENNETT, his name was added as a cosponsor of amendment No. 1744 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1752

At the request of Mrs. BOXER, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Illinois (Mr. BURRIS), the Senator from New York (Mr. SCHUMER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 1752 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1764

At the request of Mr. SCHUMER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 1764 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1765

At the request of Mr. CHAMBLISS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1765 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Ms. MIKULSKI (for herself, Mr. CARDIN, and Mrs. MURRAY)):

S. 1506. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Commerce, Science, and Transportation.

Ms. MIKULSKI. Mr. President, today I introduce common sense legislation requiring the Secretary of the U.S. Department of Transportation to implement and enforce national safety standards for metro systems. Commuter rail systems like Maryland's MARC and the Virginia Railroad Express have Federal safety standards. Our metro systems must have them too. It is time for Congress to give the U.S. Department of Transportation this authority to keep commuters and train operators safe.

Last month the nation's hearts and prayers went out to the families of the nine passengers killed including one Marylander and 52 injured in the tragic

crash involving two Washington Metropolitan Area Transit Authority, WMATA, Metrorail trains. Shortly after this horrible accident, the Members of the Maryland and Virginia Congressional delegations and Congresswoman ELEANOR HOLMES NORTON met with the National Transportation Safety Board, NTSB, to be briefed on their ongoing investigation into this crash. This is when I learned the NTSB had recommended that the Federal Transit Administration, FTA, establish Federal standards for metro systems but the FTA had not taken action. Apparently, the FTA doesn't think it has this authority. Well, my bill fixes that. It gives the FTA the green light to move forward with Federal safety standards.

My bill directs the Secretary of Transportation to work with the NTSB to establish these new Federal standards. The bill also requires the Secretary to implement the NTSB's prior recommendations. These include safety standards relating to crashworthiness, emergency evacuation and event recorders of rail transit cars and hours of service for transit operators.

The NTSB is still investigating the cause of last month's crash here in our nation's capital. It will take about one year to complete. Existing evidence points to malfunctions with WMATA's train control system. Federal safety standards may not have prevented these malfunctions, but they may have been able to save lives had FTA implemented and enforced crashworthiness and emergency evacuation standards for transit rail cars. We also would know a lot more about the cause of the crash had FTA required event recorders on transit rail cars, as required on airplanes. These are all recommendations the NTSB has made that have not been addressed by the FTA.

More than 7 million people board rail transit cars every weekday in the U.S. Our metro systems must be safe. It is a no brainer that Congress provide the U.S. Department of Transportation with this authority.

I am pleased to introduce this bill with Senators CARDIN and MURRAY. I hope we can address this important safety issue quickly.

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. 1506

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 ''National Metro Safety Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Every weekday more than 7,000,000 people board rail transit vehicles in the United States.

(2) Despite the National Transportation Safety Board's recommendations to the Federal Transit Administration to establish and enforce Federal safety standards for transit agencies operating heavy rail on fixed guideway, the Federal Transit Administration has not taken action because of a perceived absence of authority to establish such standards.

(3) The Federal Transit Administration has not established minimum Federal standards that govern the structural crashworthiness of heavy rail passenger cars on fixed guideway.

(4) The National Transportation Safety Board concluded that the failure to have minimum crashworthiness standards places an unnecessary risk on passengers and crew.

(5) The Federal Transit Administration does not have any requirements that rail transit cars be equipped with means for safe and rapid emergency responder entry and passenger evacuation.

(6) Although the installation of data recorders on rail transit cars would help investigators determine the factors contributing to crashes, the Federal Transit Administration does not require such installation.

(7) Although the National Transit Safety Board has expressed concern that the hours of service practices of transit agencies do not provide transit vehicle operators with the opportunity to obtain adequate sleep to be fully alert and to operate safely, the Federal Transit Administration does not have hours of service regulations to govern the practices of transit agencies.

SEC. 3. NATIONAL RAIL TRANSIT SAFETY STANDARDS.

(a) ESTABLISHMENT.—Notwithstanding section 5334(b)(1) of title 49, United States Code, the Secretary of Transportation, in consultation with the National Transportation Safety Board shall, by regulation, develop, implement, and enforce national safety standards for transit agencies operating heavy rail on fixed guideway.

(b) INCLUSION OF NTSB RECOMMENDATIONS.—The standards established under subsection (a) shall include the standards recommended to the Federal Transit Administration by the National Transportation Safety Board related to crashworthiness, emergency access and egress, event recorders, and hours of service.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress that describes the progress made in establishing the standards described in subsection (a).

By Mr. DURBIN:

S. 1512. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. This is a critical time in America. For the first time in many decades, we have a real opportunity to reform our healthcare system and improve how care is delivered in our country and the ability for Americans to access such quality care.

The delivery of quality care in our country is as great as it is because of the more than 2.9 million nurses in our country. Americans depend on nurses to deliver quality patient care, yet our nation faces a critical shortage of nurses. The U.S. Bureau of Labor Statistics projects that more than 1.2 million new and replacement nurses will be needed by 2014 to keep up with the aging Baby Boomer population and the increased demand for health care.

As we work toward reform of health insurance, we need to prioritize increasing the number of nurses entering the workforce. We can do that by building on the current healthcare workforce. That allows us to work with people who are familiar with the work environment in the health field, require less time in orientation than new workers, and represent a diverse population more representative of the patients being served.

Today, I am pleased to introduce the Nurse Training and Retention Act to assist states and localities in creating career ladders for current healthcare workers who are ready to upgrade their skills. Many people in the healthcare workforce are in entry level jobs that don't always offer opportunities for advancement. For much of this population, advanced education is unaffordable and unattainable. The legislation I am proposing offers incumbent healthcare workers realistic options to enhance their skills, advance their careers, and meet the growing demand for nurses.

The legislation authorizes the Department of Labor to award grants to support training programs for healthcare workers. Health aides can use these programs to earn a certificate or degree in nursing. Nurses can upgrade their skills and qualifications so that they can serve as nurse faculty, which would help relieve the backlog of qualified applicants who aren't in nursing school because of the lack of faculty.

Programs administered by joint labor/management training partnerships have made great progress educating and retaining nurses. The proposed grant program builds on the good work these partnerships have done and encourages further collaboration with colleges and universities. The combination of support in the workplace and collaboration with nursing schools to meet the needs of the non-traditional student means these students are performing very well in nursing school. These new nurses have higher retention rates than other, more traditional students who do not have work experience in the field. Another benefit of the career ladder is that these collaborations are building a more diverse nursing workforce.

Another important player in this process is the employer. That's why my bill asks employers of incumbent healthcare workers to invest in the training programs. This completes the partnership, so that labor, employer, and the participating school are all working together to retain and grow the healthcare workforce we have today.

Nurses play an invaluable role in patient care in this country. By supporting our current healthcare workforce and offering these individuals a chance to move up in the field, the Nurse Training and Retention Act can help us tap an overlooked resource. I urge my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1512

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 ''Nurse Training and Retention Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.

(a) PURPOSES.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(b) GRANTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the ''Secretary'') shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consists of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (c).—To be eligible for a grant under this section, a healthcare employer described in subsection (c) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a Bachelor of Science in Nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance which is managed by a joint labor-management training fund or other jointly administered program.

(e) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(f) ACTIVITIES.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, pre-college counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(g) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become

nurses or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(h) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality (which may include staffing ratios of nurses, patient satisfaction rates, patient safety measures); and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 222—RECOGNIZING LIEUTENANT COMMANDER CHRIS CASSIDY, SPACE SHUTTLE MISSION SPECIALIST OF THE STS–127 SPACE SHUTTLE MISSION AND THE EXPEDITION 19 INTERNATIONAL SPACE STATION MISSION, FOR BECOMING THE 500TH PERSON TO FLY INTO SPACE

Ms. SNOWE (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 222

Whereas Lieutenant Commander Chris Cassidy attended York High School in York, Maine;

Whereas, in 1993, Lieutenant Commander Chris Cassidy earned a bachelor's degree in mathematics from the United States Naval Academy;

Whereas, in 2000, Lieutenant Commander Chris Cassidy earned a master's degree in ocean engineering from the Massachusetts Institute of Technology;

Whereas Lieutenant Commander Chris Cassidy honorably served as a Navy SEAL for 10 years;

Whereas Lieutenant Commander Chris Cassidy graduated with honors from Class 192 of the Basic Underwater Demolition/SEAL program;

Whereas, in 2003 and 2004, Lieutenant Commander Chris Cassidy was a Quest speaker at the United States Naval Academy Combat Leadership Seminar;

Whereas Lieutenant Commander Chris Cassidy was awarded a Bronze Star with combat ''V'' and a Presidential Unit Citation for leading a 9-day operation at the Zharwar Kili cave complex on the border between Afghanistan and Pakistan;

Whereas, in 2004, Lieutenant Commander Chris Cassidy was awarded a second Bronze Star for combat leadership in Afghanistan;

Whereas Lieutenant Commander Chris Cassidy volunteered for and completed a week-long, 180-mile charity kayak trip from Norfolk, Virginia, to Washington, District of Columbia, to raise money and awareness for the Special Operations Warrior Foundation;

Whereas, in May 2004, Lieutenant Commander Chris Cassidy was selected by the National Aeronautics and Space Administration to become an astronaut;

Whereas, on July 20, 1969, Neil Armstrong became the first person to step on the moon;

Whereas 2009 marks the 40th anniversary of the Apollo 11 mission;

Whereas, on July 15, 2009, aboard space shuttle mission STS-127, Lieutenant Commander Chris Cassidy became the 500th person in history to fly into space;

Whereas the primary goal of the STS-127 space shuttle mission is to deliver the final components of the Kibo laboratory of the Japan Aerospace Exploration Agency to the International Space Station; and

Whereas the STS-127 mission is essential to the performance of valuable science experiments in the vacuum of space: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Lieutenant Commander Chris Cassidy, space shuttle mission specialist of the STS-127 space shuttle mission and the Expedition 19 International Space Station mission, for becoming the 500th person in history to fly into space; and

(2) commends Lieutenant Commander Chris Cassidy and the STS-127 space shuttle mission crew for risking their lives to advance science and human understanding.

Ms. SNOWE. Mr. President, I rise today to submit a resolution recognizing Lieutenant Commander Chris Cassidy, space shuttle mission specialist of the STS–127 space shuttle mission and the Expedition 19 International Space Station mission, for becoming the 500th person to fly into space.

While Lieutenant Commander Chris Cassidy is a native of Salem, Massachusetts, he considers York, ME, his hometown, where he attended York High School. Chris has a very impressive academic background earning a bachelor of science in Mathematics from the U.S. Naval Academy, and a Master of Science in Ocean Engineering from the Massachusetts Institute of Technology.

Even more impressive is his ongoing service to his country. Chris spent 10 years as a U.S. Navy SEAL, which includes two tours in Afghanistan. During that time, he received numerous awards including the Bronze Star with the combat 'V' and the Presidential Unit Citation for leading a 9-day operation at the Zharwar Kili cave complex. This operation was a national priority objective directly on the Afghan/Pakistan border. Lieutenant Commander Cassidy received a second Bronze Star for combat leadership service in Afghanistan in 2004. Chris was also a Quest speaker at the U.S. Naval Academy's 2003 and 2004 Combat Leadership Seminars.

Upon returning from his service, Chris was selected by the National Aeronautics and Space Administration to begin astronaut training in 2004 at NASA's Johnson Space Center in Houston.

The space shuttle STS–127 mission is Lieutenant Commander Cassidy's first time in space. As this Nation celebrates the 40th anniversary of the Apollo 11 mission and the first man on the moon, Chris Cassidy becomes the 500th person to travel to space on the Space Shuttle Endeavor. The STS–127 mission's primary goal is to deliver the final components of the Japan Aerospace Exploration Agency's Kibo laboratory to the International Space Station, which will be essential to allowing astronauts to perform valuable science experiments that are exposed to the vacuum of space. In order to install those components, five space walks are scheduled for the 16-day mission and Chris is expected to perform three of them.

This resolution recognizes Space Shuttle Mission Specialist Navy Lieutenant Commander Chris Cassidy of STS–127 space shuttle mission and the Expedition 19 International Space Station mission and for becoming the 500th person in history to fly into space; and also commends him and the rest of the STS–127 Mission crew for risking their lives in the advance of science and human understanding. I hope my colleagues will join Senator COLLINS and me in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1767. Mr. BAYH (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1768. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1769. Mr. LEVIN (for himself, Mr. KERRY, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1770. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1771. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1772. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1773. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1774. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ,

and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1775. Mr. McCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KAUFMAN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1776. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1777. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1778. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1779. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1780. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1390, supra.

SA 1781. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1782. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1783. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1784. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1785. Mr. WARNER (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1786. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1715 submitted by Mrs. GILLIBRAND and intended to be proposed to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1787. Mr. UDALL, of New Mexico (for himself, Mr. BINGAMAN, and Mr. UDALL, of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1788. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra.

SA 1789. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1790. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1791. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1792. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1793. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1795. Mr. MARTINEZ (for himself, Mr. INHOFE, Mr. KYL, Mr. GRAHAM, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1796. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1797. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1798. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1694 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1799. Ms. KLOBUCHAR proposed an amendment to the bill S. 1390, supra.

SA 1800. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1801. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, supra.

SA 1802. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1803. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1804. Mrs. SHAHEEN (for herself, Mr. JOHANNS, Mr. KAUFMAN, Mr. BOND, Mr. BEGICH, and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1621 proposed by Mrs. SHAHEEN (for herself, Mr. JOHANNS, Mr. KAUFMAN, and Mr. BEGICH) to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1805. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1806. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1807. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1760 submitted by Mr. KYL (for himself, Mr. McCONNELL, Mr. McCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, Mr. WICKER, and Mr. BENNETT) to the bill S. 1390, supra.

SA 1808. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1809. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1810. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1811. Mr. COBURN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1812. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

TEXT OF AMENDMENTS

SA 1767. Mr. BAYH (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 39, strike lines 4 through 17, and insert the following:

SEC. 211. CONTINUED DEVELOPMENT OF COMPETITIVE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) IN GENERAL.—Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation for the F–35 Lightning II aircraft program, not more than 90 percent may be obligated until the Secretary of Defense submits to the congressional defense committees a written certification that sufficient funds have been obligated for fiscal year 2010 for the continued development of a competitive propulsion system for the F–35 Lightning II aircraft to ensure that system development and demonstration continues under the program during fiscal year 2010.

(b) ADDITIONAL AMOUNT FOR UH–1Y/AH–1Z ROTARY WING AIRCRAFT.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is hereby increased by $282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH–1Y/AH–1Z rotary wing aircraft.

(c) RESTORATION OF MANAGEMENT RESERVES FOR F–35 JOINT STRIKE FIGHTER PROGRAM.—

(1) NAVY JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by $78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) AIR FORCE JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by $78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) OFFSET.—The amount authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force is hereby decreased by $438,900,000, with the amount of the decrease to be derived from amounts available for airlift aircraft for the HC/MC–130 recapitalization program.

SA 1768. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 731 and insert the following:

SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces is described in this subsection if—

(1) the member or former member—

(A) is otherwise eligible for medical care under the TRICARE program;

(B) has been diagnosed with a moderate to severe traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(C) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(D) is referred by a qualified physician for cognitive rehabilitative therapy; and

(2) cognitive rehabilitative therapy is not reasonably available to the member or former member through the Department of Veterans Affairs.

(c) ELEMENTS OF PILOT PROGRAM.—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) ENTITIES AND OFFICIALS TO BE CONSULTED.—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the effectiveness of the pilot program in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) TRICARE PROGRAM DEFINED.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(g) FUNDING.—Of the amount authorized to be appropriated by section 1403 for the Defense Health Program, not more than $5,000,000 may be available to carry out the pilot program under this section.

SA 1769. Mr. LEVIN (for himself, Mr. KERRY, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. REMOVAL OF RUSSIAN FEDERATION FROM JACKSON-VANIK APPLICATION.

(a) IN GENERAL.—On and after the date of the enactment of this Act, sections 402, 407(b), and 409 of the Trade Act of 1974 (19 U.S.C. 2432, 2437(b), and 2439) shall not apply to the Russian Federation or its products.

(b) CONTINUATION OF APPLICATION OF REMAINING PROVISIONS OF TITLE IV.—The provisions of title IV of the Trade Act of 1974, other than the provisions listed in subsection (a), shall continue to apply to the Russian Federation until legislation is enacted into law that grants normal trade relations treatment to the Russian Federation.

SA 1770. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, between lines 20 and 21, insert the following:

(3) ASSESSMENTS OF MEMBERS DISCHARGED OR RELEASED UPON RETURN FROM DEPLOYMENT.—In the case of a member of the Armed Forces who is discharged or released from the Armed Forces upon the member's return from deployment, the Secretary of Defense shall, to the extent practicable, make available the opportunity for such member to participate in the mental health assessments required under subparagraph (C) of paragraph (1) together with the unit with which the member was previously deployed, without regard to the terms of such discharge or release.

SA 1771. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end subtitle H of title X, add the following:

SEC. 1083. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), the independent panel established under subsection (f) of such section (in this section referred to as the ''Panel'') shall include ten members to be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(E) Two by the Secretary of Defense.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(b) ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) made any recommendations it considers appropriate for consideration.

(c) REPORT OF SECRETARY OF DEFENSE.—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(d) TERMINATION.—This provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

SA 1772. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Quadrennial Defense Review Matters

SEC. 1091. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel'').

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Three by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Three by the ranking member of the Committee on Armed Services of the Senate.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks in the report of the 2009 QDR under subsection (d) of such section, with particular attention paid to the risks described in that report;

(3) submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary an independent assessment of a variety of possible

force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures included in the assessment under paragraph (3); and

(5) provide to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—The Panel shall hold its first meeting not later than 30 days after the date on which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) REPORTS.—

(1) INTERIM REPORT OF PANEL.—Not later than February 15, 2010, the Panel shall submit an interim report on its findings to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(2) FINAL REPORT OF PANEL.—Not later than June 15, 2011, the Panel shall submit its final report, together with any recommendations, to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives the Secretary's comments on the Panel's final report under paragraph (2).

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of components of the Department such information as the Panel considers necessary to carry out its duties under this section. The Secretary of Defense and the head of the component concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from unobligated amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1092. REPORTS ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense submits the report required by subsection (d) of section 118 of title 10, United States Code, on the 2009 quadrennial defense review required by subsection (a) of that section, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of such subsection (d).

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the areas of deviation not later than 30 days after the submittal of the report by the Comptroller General required by subsection (a).

SEC. 1093. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118(d) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the 2006 quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SA 1773. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the timeline for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the study required by subsection (a).

SA 1774. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) EXTENSION OF SUNSET.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking ''September 30, 2009'' and inserting ''September 30, 2010''; and

(3) by inserting after subsection (e) the following new subsection:

''(f) FOLLOW-ON REPORT.—Following submittal of the report required in subsection (e), the Commission may conduct public outreach and discussion of the matters contained in the report.''.

SA 1775. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KAUFMAN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

Subtitle D—VOICE Act

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Victims of Iranian Censorship Act''or the ''VOICE Act''.

SEC. 1242. SENSE OF CONGRESS.

It is the sense of Congress that the United States—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts the Voice of America's (VOA) 24-hour television station Persian News Network, and Radio Free Europe/Radio Liberty's (RFE/RL) Radio Farda 24-hour radio station; British Broadcasting Corporation (BBC) Farsi language programming; Radio Zamaneh; and other independent news outlets to provide information to Iran;

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world;

(9) commends companies which have facilitated the ability of the Iranian people to access and share information, and exercise freedom of speech, freedom of expression, and freedom of assembly through alternative technologies; and

(10) condemns companies which have knowingly impeded the ability of the Iranian people to access and share information and exercise freedom of speech, freedom of expression, and freedom of assembly through electronic media, including through the sale of technology that allows for deep packet inspection or provides the capability to monitor or block Internet access, and gather information about individuals.

SEC. 1243. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran;

(2) to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference;

(3) to discourage businesses from aiding efforts to interfere with the ability of the people of Iran to freely access or share information or otherwise infringe upon freedom of speech, freedom of expression, freedom of assembly, and freedom of the press through the Internet or other electronic media, including through the sale of deep packet inspection or other technology to the Government of Iran that provides the capability to monitor or block Internet access, and gather information about individuals; and

(4) to encourage the development of technologies, including Internet Web sites that facilitate the efforts of the Iranian people—

(A) to gain access to and share accurate information and exercise freedom of speech, freedom of expression, freedom of assembly, and freedom of the press, through the Internet or other electronic media; and

(B) engage in Internet-based education programs and other exchanges between United States citizens and Iranians.

SEC. 1244. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL BROADCASTING OPERATIONS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated $15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) BROADCASTING CAPITAL IMPROVEMENTS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated $15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) USE OF AMOUNTS.—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

SEC. 1245. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the ''Fund''), consisting of amounts appropriated to the Fund pursuant to subsection (f).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of State.

(c) OBJECTIVE.—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) TRANSFERS.—Amounts in the Fund may be transferred to the United States Agency for International Development, the Broadcasting Board of Governors, or any other agency of the Federal Government to the extent that such amounts are used to carry out activities that will further the objective described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to the Fund.

SEC. 1246. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1244, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) CLASSIFIED ANNEX.—The report submitted under subsection (a) may include a classified annex.

SEC. 1247. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

(a) STUDY.—The President shall direct the appropriate officials to examine claims that non-Iranian companies, including corporations with United States subsidiaries, have provided hardware, software, or other forms of assistance to the Government of Iran that has furthered its efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that contains the results of the study conducted under subsection (a). The report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated $5,000,000 to the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

SA 1776. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Quadrennial Defense Review Matters

SEC. 1091. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel'').

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Three by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Three by the ranking member of the Committee on Armed Services of the Senate.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks in the report of the 2009 QDR under subsection (d) of such section, with particular attention paid to the risks described in that report;

(3) submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures included in the assessment under paragraph (3); and

(5) provide to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—The Panel shall hold its first meeting not later than 30 days after the date on which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) REPORTS.—

(1) INTERIM REPORT OF PANEL.—Not later than June 15, 2010, the Panel shall submit an interim report on its findings to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(2) FINAL REPORT OF PANEL.—Not later than June 15, 2010, the Panel shall submit its final report, together with any recommendations, to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and House of Representatives the Secretary's comments on the Panel's final report under paragraph (2).

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of components of the Department such information as the Panel considers necessary to carry out its duties under this section. The Secretary of Defense and the head of the component concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from unobligated amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1092. REPORTS ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense submits the report required by subsection (d) of section 118 of title 10, United States Code, on the 2009 quadrennial defense review required by subsection (a) of that section, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of such subsection (d).

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the areas of deviation not later than 30 days after the submittal of the report by the Comptroller General required by subsection (a).

SEC. 1093. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118(d) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the 2006 quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SA 1777. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 123, strike (a) and insert:

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of the Air Force, a report on potential foreign military sales of the F–22A fighter aircraft.

SA 1778. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31, strike ''the Secretary'' on line 24 and all that follows through ''Force,'' on page 32, line 1, and insert ''the Secretary of the Air Force shall enter into a contract with a federally funded research and development center under which the center will''.

SA 1779. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 14 and 15, insert the following:

SEC. 706. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

''(a) IN GENERAL.—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period under part B of such title.''.

SA 1780. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, after line 23, insert the following:

SEC. 557. REPORT ON YELLOW RIBBON REINTEGRATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including an assessment of the best practices from pilot programs offered by various States to provide supplemental services to Yellow Ribbon and the feasibility of incorporating those practices into Yellow Ribbon.

(2) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(3) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(4) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

SA 1781. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTION OF CULTURAL PROPERTY.

(a) AMENDMENT TO TITLE 28.—Section 1611 of title 28, United States Code, is amended by inserting at the end the following:

''(d)(1) Notwithstanding any other provision of law, including section 1610 of this title or section 201 of the Terrorism Risk Insurance Act of 2002 (Pub. L. No. 107–297; 116 Stat. 2337), the property of a foreign state or of an agency or instrumentality of a foreign state shall be immune from attachment and from execution if—

''(A) the property is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

''(B) the property is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.

''(2) In any proceeding involving the attachment or execution of property alleged to be property of a foreign state or of any agency or instrumentality of a foreign state, the immunity of the property from attachment or execution may be raised by any party that has or claims ownership, possession, custody, or control over such property, whether or not the foreign state or agency or instrumentality of a foreign state to which the property allegedly belongs appears or asserts a claim of immunity.

''(3) The immunity of property under this subsection from attachment and execution shall be broadly construed.''.

(b) AMENDMENT TO TERRORISM RISK INSURANCE ACT.—Section 201(d)(2)(B) of the Terrorism Risk Insurance Act of 2002 (P. L. 107–297; 28 U.S.C. 1610 note) is amended—

(1) in clause (i), by striking ''or'' after the semicolon;

(2) in clause (ii), by striking the period and inserting ''; or''; and

(3) by inserting at the end the following:

''(iii)(I) is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

''(II) is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to any proceeding pending on or after the date of the enactment of this Act.

SA 1782. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, between lines 4 and 5, insert the following:

SEC. 713. REPORT ON POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on post-deployment health assessments of Guard and Reserve members.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the feasibility of administering a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the Armed Forces returning to the member's home station from deployment in connection with a contingency operation at such home station or in the county of residence of the member within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, an assessment administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the Armed Forces returning from deployment, by not later than the member's release from active duty following such deployment.

(2) An assessment of the feasibility of requiring that Post-Deployment Health Assessments described under paragraph (1) be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(3) A description of—

(A) the availability of personnel described under paragraph (2) to perform assessments described under this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces; and

(B) if such personnel are not available at such locations, the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

SA 1783. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON DOCUMENTATION OF SUPPORT PROVIDED BY MEMBERS OF THE ARMED FORCES IN COMBAT OPERATIONS OUTSIDE THE REQUIREMENTS OF THEIR MILITARY OCCUPATIONS.

(a) IN GENERAL.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the documentation of the support provided by members of the Armed Forces while deployed in support of contingency operations that is provided—

(1) as a result of combat operational requirements; and

(2) outside of the requirements of their military occupations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the mechanisms used by the Secretary, if any, to document the support provided by members of the Armed Forces while deployed in support of contingency operations that is provided as a result of combat operational requirements and outside of the requirements of their military occupations.

(2) Recommendations for the improvement or creation of mechanisms described in paragraph (1).

(3) An assessment of the feasibility and advisability of creating and implementing an experience, service, or skill identifier to identify the support described in paragraph (1).

(4) An assessment of whether such identifier could be used effectively and efficiently for the provision of training and assignment matching.

(5) An assessment of whether the current chain of command construct allows members described in paragraph (1) who provide support described in such paragraph sufficient opportunity to obtain recognition for their service.

(6) An identification of the differences between service in the reserve components of the Armed Forces and service in the regular components of the Armed Forces and how those differences affect the matters described in paragraphs (1) through (5).

(7) An assessment of how a mechanism described in paragraph (1) could be used to improve determinations of whether a member of the Armed Forces has, for purposes of establishing service-connection for a disease or injury under section 1154(b) of title 38, United States Code, engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition.

SA 1784. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON ESTABLISHMENT OF ARCTIC DEEP WATER PORT.

(a) STUDY.—

(1) IN GENERAL.—The Chief of Naval Operations, in consultation with the Commandant of the Coast Guard, shall conduct a study on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important Arctic region.

(2) SCOPE.—The study required under paragraph (1) shall address the following issues:

(A) The capability that such a port would provide.

(B) Potential and optimum locations for such a port.

(C) Resources needed to establish such a port.

(D) The time frame needed to establish such a port.

(E) The infrastructure required to support such a port.

(F) Any other issues the Secretary determines necessary to complete the study.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SA 1785. Mr. WARNER (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Assistant Secretary of Defense for Manufacturing and Industrial Base, and the Commander of the United States Joint Forces Command, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation industrial base.

(6) Other matters as determined appropriate by the Secretary.

SA 1786. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1715 submitted by Mrs. GILLIBRAND and intended to be proposed to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 706. TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1079 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(18) In accordance with subsection (r), treatment for autism spectrum disorders shall be made available to dependents who are diagnosed with autism spectrum disorders.''; and

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

''(r)(1) For purposes of subsection (a)(18), treatment for an autism spectrum disorder may include the use of applied behavior analysis or other structured behavior programs, as the Secretary determines appropriate.

''(2) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of subsection (a)(9).

''(3)(A) This subsection shall not apply to a medicare-eligible beneficiary (as defined in section 1111(b) of this title).

''(B) Except as provided in subparagraph (A), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

''(i) this chapter;

''(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

''(iii) any other provision of law.

''(4) In carrying out this subsection, the Secretary shall ensure that—

''(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a State, the Behavior Analyst Certification Board, or other accredited national certification board; and

''(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum

qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services and in accordance with regulations prescribed by the Secretary.

''(5) In this section, the term 'autism spectrum disorders' includes autistic disorder, Asperger's syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.''.

(b) REGULATIONS.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out subsections (a)(18) and (r) of section 1079 of title 10, United States Code, as added by subsection (a) of this section.

(c) REPORT.—Not later than 180 days after the implementation of subsections (a)(18) and (r) of section 1079 of title 10, United States Code, as added by subsection (a) of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of such subsections and the effect of such subsections on access to quality applied behavioral analysis services for military families and their dependents with autism spectrum disorders.

(d) APPLICABILITY TO OTHER PROVISIONS.—Nothing in this section shall be construed to alter or affect the requirement under section 553 of this Act to develop and implement a policy for the support of military children with autism and their families.

(e) ADDITIONAL AMOUNT FOR TRICARE PROGRAM.—The amount authorized to be appropriated by section 1403(1) for the Defense Health Program for operation and maintenance is hereby increased by $50,000,000, with the amount of the increase to be available to carry out subsections (a)(18) and (r) of section 1079 of title 10, United States Code, as added by subsection (a) of this section.

(f) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby decreased by $50,000,000, with the amount of the decrease to be derived from unobligated balances.

SA 1787. Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. UPDATED REPORT ON THE STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) IN GENERAL.—On the date referred to in subsection (c), the Secretary of Energy shall submit to the congressional defense committees and the Comptroller General of the United States an update to the report on the status of environmental management initiatives required by section 3130 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 585) to fully evaluate the progress made by the Department of Energy toward—

(1) reducing the environmental risks and challenges that result from the legacy of the Cold War; and

(2) complying with the mandatory environmental cleanup milestones of the Department.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of the major mandatory environmental cleanup milestones of the Department of Energy by site that the Department may miss, including—

(A) a statement explaining the reason or reasons for missing each such milestone;

(B) an assessment of any penalties that the Department could incur as a result of missing each such milestone;

(C) an estimate of the amount of funding necessary to ensure the compliance of the Department with each such milestone; and

(D) an assessment of the specific environmental risks that may continue because of, or result from, missing each such milestone.

(2) A list of the major mandatory environmental cleanup milestones of the Department of Energy by site that the Department has missed since January 1, 2000, including—

(A) a statement explaining the reason or reasons for missing each such milestone;

(B) a report on any financial penalties that the Department incurred as a result of missing each such milestone;

(C) an assessment of whether budget requests of the Department to Congress requested funding sufficient to allow the Department to meet each such milestone; and

(D) a discussion of the specific environmental risks that continued because of, or resulted from, missing each such milestone.

(3) Recommendations with respect to legislative or regulatory changes or clarifications that would improve or accelerate environmental management activities to reduce the environmental risks and challenges that face the Department of Energy as a result of the legacy of the Cold War.

(c) DATE FOR SUBMITTAL OF REPORT.—The date referred to in this subsection is the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2011 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress.

SA 1788. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) IN GENERAL.—It is the sense of Congress that, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) CONSIDERATIONS.—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

SA 1789. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. REPORT ON ALLOWING ONE PARENT OF A DUAL-MILITARY MARRIED COUPLE WITH A MINOR DEPENDENT TO SERVE AS PRIMARY CAREGIVER WHEN THE OTHER PARENT IS DEPLOYED OVERSEAS IN CONNECTION WITH A CONTINGENCY OPERATION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) on the feasibility and advisability of—

(A) adopting a policy that would allow a dual-military married couple with a minor dependent to stagger deployments to an overseas contingency operation, if the couple so chooses,

(B) providing a 90-day reintegration period between deployments to an overseas contingency operation for each dual-military married couple with a minor dependent; and

(2) that includes the number and demographics of dual-military parents and single parents who separated from the Armed Forces after January 1, 1999, disaggregated by year.

SA 1790. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON HEALTH EFFECTS OF DEPARTMENT OF DEFENSE BURN PITS ON MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the adverse health effects on members and former members of the Armed Forces of the use of burn pits by the Department of Defense for the disposal of refuse.

(b) AIR QUALITY TESTS.—

(1) IN GENERAL.—As part of the report submitted under subsection (a), the Secretary

shall include the results of air quality and air pollutant tests carried out at each of the 15 military installations or facilities closest to a burn pit described in subsection (a) in which members of the Armed Forces reside. Such results shall specify the distance between the burn pit and the military installation or facility where the air quality and air pollutant tests were carried out.

(2) METHOD.—In carrying out the air quality and air pollutant tests, the Secretary of Defense may select a representative sample of the 15 military installations.

SA 1791. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 125. OPERATING FACILITY FOR 8TH AIR FORCE HEADQUARTERS.

Notwithstanding any other provision of law, the Administrator of the General Services Administration shall identify an appropriate operating facility for the 8th Air Force Headquarters within 90 days of receiving operating space requirements from a representative of the United States Air Force.

SA 1792. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON DOCUMENTATION OF SUPPORT PROVIDED BY MEMBERS OF THE ARMED FORCES IN COMBAT OPERATIONS OUTSIDE THE REQUIREMENTS OF THEIR MILITARY OCCUPATIONS.

(a) IN GENERAL.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the documentation of the combat experience of members of the Armed Forces while deployed in support of contingency operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the mechanisms used by the Secretary, if any, to document the combat experience of members of the Armed Forces while deployed in support of contingency operations that is provided as a result of combat operational requirements and outside of the requirements of their military occupations.

(2) Recommendations for the improvement or creation of mechanisms described in paragraph (1).

(3) An assessment of the feasibility and advisability of creating and implementing an experience, service, or skill identifier to identify the combat experience described in paragraph (1).

(4) An assessment of whether such identifier could be used effectively and efficiently for the provision of training and assignment matching.

(5) An assessment of whether the current chain of command construct allows members described in paragraph (1) who have experienced combat sufficient opportunity to obtain recognition for their service.

(6) An identification of the differences between service in the reserve components of the Armed Forces and service in the regular components of the Armed Forces and how those differences affect the matters described in paragraphs (1) through (5).

(7) An assessment of how a mechanism described in paragraph (1) could be used to improve determinations of whether a member of the Armed Forces has, for purposes of establishing service-connection for a disease or injury under section 1154(b) of title 38, United States Code, engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition.

SA 1793. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, insert the following:

SEC. 904. DIRECTOR OF ENERGY PLANS AND PROGRAMS.

(a) IN GENERAL.—Section 139b of title 10, United STates Code, is amended—

(1) in the section heading, by striking ''**operational**'';

(2) in subsection (a), by striking ''Operational'';

(3) in subsection (b)—

(A) in paragraph (1), by striking ''operational energy plans and programs'' and inserting ''operational and installation energy plans and programs'';

(B) by amending paragraph (2) to read as follows:

''(2) establish coordinated operational and installation energy strategies that promote national energy security, reduce energy costs, increase energy efficiency, and minimize environmental impacts;'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''operational energy strategy'' and inserting ''operational energy and installation energy strategies'';

(ii) in subparagraph (B), by striking ''operational energy demands'' and inserting ''operational energy and installation energy demands''; and

(iii) in subparagraph (C), by striking ''operational energy demand'' and inserting ''operational energy and installation energy demand''; and

(D) in paragraph (4), by striking ''operational energy initiatives'' and inserting ''operational and installation energy initiatives'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the subsection heading, by striking ''OPERATIONAL'';

(ii) by striking ''operational energy plans and programs'' the first place it appears and inserting ''operational and installation energy plans and programs''; and

(iii) by striking ''operational energy plans and programs'' the second place it appears and inserting ''such energy plans and programs''; and

(B) in paragraph (2), by striking ''operational energy plans and programs and the operational energy strategy'' and inserting ''operational and installation energy plans and programs and the energy strategy'';

(5) in subsection (d)—

(A) in the subsection heading, by inserting ''AND INSTALLATION'' after ''OPERATIONAL'';

(B) in paragraph (1), by inserting ''and installation'' after ''operational'';

(C) in paragraph (2), by inserting ''and installation'' after ''operational'';

(D) in paragraph (3), by inserting ''and installation'' after ''operational''; and

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

''(5) The Director shall be the defense-wide coordinator for activities evaluating and mitigating the impacts, if any, of operational or installation energy projects that might adversely affect military mission, training, or readiness, and shall be responsible for maintaining communications with other Departments regarding such projects and for ensuring the Department or another Federal agency is developing technologies or processes to avert any such impacts and to fulfill the duties described in subsection (b).'';

(6) in subsection (e)(1), by inserting ''and installation'' after ''operational''; and

(7) in subsection (h), by adding at the end the following new paragraph:

''(3) INSTALLATION ENERGY.—The term 'installation energy' means the energy required for operating and maintaining military facilities and installations and related support of training and sustaining military forces and weapons platforms.''.

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of chapter 4 of title 10, United States Code, amended by striking the item relating to section 139b and inserting the following new item:

''139b. Director of Energy Plans and Programs.''.

SA 1794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1107. REVIEW OF SPECIAL CONSIDERATION GIVEN TO USING CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO PERFORM FUNCTIONS CRITICAL TO NATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) Over the past decade, the number of contractors working for the Department of Defense has increased from the headquarters level down to installations in the United States and overseas.

(2) Those contractors perform a multitude of functions, ranging from logistical support, maintenance, medical services, administrative functions, and security operations.

(3) Training installations have seen an exceptionally significant increase in the use of a contractors.

(4) Work stoppages by contractors have a direct impact on the ability of Department of Defense to carry out its organizational missions.

(5) The 110th and 111th Congresses have enacted several laws to address the performance of inherently governmental functions by contractors.

(6) An inherently governmental function is one that, as a matter of law and policy, must be performed by employees of the Federal Government and not contractors because it is intimately related to the public interest.

(7) The inability of the Department of Defense to carry out its organizational missions as a result of such work stoppages affects military readiness and jeopardizes national security.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a review of the special consideration given to using civilian employees of the Department of Defense instead of contractors to perform certain functions under section 2463(b) of title 10, United States Code.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The effect of using private contractors on the ability of a military installation to accomplish its mission.

(B) The benefit of providing the Department of Defense with the flexibility to make decisions that are related to essential missions with respect to the use of civilian employees of the Department of Defense.

(C) The impact on missions of the Department of Defense resulting from contractor work stoppages, including—

(i) the average and total cost of such work stoppages;

(ii) the average and total training days lost as a result of such work stoppages;

(iii) the cumulative effect of such work stoppages on the organizational mission of the Department of Defense; and

(iv) the effects of such work stoppages on combat operations and deployments.

SA 1795. Mr. MARTINEZ (for himself, Mr. INHOFE, Mr. KYL, Mr. GRAHAM, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge was a critical factor contributing to significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security gains following the surge and the willingness of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains in Iraq must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as appropriate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States should help the people of Iraq promote the stability of their country and peace in the region; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region.

SA 1796. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In section 123, strike (a) and insert:

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of Defense, a report on potential foreign military sales of the F–22A fighter aircraft.

SA 1797. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —MARITIME ADMINISTRATION

SEC. —01. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act of 2010''.

SEC. —02. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the heading for subsection (h) and inserting the following:

''(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—'';

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—'';

(3) by striking ''make contracts'' in subsection (h)(1) and inserting ''make contracts and cooperative agreements'';

(4) by striking ''section and'' in subsection (h)(1)(A) and inserting ''section,'';

(5) by striking ''title 46;'' in subsection (h)(1)(A) and insert ''title 46, and all other Maritime Administration programs;''; and

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.''.

SEC. —03. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

''(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.''.

SEC. —04. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

The Maritime Administration may use appropriated funds to make a lump-sum payment at a rate of pay that existed on the date of termination or day before conversion to the Civil Service for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy employee during fiscal year 2009.

SEC. —05. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 51317. Adjunct professors

''(a) IN GENERAL.—The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as personal services contractors to provide services as adjunct professors at the United States Merchant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

''(b) CONTRACT REQUIREMENTS.—Each contract under this section—

''(1) shall be approved by the Maritime Administrator; and

''(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administration finds that exceptional circumstances justify an extension, which may not exceed one additional year.

''(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

''(d) EXISTING CONTRACTS.—Any contract entered into before the date of enactment of the Maritime Administration Authorization Act of 2010 for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

''51317. Adjunct professors.''.

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. —06. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended—

(1) by striking ''1994.'' in subsection (b) and inserting ''1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees.''; and

(2) by adding at the end thereof the following:

''(c) USE AND ACCOUNTING.—

''(1) USE.—Midshipman fees collected by the Academy shall be credited to the Maritime Administration's Operations and Training appropriations, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

''(2) ACCOUNTING.—The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.''.

SEC. —07. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting ''constructed in the United States'' after ''vessels''.

SEC. —08. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

''(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

''(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any program established under paragraph (1), the Maritime Administrator may—

''(A) receive funds provided for the program from non-Federal and private entities that have a specific agreement or contract with the Maritime Administration to further the purposes of this subsection;

''(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

''(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

''(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

''(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

''(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator—

''(i) to administer and carry out the program;

''(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

''(iii) to make refunds for projects that will not be completed.

''(B) CREDITS.—There shall be deposited into the Fund—

''(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended; and

''(ii) such amounts as may be appropriated or transferred to the Fund under this subsection.

''(C) TRANSFERS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

''(D) ADMINISTRATIVE EXPENSES.—Administrative and related expenses for the program for any fiscal year may not exceed 3 percent of the amount available to the program for that fiscal year.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under subparagraph (A)(ii).''.

SEC. —09. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92–402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

''(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107–314 (16 U.S.C. 1220 note).''.

(b) LIMITATION.—Section 7 of Public Law 92–402 (16 U.S.C. 1220c–1) is amended by adding at the end thereof the following:

''(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.''.

SEC. —10. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking ''paid before the start of each academic year,'' and inserting ''paid,''.

SEC. —11. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after ''body.'' the following: ''Non-appropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.''.

SEC. —12. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

(a) IN GENERAL.—Chapter 556 of title 46, United States Code, is amended by redesignating sections 55602 through 55605 as sections 55603 through 55606 and by inserting after section 55601 the following:

''§ 55602. Short sea transportation grant program

''(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a short sea transportation grant program.

''(b) PURPOSE.—The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary—

''(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

''(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

''(c) ELIGIBLE PROJECTS.—To be eligible for a grant under the program, a project—

''(1) shall be designed to help relieve congestion, improve transportation safety, facilitate domestic and international trade, or encourage public-private partnerships; and

''(2) may include development, modification, and construction of marine and intermodal cargo facilities, vessels, port infrastructure and cargo handling equipment, and transfer facilities at ports.

''(d) SELECTION PROCESS.—

''(1) APPLICATIONS.—A State or other public entity, or the sponsor of any short sea transportation project designated by the Secretary under the America's Marine Highway Program (MARAD Docket No. 2008–0096; 73 FR 59530), may submit an application to Secretary for a grant under the short sea transportation grant program. The application shall contain such information and assurances as the Secretary may require.

''(2) PRIORITY.—In selecting projects for grants, the Secretary shall give priority to projects that are consistent with the objectives of the short sea transportation initiative and America's Marine Highway Program that will—

''(A) mitigate landside congestion;

''(B) provide the greatest public benefit in energy savings, reduced emissions, improved system resiliency, and improved safety;

''(C) include and demonstrate the greatest environmental responsibility; and

''(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

''(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the application of the recipient approved by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 556 of title 46, United States Code, is amended—

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

''55602. Short sea transportation grant program.''.

SEC. —13. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term ''marine transportation system'' means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term ''Marine View system'' means the information system of the Maritime Administration known as Marine View.

(b) FINDINGS.—Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections, not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect, store, and deliver critical information regarding the marine transportation system.

(c) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) AGREEMENTS AND CONTRACTS.—The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2010 through 2013 to carry out this section.

SEC. —14. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $74,448,000 shall remain available until expended for expenses at the United States Merchant Marine Academy, of which $15,391,000 shall be available for the capital improvement program; and

(B) $11,240,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $15,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $6,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

SA 1798. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1694 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 252. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEM.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) FUNDING.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

SA 1799. Ms. KLOBUCHAR proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 557. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department of Defense to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National

Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 1800. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON AUTOMATED SMALL ARMS AMMUNITION SORTING.

(a) FINDINGS.—Congress makes the following findings:

(1) From 2001 to 2009, small arms ammunition acquisition by the Federal Government increased to over 2,000,000,000 rounds, with 80 percent of that ammunition being used for training or noncombat purposes.

(2) An automatic ammunition sorting and inspecting capability currently only exists at Camp Arifjan, Kuwait, and Fort Irwin, California.

(3) It is in the best financial and logistical interest to expedite and increase the recapitalization of unused small arms ammunition within the Department of Defense.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on small arms ammunition.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) The plan of the Department of Defense to recoup and recapitalize large quantities of loose small arms ammunition (9mm, .45 caliber, 5.56mm, 7.62mm, and .50 caliber).

(B) An assessment of the cost savings of an increased industrial capacity to automatically sort and inspect large quantities of loose and unused small arms ammunition in lieu of manual inspection and sorting methods.

(C) The intent of the Department of Defense to invest in automatic ammunition sorting infrastructure that reduces the number of personnel required to manually sort ammunition and expedites ammunition usage by members of the Armed Forces for combat and training.

(D) The impact of military installations and departments having the ability to automatically and mechanically sort spent brass from live ammunition and visually inspect and identify ammunition for quality control and authenticity.

SA 1801. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.

The Secretary of the Navy shall take measures to ensure competition, or the option of competition, for steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program in accordance with section 202 of the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note).

SA 1802. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Beginning on page 184, line 20, strike ''serves on active duty'' and all that follows through ''serves on active duty'' on page 185, line 6, and insert the following: ''serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces,

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SA 1803. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Add the end of subtitle D of title II, add the following:

SEC. 252. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) FUNDING.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

SA 1804. Mrs. SHAHEEN (for herself, Mr. JOHANNS, Mr. KAUFMAN, Mr. BOND, Mr. BEGICH, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1621 proposed by Mrs. SHAHEEN (for herself, Mr. JOHANNS, Mr. KAUFMAN, and Mr. BEGICH) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 2, of the amendment, strike ''programs.''.'' and insert the following: ''programs.

''(4) TERMINATION.—The program established under this subsection shall terminate on October 1, 2012.''.

SA 1805. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. INCREASE IN FINANCIAL ASSISTANCE FOR CHILD CARE FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to provide financial assistance to cover not less than 75 percent of the costs of child care described in subsection (b) for members of the Armed Forces who are currently eligible to receive financial assistance for the costs of child care.

(b) CHILD CARE DESCRIBED.—Child care described in this subsection is child care—

(1) provided through a child care program operated or otherwise authorized by the Department of Defense; or

(2) for which the Department of Defense otherwise provides financial assistance.

SA 1806. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) FINDING.—Congress understands that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, will be comprised of twelve members equally divided on a bipartisan basis.

(b) SENSE OF CONGRESS ON INDEPENDENT PANEL.—It is the sense of Congress that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, should be comprised of members equally divided on a bipartisan basis.

(c) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the ''2009 QDR''), the independent panel established under subsection (f) of such section (in this section referred to as the ''Panel'') shall include eight additional members to be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(d) ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) make any recommendations it considers appropriate for consideration.

(e) REPORT OF SECRETARY OF DEFENSE.—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(f) TERMINATION.—The provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

SA 1807. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1760 submitted by Mr. KYL (for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, Mr. WICKER, and Mr. BENNETT) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Beginning on page 1, line 2, strike ''**LIMITATION**'' and all that follows through page 5, line 3, and insert the following: ''**REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO START TREATY.**

(a) REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is earlier, the President shall submit to the congressional defense and foreign relations committees a report on the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile, modernize the nuclear weapons complex, and maintain the delivery platforms for nuclear weapons.

(2) COORDINATION.—The President shall prepare the report required under paragraph (1) in coordination with the Secretary of Defense, the directors of Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory, the Administrator for the National Nuclear Security Administration, and the Commander of the United States Strategic Command.

(3) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO THE START TREATY.—The Senate urges the President to maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States.

SA 1808. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) TIMES FOR PROVISION OF INFORMATION.—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member's office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) COVERED BENEFITS.—The benefits on which a member of the Armed Forces and family members shall be provided comprehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) BIENNIAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.—

(1) BIENNIAL NOTICE REQUIRED.—The Secretary of each military department shall

provide to each member of the Armed Forces under the jurisdiction of such Secretary on a biennial basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) ELEMENTS.—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 24 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers' Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) OTHER OUTREACH.—

(1) IN GENERAL.—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) INTERNET OUTREACH WEBSITE.—

(A) IN GENERAL.—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) CONTACT INFORMATION.—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) RECORDS MAINTAINED.—The Secretary of Defense or the miitary department concerned shall maintain records that contain the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

SA 1809. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. SENSE OF THE SENATE ON PRODUCTION OF MOLYBDENUM-99.

(a) FINDINGS.—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (Mo-99) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable, supply of medical radioisotopes, including Mo-99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

SA 1810. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 557. INCREASE IN FINANCIAL ASSISTANCE FOR CHILD CARE FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to provide financial assistance to cover not less than 75 percent of the costs of child care described in subsection (b) for members of the Armed Forces who are currently eligible to receive financial assistance for the costs of child care.

(b) CHILD CARE DESCRIBED.—Child care described in this subsection is child care—

(1) provided through a child care program operated or otherwise authorized by the Department of Defense; or

(2) for which the Department of Defense otherwise provides financial assistance.

SA 1811. Mr. COBURN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking ''until December 31, 2010, the President shall submit'' and inserting ''(but not later than the first of each May), the Director of the Office of Management and Budget shall submit''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.''.

SA 1812. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 483, between lines 8 and 9, insert the following:

SEC. 1232. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter ''harm'') incident to combat activities of the United States Armed Forces during contingency operations.

(b) MATTERS TO BE INCLUDED IN REPORT.—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment

of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide ex gratia, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedure, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general procedures and guidelines would create a legally enforceable entitlement to ''compensation'' and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counterinsurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor's assessment of the facts.

(G) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(H) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) RECOMMENDATIONS.—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 23, 2009 at 9:30 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 23, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 23, 2009, at 9:30 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 23, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on July 23, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Worsening Foreclosure Crises: Is It Time to Reconsider Bankruptcy Reform?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, July 23, 2009, at 2:30 p.m. to conduct a hearing entitled, ''D.C. Public Schools: Taking Stock of Education Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power, be authorized to meet during the session of the Senate to conduct a hearing on Thursday, on July 23, 2009, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Abdullah Feroze, Nora Lamm, and Van Snow, from Senator BINGAMAN's office be given privileges of the floor for the pendency of S. 1390, the Defense authorization bill, and all votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURMESE FREEDOM AND DEMOCRACY ACT

Mr. LEVIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 56, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 56) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

RENEWAL OF THE BURMESE FREEDOM AND DEMOCRACY ACT

Mr. MCCONNELL. Mr. President, I rise today to acknowledge passage of H.J. Res. 56, the Burmese Freedom and Democracy Act, which is now on its way to the President's desk for his signature.

As in years past, this resolution will extend import sanctions for another year against Burmese goods in order to maintain economic pressure on the ruling State Peace and Development

Council—SPDC. It also continues the Tom Lantos Block Burmese JADE Act, which was enacted last year and further increased sanctions against the junta.

In some circles the value of sanctions has been questioned and, at some point, greater engagement with the regime may be in order. However, by passing this measure, Congress has clearly concluded that such a change in policy would be premature, and for good reason. The very fact that Nobel Peace Prize laureate Aung San Suu Kyi has been put on trial by the regime for trumped-up charges reflects how essential it is to continue these measures against the SPDC. To do otherwise would implicitly condone the junta's actions in trying her. It also would turn a blind eye to the regime having imprisoned Suu Kyi for 13 of the past 20 years, to say nothing of the scores of less well-known political prisoners who currently languish in Burmese prisons.

UN Secretary General Ban Ki-moon's recent trip to Burma, I think, demonstrates yet again the true nature of this regime. During his visit, he was denied access to Suu Kyi and apparently received no concessions from the junta. This reflects that it is the SPDC that does not want to engage meaningfully with the international community, not the other way around. Therefore, my colleagues and I believe that sanctions against the junta should remain in place until such time as the regime truly commits itself to a course of democratization and reconciliation.

Nor should anyone be fooled by the junta's transparent efforts to legitimize its rule through the scheduled 2010 elections. By excluding Suu Kyi from participating in the elections and by including provisions that would permanently entrench military rule, the new Burmese charter is no more legitimate than the regime that sponsored it. More than halfway through 2009, it is hard to see how next year's elections in Burma are redeemable.

Congress's posture toward the Burmese regime is not just borne out of humanitarian concerns; it also involves important national security considerations. Just this week, Secretary of State Hillary Clinton publicly raised questions about alleged military links between the junta and North Korea. The details of the Burmese-North Korean relationship are murky but, according to the Washington Post, concern has been raised among U.S. officials about a possible budding nuclear relationship between the two autocracies.

Finally, I note that this resolution has brought together 66 Members of this Chamber as cosponsors, more cosponsors than any previous year. This showing reflects yet again the genuine bipartisan support for the people of Burma and opposition to the junta's rule. In this effort, I was pleased to work closely again with my friend Senator DIANNE FEINSTEIN, who has long been a vigorous advocate for the Burmese people. Senators MCCAIN and DURBIN have also been stalwarts in their support for freedom in Burma, and they once again were at the vanguard of this legislative undertaking. I would close by thanking Brandi White and Ally Bird of my staff for their hard work on this bill.

Mr. LEVIN. I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 56) was ordered to a third reading, was read the third time, and passed.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO DOD AUTHORIZATION BILL

Mr. LEVIN. Mr. President, I indicated there were 18 amendments that had been cleared by Senator MCCAIN and the leadership and myself, which under the previous UC would then be automatically adopted and made part of the bill. In fact, there were 19 amendments on this list as it now appears, including that modified Sessions amendment. So I wanted to clarify the RECORD on that point. There are 19 amendments on that list, No. 19 being one that we, frankly, thought we previously approved but apparently had not. So it is intended that it is on that list, and we are assured by the staff that this is the way we can correct that problem.

The PRESIDING OFFICER. The RECORD will so note.

Mr. LEVIN. I thank the Presiding Officer. And I thank Senator MCCAIN's staff for bringing that to our attention.

ORDERS FOR FRIDAY, JULY 24, 2009

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, July 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a moment of silence in honor of the fallen Capitol Police officers, and that following the moment of silence, there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, there will be no rollcall votes during tomorrow's session of the Senate. Senators should expect the next vote to begin around 5:30 p.m. on Monday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:10 p.m., adjourned until Friday, July 24, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES SENTENCING COMMISSION

KETANJI BROWN JACKSON, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2013, VICE MICHAEL E. HOROWITZ, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE JUDGE ADVOCATE GENERAL, IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3047, 3064 AND 624:

To be lieutenant general

BRIG. GEN. DANA K. CHIPMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 3037, AND 3064:

To be brigadier general, judge advocate general's corps

COL. THOMAS E. AYRES
COL. MARK S. MARTINS
COL. JOHN W. MILLER II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JANE B. PRATHER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

HUNT W. KERRIGAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHELE L. HILL
WILLIAM S. LIKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WARREN G. THOMPSON
FREDERICK M. KARRER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

YVONNE S. BREECE
RYAN S. JONES
HAROLD P. XENITELIS

To be major

RICHARD R. ABELKIS
TODD H. BONHAM
WILLIE L. CASEY
ROBERT B. LACKEY
SAMUEL LOPEZSANTANA
CHRISTOPHER R. MORSE
CHARLES B. TIERNEY
PAMELA L. TINGLE
SHARON D. TYLER
MICHAEL J. UFFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANA C. ALLMOND
MICHAEL W. ALSBROOK
JOHN E. AMADEO
ERIC C. ANDERSON
JOSEPH S. ANDERSON
STEVEN R. ANSLEY, JR.
GREGORY N. ASH, JR.
ELIZABETH A. ATHERTON
THOMAS J. ATKINS
PATRICK J. BADAR
SABRINA BAKER
ANDRE J. BALDANZA
SCOTT T. BEALL
JOHNNY A. BECKWITH
BENJAMIN P. BERNER
ERIC S. BETTS
OLIVIA M. BIERMAN
CHARLES H. BLUMENFELD III
ANGELA L. BOWIE
JUANITA R. BOWMAN
EDWARD BOYLE
ROBERT A. BROGAN
COURTNEY R. BROOKS
CARL A. BROSKY
MATTHEW J. BROWN
SCOTT A. BROWN
SHAWN L. BROWN
MICHAEL C. BRUENS
ALLANA J. BRYANT
JEFFREY A. BUONO
DARRIEL A. BURLESON
JOSHUA R. BURRIS
LAURA L. BURTON
MATTHEW V. BURTON
CHRIS A. BYLER
WILLIAM J. CAIN, JR.
CHAD A. CALVARESI
ASHAWN D. CAMPBELL
BRYAN E. CANTER
REBECCA A. CAPPS
DON C. CARTER
MELODY J. CHARLES
KENT A. CLARK
KEVIN B. CLARK
MICHELLE F. CLARK
PHILIP R. CLARK
TERRY L. CLARK
BRIAN P. CLARKE
DONALD J. CLARKSON
TODD C. CLINE
CYNTHIA G. COLEMAN
TIJUANA D. COLLIER
MICHAEL P. CONROY
DERRICK A. CORBETT
STEVE E. CORNELIUS
ELWARD P. CORTEZ
LUIS COTTOARROYO
DAWN M. COX
FREDERICK L. CRIST
TROY W. CROSBY
JASON A. CROWE
THOMAS J. CUNNINGHAM
ERIKA L. DANCE
MICHAEL D. DANIELS
QUINCY L. DAVIS
SEAN P. DAVIS
GREGG M. DELLERT
TODD R. DESLAURIERS
JACK E. DILLS
TIMOTHY DOMKE
MATTHEW R. DOOLEY
JOHN H. DROSOS
JAMES J. DUTHU
JAMES P. DYKE
JOHN K. EDWARDS
WILLIAM L. ELLIS
ANDREW J. ESCH
BRAD J. EUNGARD
DONNA K. FANNING
MARK R. FARIA
KEITH X. FENNELL
THOMAS M. FIFE
NORBERT A. FOCHS
CHRISTOPHER M. FORD
CHRISTOPHER R. FORSYTHE
TRACY A. FOSTER
FRANCENE M. FRANKLIN
YOLANDA D. FRAZIER
ERIC C. FRUTCHEY
PAMELA M. FULTON
JOHN M. GALLAGHER
MICHAEL P. GARLINGTON
THOMAS M. GASTON, JR.
STEVEN M. GEORGE
CLINTON D. GILDER
GEORGE P. GLAZIER
EARTHA M. GOVAN
BRIAN J. GRUCHACZ
MATHEW D. GUERRIE
KENT G. GUFFY
SPENCER C. GUIDA
JEFFREY C. GUNN
LAMONT J. HALL
DAVID A. HARPER
BENJAMIN J. HARRIS
GERALD J. HART, JR.
LULA B. HARTEVANS
KIRK A. HARVEY
LISA M. HARVEY
EDWARD J. HAUSKNECHT
DOUGLAS C. HAYS
GREGORY K. HAYWOOD, SR.
JVON HEARN
JESSE L. HENDERSON III
ROGER G. HENDERSON
RAY D. HENRY
BRYANT D. HERNANDEZ
THOMAS J. HIPSKIND
JOSEPH A. HOECHERL
STEVEN F. HOGLUND
DANIEL F. HOLLINGSHEAD
CARL J. HOLLISTER
DAVID L. HOOPER
PAUL T. HOPKINS, JR.
DONALD E. HOUSTON, JR.
RAYMOND A. HRINKO
DEAN HUARD
TOM T. HUFF
MARGUERITE D. IRVINE
ERIC L. JACKSON
SHANNON C. JACKSON
DEREK K. JANSEN
BRIAN K. JENKINS
JAMES P. JENKINS II
SHAWN T. JENKINS
GORDON N. JOCZIK
ELLSWORTH K. JOHNSON
LYNDON C. JOHNSON
TERESA A. JOHNSON
THOMAS F. JOHNSON
DAVID G. JONES
DAVID L. JONES
ELMORE J. JONES, JR.
MATTHEW A. JURY
RUTH A. KEITH
MARVIN D. KELLEM IV
MARTINE S. KIDD
DAVID W. KING
PAUL M. KIPP
DEAN T. KLOPOTOSKI
MARK E. KRUSSOW
NICHOLAS LASALA, JR.
GAVIN A. LAWRENCE
JOHN D. LAWRENCE
STEPHEN W. LEDBETTER
PATRICK J. LEMIEUX, JR.
CHAD G. LIVINGSTON
SHAWN K. LOCKHART
RUSSELL M. LONG
JOSEPH R. LOREN
FRANCISCO J. LOZANO
SHAWN P. LUCAS
TOMMIE J. LUCIUS
JACQUES S. LUNDY
DONALD A. MACCUISH
PATRICK L. MALLETT
VINCENT V. MANIVANH
CHERYL L. MARTINEZ
ERIC A. MARTINEZACOSTA
MARK A. MAYORAS
PAUL D. MAZURE
MICHAEL D. MCGREGOR
KIMBERLY M. MERCY
CLIFFORD S. MEWBORNE
AMEED D. MICKO
JAMES C. MILLS
JENNIFER S. MINUS
VICTOR L. MORALES, JR.
KEITH S. MORGAN
GRANT L. MORRIS
GREGORY B. MOSER
EDWIN G. NALL
JOHN D. NAWOICHYK
JAMES A. NELSON
RICHARD W. NELSON
THOMAS P. NELSON III
JENNIFER A. NICHOLSON
MICHAEL J. NIXON
SCOTT P. NOON
DEVON D. NUDELMAN
MARK M. OCONNOR
MICHAEL G. OLMSTEAD
MATTHEW J. OPALINSKI
CHRISTINE PACHECO
MARCILYN L. PATTERSON
DAVID E. PATTON
MOLLIE A. PEARSON
GUSTAVO C. PEREZ
THOMAS A. PERRY
EDMUND K. PETTENGILL
TIMOTHY R. PETTY
BRYAN K. PHILLIPS
JEFFERY E. PHILLIPS
LEWIS H. PHILLIPS
EDGAR F. PLUMMER
DOUGLAS W. POFF
CARLAS D. POWELL
ARTHUR B. POWERS
PAUL E. PRICE
TEDDY D. QUALLS
BLAINE T. RADENZ
WILTON RANSOM
RICHARD M. REDFIELD
ROGER M. RICHGRUBER
THOMAS C. RITCHIE
JOSEPH O. RITTER
ERWIN RIVERA
COREY ROBINSON
DALE A. ROBISON
ROBERT B. RODEFER, JR.
MELISSA RODRIGUEZTORRES
PETE A. ROSS
SCOTT E. ROTH
LYNDA R. ROYSE
MICHAEL E. RUTKOWSKI
THOMAS E. SACHARIASON
EVANGELINE M. SAIZ
THOMAS I. SALTYSIAK
ANTONIO SANABRIA
AARON B. SANDER
LISA L. SAULSBERY
MICHAEL E. SCARLETT, JR.
WILLIAM R. SCHAFFER
DAVID L. SCHMITT
CHRISTOPHER D. SCHNEIDER
BETH M. SCHWAIGERT
MICHAEL F. SCUTERI
ALAN C. SHAW
JASON K. SHEPARD
PAUL D. SHERMAN, JR.
MAKALENA Y. SHIBATA
DAVID S. SHORT
OTT M. SIEBERT
MICHAEL B. SIEGL
ROB D. SIMMONS
JEFFREY S. SIMPSON
GREGORY S. SKELLY
KATHLEEN J. SMALLWOOD
MICHAEL J. SMITH
ROBERT S. SMITH
WILLIAM D. SMITH
MARK S. SNYDER
JOSE E. SOLIS
AARON M. STANEK
BRIAN C. STEHLE
CURT L. STEWART
BRET A. STOVALL
DAVID B. STRINGER
PAUL M. STRUCK
GRANT S. SULLIVAN
GLEN E. SUTTON
ALBERT J. TAPP
BERNARD TAYLOR
GINA M. THISIUS
DAVID L. VANOVER
MARCUS L. VARNADORE
LUIS A. VELEZCORTES
MARY C. VOWELL
GREGORY D. WAGNON
DAVID A. WALDRON
EUGENE F. WALLACE
JOEL E. WARHURST
DAVID A. WARNICK
DENNIS E. WEDDING
MARC WHEELER
THEODORE O. WHITE
NATHAN WIEDENMAN
STEVEN M. WILKE
KENNETH K. WILLIAMS
VERNON L. WILLIAMS, JR.
DANIEL J. WILLIAMSON
WILLIAM M. WILLIS
PAUL W. WILLOUGHBY
TROY D. WILT
JOHN T. WIMBERLEY
JEFFREY D. WITT
KAREN M. WRANCHER
TODD J. WRIGHT
STEPHEN M. YORK
CARYN L. YOST
HENRY C. YOUNG, JR.
BERNARD ZACHARY, JR.
D070745
D071023
D070861
D070668
D070482
D070780
D070985

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TYRONE C. ABERO
DOUGLAS ACOBA, JR.
MICHAEL C. ADAMS
ANDREW G. AJAMIAN
KENNETH S. ALLEN
JONATHAN K. ALT
JASON L. AMERINE
GREGORY M. ARNDT
REYNOLD R. ARREDONDO
SHANNON W. AYERS
JOSEPH D. BARBER III
DARRELL D. BASCOM
JOHN T. BATSON, JR.
RICHARD C. BELL, JR.
BRUCE C. BENNARD
STEVEN R. BERGER
WILLIAM H. BESTERMANN
KURT L. BEURMANN
SCOTT A. BIRD
WALTER T. BLAKE
MICHAEL P. BLANDFORD
SEAN D. BLUNDON
REX A. BOONE
EDWARD F. BOROWIEC, JR.
ROGER L. BOWMAN
JOHN M. BOYER
SCHAWN L. BRANCH
GARY T. BRETT
MATTHEW W. BROOKE
STEPHEN M. BROOKS
JOEL A. BROWN III
RICHARD T. BROWN
TRENT D. BRUYERE
PATRICK D. BUCKLEY
GUY H. BUICE
JOSEPH A. BURGER
THOMAS F. BURKET
KENNETH W. BURKMAN
KYLE C. BURLEY
LAWRENCE M. BURNS
JAMES T. BUSHONG
KEVIN P. BUTLER
JOHN P. CALHOUN
STEVEN D. CALHOUN

ULISES V. CALVO
MICHAEL A. CARDENAS
LONNIE CARLSON
TEMAKI N. CARR
SCOTT T. CHANCELLOR
MATTHEW H. CHANTINY
JASON A. CHARLAND
DARRELL C. CHUGG
SHANE A. CIPOLLA
MICHAEL A. CIZEK
JON A. CLAUSEN
JAMES W. COFFIN
DAVID J. COKER
FREDERICK L. CORCORAN III
KEITHON R. CORPENING
RHETT R. COX
STEVEN P. CRAM
PHILIP T. CROSBIE
JAMES W. CROSSLEY
SCOTT A. CRUMP
CRAIG P. CUMMINGS
LISA M. DANIELS
DANIEL P. DANKO
BRADFORD J. DAVIS
THOMAS S. DENIS
MIKE DEQUEVEDO
RAYMOND DIAZ
CHRISTOPHER M. DICICCO
TREVOR W. DISON
JOHN L. DONALDSON
MICHAEL C. DOYLE
MARK S. DREWETT
KURT A. DULLE
STEPHEN M. DUNAWAY
MATTHEW W. DUNLOP
EDWARD J. DUPONT
PIER M. DURST
JAMES D. DZWONCHYK
TROY D. EGGUM
JON E. ELLIS
ISSAC W. ELLISON IV
DENNIS J. EMMERT II
CONRAD J. ENCARNACION
JEFFREY M. ERICKSON
JOE A. ESPINOSA, JR.
PEDRO R. ESPINOZA II
HOA V. EWING
ROBERT A. FAGO
MICHAEL L. FAZEN
CHRISTIAN H. FELLOWS
SAMUEL E. FIOL
JAMES A. FOSBRINK
MARTHA R. FOUNTAIN
CHRISTOPHER V. FOURNIER
PAUL E. FRITZ II
DARYL L. FULLERTON
BRAD T. GANDY
JAVIER M. GARCIAIRIZARRY
JEFFREY A. GARDNER
STEPHEN E. GAUTHIER
LAURA R. GELDHOF
STACY L. GERBER
BRYAN R. GIBBY
WILLIAM R. GLASER
ROBERTO GONZALEZPENA
WILLIAM D. GOSS
DOUGLAS A. GRAY
THOMAS E. GRAY
DANIEL A. GREENE
CHRISTIAN S. GRIGGS
KEVIN L. GRIGGS
DERRICK M. GRIMES
EDWARD F. GUERNSEY
CARLOS HADDOCKGOMEZ
MICHAEL L. HAGGARD
MAURICE S. HAJJAR
BRADLEY H. HALL
MATTHEW B. HARLESS
BRYON K. HARTZOG
LESLIE S. HAWKINS
LAURA J. HEATH
STEVEN J. HENDERSON
NATHAN E. HERING
RODERICK D. HERRON
DAVID S. HOCKER
GERALD D. HODGE, JR.
GLENN A. HODGES
CHRISTOPHER L. HOPKINS
ERIK K. HOVDA
JAMES L. HOWARD, JR.
GREGORY B. HOYT
CLIFTON E. HUGHES
DHANIA J. HUNT
TERANCE L. HUSTON
CURTIS F. IDEN
MICHELLE L. ISENHOUR
STEVEN L. ISENHOUR
JOHN C. JACKSON
LANCE E. JACOBSEN
CARL R. JACQUET
DONALD S. JOHNSON
MARK E. JOHNSON
STEVEN M. JOHNSON
JASON M. JONES
ROBERT L. KAMMERZELL
JAMES P. KEATING
GEOFFREY D. KEILLOR
JOSEPH T. KEMMER, JR.
WILLIAM A. KENDRICK
JOHN D. KENKEL
NEIL K. KHATOD
CHARLIE H. KIM
WON S. KIM
DAVID M. KNYCH
DAVID M. KOBS
JOSEPH M. KUSHNER
RICHARD A. LAING
SCOTT R. LAMPRIDES
MICHAEL J. LANHAM
GROVER J. LAPORTE, JR.
BRADFORD D. LAWING
RICHARD J. LAWLESS
KENNETH L. LAWRENCE
DERRICK S. LEE
KENNETH R. LEMIRE
ROBERT J. LENZ, JR.
ALVIN D. LEWIS
ERIC D. LITTLE
CHRISTOPHER S. LITWHILER
JOHN E. LIVINGSTONE
JOSEPH F. LIZZI
KENNETH S. LUTHER
DAVID S. MACDONALD
BRIAN D. MACK
STEVEN C. MADDRY, JR.
GREGORY A. MAHONEY
STANLEY A. MALLOY
THOMAS J. MANGINE
TRACY L. MANN
GREGORY D. MARQUEZ
AMBRO MARTIN
PHILLIP G. MARTIN, JR.
VINCENT G. MARTINELLI
REMSO J. MARTINEZ
JOSEPH T. MASSENGILL
SCOTT D. MAXWELL
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MICHAEL S. MCCULLOUGH
MICHAEL S. MCDERMOTT
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HOWARD D. MCINVALE
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CHRISTOPHER J. MEREDITH
AARON J. MERRILL
RONALD J. MILLER
TIMOTHY M. MILLER
SCOTT J. MITCHELL
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MONTE G. MONTES
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JAMES W. MORRIS
JEFFREY I. MOSER
JAMES F. MURPHY
CHRISTOPHER J. NANNINI
AHMED E. NAWAB
KARL D. NEAL
TANYA J. NEWELL
JEREMY H. NEWTON
MICHAEL T. NGO
CONSTANTIN E. NICOLET
GLENN W. NOCERITO
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JOSEPH M. NOLAN
EDDIE W. ORTIZ
CARVER D. PACE, JR.
ANDREW A. PACHE
JOSEPH M. PAGNOTTA
DAVID S. PALMER
MARK S. PARKER
HECTOR E. PAZ III
EDWARD L. PEARCE
GEOFFREY B. PEASE
DANIEL W. PECK
SCOTT L. PECK
ALLEN J. PEPPER
ALBERTO PEREZ
SCOTT E. PFAU
JOHNNY J. POWERS
JAMES D. PRINGLE
JEFFREY D. RAMSEY
CHRISTOPHER R. REID
DAVID L. REID
DAVID B. REINKE
JOSHUA I. REITZ
RUSSELL A. RHOADS
GENE L. RICHARDS
THOMAS A. RIPPERT
ANDREW C. RITER
SCOTT B. ROBERTS
KAREN J. ROE
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JAN L. RUESCHHOFF
DARRYL A. RUPP
JAMES L. SADLER
JOSEPH A. SCHAFER
SCOTT T. SCHENKING
DAVID G. SCHILLING
THOMAS J. SCHWAB
JEFFREY A. SEGGI
MICHAEL E. SENN
CHRISTOPHER P. SHAFFER
GEORGE R. SHATZER
RAYMOND Y. SHETZLINE III
DAVID J. SHIVELY
KIA SHOAMOTAMEDI
STEPHEN J. SILVA
DAVE W. SIMMONS
ROBERT B. SIMS
DAVID J. SLIVKA, JR.
ALPRENTICE SMITH
FRANK A. SMITH
MICHAEL R. SNOOK
PHILIP P. SPETH
MARC A. SPINUZZI
PAUL T. STANTON
JEFFERY D. STEFFEN
DARLA L. STENCAVAGE
SCOTT A. STEPHENS
MICHAEL B. STEPHENSON
ALLISON L. STEWART
BART D. STEWART
MAREK R. STOBBE
DONALD J. STONGE, JR.
TERRY D. STPETER
BARBARA A. STREATER
STEPHEN A. STROBLE
RYAN D. STRONG
MICHAEL A. TACTO
CURTIS D. TAIT
PATRICK A. TEAGUE
TIMOTHY R. TEAGUE
THEODORE M. THOMAS II
MARK A. THOMSON
HECTOR A. TOVAR
MARK J. TOWERY
TIMOTHY N. TUBERGEN
GEORGE C. TURNER, JR.
MARK M. TURNER
RENEE M. UNDERWOOD
TONG C. VANG
JILL L. WAGNER
JAMES E. WALKER
KENNETH M. WANLESS, JR.
BRUCE R. WATKINS
THOMAS C. WESTEN
RANDY R. WHEELER
CLARENCE W. WHITE
JAMES E. WHITE, JR.
RANDY E. WHITE
MELISSA L. WILLIAMS
ROBERT S. WILLIAMS, JR.
MICHAEL C. WISE
PETER B. WISTI
STEVEN A. WOOD
GUY M. WOODARD III
NORMAN D. YOUNG
TIMOTHY M. ZAJAC
D070722
D070576
X001128
X001207
X001317
X001255

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID S. ABRAHAMS
THOMAS M. ACKLEN, JR.
MICHAEL D. ACORD
MICHAEL A. ADAMS
STEVEN J. ADAMS
MICHAEL A. ADELBERG
LAWRENCE N. AIELLO
DEMETRIUS C. ALEXANDER
RICHARD W. ALEXANDER II
TOM ALEXANDER, JR.
JEFFREY R. ALLEN
ERIK N. ANDERSON
JEFFREY F. ANDERSON
THOMAS E. ANDERSON
CORT W. ANDREWS
MICHAEL V. ANGELL
WENCESLAO G. ANGULO
BRIAN P. APGAR
AUSTIN T. APPLETON
RALPH D. ARCHETTI
BRENDAN J. ARCURI
CHARLES S. ARMSTRONG
RYAN D. ARNE
ANTONIO D. AUSTIN
THOMAS E. AUSTIN
DOUGLAS W. AYDELOTT
JOSE C. AYMAT
WALTER AYMERICH
EVERETT K. BABER
GEORGE R. BACON
BENJAMIN S. BAHOQUE
JENNIFER K. BAILEY
SCOTT H. BAILEY
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LAWRENCE J. BAKER, JR.
TROY B. BALDRIDGE
KEVIN C. BALISKY
ANDRE P. BALYOZ
BRADLEY D. BARKER
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STEVEN P. BASILICI
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GREGORY B. BEAUDOIN
GUILLAUME N. BEAURPERE
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CHRISTOPHER L. BELCHER
GREGORY R. BELL
TREAVOR J. BELLANDI
ERIC H. BENNETT
TYRONE BENNETT
MICHAEL J. BENSON
CHARLES K. BERGMAN
KEITH E. BESHERSE
JOHN A. BEST
STEVEN J. BETTS
BRUCE F. BEYERS
DANIEL L. BILLQUIST
ALAN D. BISENIEKS
HERMINIO BLASIRIZARRY
GREGORY G. BOBECK
GLENN R. BOLLINGER III
KRISTA L. BONINO
JOE D. BOOKARD
JONATHAN A. BOSTON

SCOTT A. BOVEE
JOHN K. BOWMAN
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CHARLES E. BRANSON
MICHAEL R. BRAUN
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MICHAEL W. BROUGH
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JOHN C. BROWN
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JAY P. BULLOCK
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KEVIN H. BURKETT
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MARK A. BURNS
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MICHAEL D. BUSH
KEVIN J. BUTLER
PHUC BUU
SAMUEL L. CALKINS
EDWIN J. CALLAHAN
CHAD A. CALLIS
KIRK V. CALLOWAY
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JOSEPH W. CAMPBELL
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MICHAEL L. CHISHOLM
MICHAEL N. CLANCY
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ROSS M. COFFEY
ROBERT C. CONNELL
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FRANCISCO D. CONSTANTINO
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NEAL A. CORSON
JOHN P. COX
JAMES D. CRABTREE
ERIC S. CRIDER
RORY A. CROOKS
MASON W. CROW
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GARY L. CUNNINGHAM
ROBERT P. CURTIN
GREGORY J. CYR
SHAWN B. CZEHOWSKI
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PHILIP J. DACUNTO
ANDREW P. DACUS
GARY DANGERFIELD
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PATRICK M. DUGGAN
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OCTAVIOUS L. GIBBONS
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CARLOS E. GONZALEZ
ROBERT D. GOODROE
SHANE P. GOODSON
MICHAEL K. GOODWIN
ROBERT E. GORDON
MICHAEL J. GOUDEAU
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JOEL F. GRAHAM
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ANDY J. GREER
CHARLES W. GREGORY
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MARVIN L. GRIFFIN
COREY A. GRIFFITHS
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RICHARD A. HARRISON
CONRAD E. HARVEY
MICHAEL D. HARVEY
DAVID E. HAUGH
THOMAS C. HAWN
STEVEN T. HAYDEN
TIMOTHY C. HAYDEN
JASON M. HAYES
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DELBERT L. HICKS, JR.
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GREGORY C. HILL
HOWARD D. HILL
STEVEN G. HILL
WILLIAM J. HILL III
ANDREW C. HILMES
ELMER S. HIMES
KAREN D. HIMMELHEBER
KENT W. HINCHCLIFF
ALLEN A. HING
BRIAN K. HIRSCHEY
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JASON L. HOGE
MARK A. HOLLIS
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JAMES W. HUNT
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JOSEPH J. HUTH
TAM M. HUYNH
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FRANK P. INTINI III
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MICHAEL A. JASKOWIEC
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KELLY D. KENDRICK
MICHAEL T. KENNY
PATRICK F. KENT
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ARISTOTLE R. KESTNER
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TIMOTHY R. KING
WILLIAM R. KINSEY
PATRICK V. KINSMAN
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KIP A. KORTH
KYLE D. KOURI
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ROGER A. LABRIE
KEVIN J. LAMBERT
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RAFAEL LOPEZ
THOMAS G. LOSIK
ANTHONY E. LOWRY
SHANNON M. LUCAS
ANTHONY LUGO
DENNIS J. LUJAN
LONNY J. MACDONALD
ROBERT K. MACHEN
FREDDIE A. MACK
ANDRE L. MACKEY
ROBERT W. MACMILLAN
MICHAEL P. MAGEE
MARK W. MANNS
BRIAN S. MANUS
STEVEN M. MARKS
STEPHEN C. MARR
JAY P. MASTERSON
CHRISTOPHER D. MATHERNE
ANTHONY W. MAULT
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JOHN A. MCAFEE

THOMAS M. MCCARDELL
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DONALD J. MCDANNALD
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CHO A. MCNIEL
RAYMOND E. MEADOWS
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DAVID P. MELLARS
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TERRY A. MEYER
CARL L. MICHAUD, JR.
IVAN MIKOLIC
PAUL R. MILES
DAVID M. MILLER
JAMES M. MOCK
DAVID M. MOGA
KAMELA A. MOHS
CHANNING B. MOOSE
DANIEL S. MORGAN
KEITH E. MOSER
LESLIE A. MOTON
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ANDREW K. MURRAY
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MARK D. NADIG
KEVIN B. NEISLER
DANIELLE J. NGO
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CHRISTOPHER R. NORRIE
MARTY D. NORVEL
JESUS J. NUFABLE
HILTON J. NUNEZ
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DONOVAN D. OLLAR
GREGORY M. OTTO
LEE T. OVERBY
DENNIS B. OWEN
JOHN T. PALO
DONALD L. PAQUIN
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DARRYL H. SULLIVAN
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GLENN R. THOMAS
JOHNATHAN M. THOMAS
DAVID G. THOMPSON
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WARNER R. WARD
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JOE D. WEST, JR.
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PAUL C. WEYRAUCH
HAROLD H. WHIFFEN
JONATHAN P. WHITE
STEPHEN W. WHITE
JAMES R. WILBURN
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RYAN B. WOLFGRAM
STEVEN J. WOLLMAN
MACHIELLE WOOD
TODD D. WOODRUFF
JOHN K. WOODWARD
JAMES P. WORK
DARRYL L. WRIGHT
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JASON M. WRIGHT
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DONGHA YI
DEON K. YOUNG
JAMES B. YOUNT
BRIAN P. ZARCHIN
LARS N. ZETTERSTROM
ERIC V. ZIMMERMAN
PATRICK D. ZOCH
JESSE W. ZUCK
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EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010:

Congressman SAM GRAVES (MO–6)

Department of Transportation, Federal Highway Administration, Delta Regional Development Program—$400,000 for the Chouteau Parkway Conceptual Design in Kansas City, Missouri (City of Kansas City, 4600 E. 63rd Street, Kansas City, MO 64130)

The two-mile section of Chouteau Trafficway between Missouri Route 210 and Interstate I–35 is a vital roadway link in the roadway network between the Kansas City, MO northlands link. Kansas City is beginning design plans for improving and converting the two-lane collector to divided parkway. Federal funds will be used for the planning and conceptual design features, including alternative alignment and widening for the new parkway. Other technical considerations to be included will be drainage improvements; roadway lighting; signing/marking; traffic analysis; utility coordination; and ''green'' storm water solutions.

Congressman SAM GRAVES (MO–6)

Department of Transportation, Federal Highway Administration, Surface Transportation Program—789,000 for U.S. 59/Alabama Grade Separation Project in St. Joseph, MO (City of St. Joseph's Public Works Department, 1100 Federick Avenue, St. Joseph, MO 64501)

This project relieves an existing safety problem at the intersection of Alabama, U.S. 59, and several other local streets. Alabama itself is also one of the principal routes to the Stockyards Industrial Area, a residential area, and Lake Contrary Elementary School. Because this roadway is crossed by a very busy double-track line used by the BNSF and UP, the roadway is closed often and for extended periods of time. When it is closed, the nearest alternative access has to detour several miles to either the north or south. As a matter of public safety, major employment centers and an elementary school are isolated from critical emergency services support. Working with Missouri Department of Transportation (MODOT), the solution designed to address the isolated area is to create an alternative to the at-grade crossing. The solution involves the design and construction of a bridge (with pedestrian access), top span the tracks which will provide full and open access at all times. Federal funds will be utilized to implement this project critical to my constituent's safety and security.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of the Labor, Health and Human Services, and Education Appropriations bill for fiscal year 2010, H.R. 3293.

For the project titled ''Community Learning Center, Inc., Fort Worth, TX for a job training initiative'' in H.R. 3293, Department of Labor Employment and Training Administration (ETA)—Training & Employment Services (TES) account, the legal name and address of the requesting entity is the Community Learning Center, 6300 Ridglea Place, Suite 600, Fort Worth, TX 76116. It is my understanding that the $500,000 in the bill for this project will be used to purchase equipment needed to offer more training to people with disabilities, dislocated and incumbent workers, poor and excluded job seekers, youth offenders, TANF recipients, and people with low basic skills and limited English proficiency. The Community Learning Center provides model educational, training, and employment services designed to lead to better jobs and careers for Texans who need and want them the most. Community Learning Center will provide any required matching funds.

For the project titled ''Southwestern University, Georgetown, TX for a summer college preparatory program'' in H.R. 3293, Department of Education Elementary & Secondary Education Account, the legal name and address of the requesting entity is Southwestern University, 1001 East University Ave., Georgetown, TX 79626. It is my understanding that the $443,000 in the bill will be used to enroll first generation, low-income students in a summer college preparation program that allows the students to participate in a faculty-supervised laboratory or field research project. Funds will also be used for teacher training as well as to allow Southwestern students and faculty to participate in summer lab and research projects with high school students and teachers. Southwestern University will provide any required matching funds.

For the project titled ''Texas AgriLife Extension Service, College Station, TX for a youth obesity prevention initiative'' in H.R. 3293, Centers for Disease Control and Prevention account, the legal name and address of the requesting entity is Texas AgriLife Extension Service, 1500 Research Parkway, Suite 150, 2259 TAMU, College Station, TX 77845-2259. It is my understanding that the $300,000 in the bill will be used to develop a pilot program in the Fort Worth Independent School District to develop, implement, and evaluate a comprehensive education, research, and outreach program to promote healthy weight. Partners for this project include: United Way FitFuture, Fort Worth Independent School District, City of Fort Worth, and Texas Parks and Wildlife. The multidisciplinary, community-based approach will build on the strengths of families and communities to achieve this goal. Texas AgriLife will provide a 50 percent match for project funds.

For the project titled ''Texas Health Harris Methodist Hospital Fort Worth, Ft. Worth, TX for facilities and equipment'' in H.R. 3293, Department of Health and Human Services HRSA—Health Facilities and Services account, the legal name and address of the requesting entity is Texas Health Harris Methodist Hospital Fort Worth, 1301 Pennsylvania Avenue, Fort Worth, TX 76104. It is my understanding that the $300,000 in the bill will be used for the renovation and construction of a 16-bed palliative care unit. Palliative care is healthcare that specializes in the relief of suffering and the achievement of best possible quality of life for patients with advanced illness and their families. It is offered simultaneously with all other appropriate medical treatment. Texas Health Resources will contribute $2.3 million toward this project, and to date, community contributions total nearly $840,000.

For the project titled ''Texas Wesleyan University, Ft. Worth, TX for facilities and equipment'' in H.R. 3293, Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services account, the legal name and address of the requesting entity is Texas Wesleyan University, 1201 Wesleyan Street, Fort Worth, TX 76105. It is my understanding that the $650,000 in the bill will be used for equipment costs to support the new on-line Doctorate program in Nurse Anesthesia Practice. Specifically, funding will be used to upgrade the network and enhance current audio/visual technologies for curriculum development and deployment to support instructional needs for the new distance learning doctoral program. This funding will allow Texas Wesleyan to provide doctorate level on-line training in nurse anesthesia to the nursing professionals in rural and underserved communities. Texas Wesleyan has dedicated more than $506,000 toward this project.

For the project titled ''Botanical Research Institute of Texas, Ft. Worth, TX to enhance collections'' in H.R. 3293, Institute of Museum & Library Services—Museums & Libraries Account, the legal name and address of the requesting entity is Botanical Research Institute of Texas, Inc., 500 East 4th Street, Fort Worth, TX 76102. It is my understanding that the $500,000 in the bill will be used to purchase equipment such as new archival metal herbarium cabinets for a new facility. The new equipment will allow for a more publicly-accessible facility that will allow maximum use of the Botanical Research Institute of Texas (BRIT) Herbarium and Library, which are the largest such scientific collections of any independent institution in the southern U.S., with over one million specimens of plants and nearly 100,000 volumes of books and journals. BRIT has raised over $42 million for this project.

KOREAN WAR VETERANS RECOGNITION ACT

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. KING of New York. Mr. Speaker, today I proudly rise in strong support of H.R. 2632, legislation that adds National Korean War Veterans Armistice Day, July 27, to the list of days on which the flag of the United States should be displayed. I am particularly proud to have joined my colleague from New York, Mr. RANGEL, who served with great distinction and valor in the Korean War, in being an original cosponsor of this bill.

The Korean War was a major battlefield in the Cold War as American forces and our allies fought so heroically to resist North Korean aggression and prevent communist forces from imposing their rule on the Republic of Korea.

Nearly seven million Americans served during the Korean War period and this legislation offers a fitting tribute to honor their contributions and sacrifices. And there were many. The United States suffered 54,246 casualties and over 8,000 POW/MIAs during this ''Forgotten War.'' H.R. 2632 properly recognizes their efforts and ensures that American courage and resolve in Korea will never be forgotten by authorizing the U.S. flag to be flown at half-staff on July 27.

I urge adoption of the legislation.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes:

Mr. KUCINICH. Mr. Chair, I rise in support of H.R. 3170, the Financial Services and General Government Appropriations Act for Fiscal Year 2010.

I am especially supportive of Congressman STEVEN LATOURETTE's amendment to restrict funding to GM and Chrysler if the auto companies follow through with their plans to close dealerships, and I thank Chairman DAVID OBEY of the Appropriations Committee as well as Majority Leader HOYER for their efforts to protect the LaTourette amendment.

The crisis in the automobile industry has devastated Ohio and my district. Statewide, it is estimated that the bankruptcies of GM and Chrysler, with the accompanying dealership closings, will cost up to 8,000 jobs and approximately $300 million in state income tax revenue. Moreover, the state could lose an additional $250 million in sales tax revenue.

I cannot stand by arbitrary and capricious decisionmaking that will destroy the communities in my district. Hundreds of employees of other industries inextricably linked to auto dealerships will also lose their jobs, and the cascade of destruction through the local economy will continue.

We must not let this happen.

RECOGNIZING CONTRIBUTIONS OF JOHN WILLIAM HEISMAN TO FOOTBALL

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of H. Con. Res. 123, recognizing the historical and national significance of the many contributions of John William Heisman to the sport of football.

John Heisman was born in Cleveland, Ohio in 1869 and was raised in Titusville, Pennsylvania where he began playing football as a young boy. At that time, football was not played as it is today, but instead it resembled more of a rugby match. In 1887, Heisman left his home town for Brown University, where he participated in club football with his classmates. However, two years later he transferred to the University of Pennsylvania to pursue a law degree. Even though Heisman was outsized at 5′8″, he continued his collegiate career playing varsity football for three years at guard, tackle, center, and as an end.

John Heisman was nearly debilitated from being struck by lightning and in turn had to take his final exams at the University of Pennsylvania orally to achieve his law degree in 1892. From there, he received his first coaching position at Oberlin College, where he led the team to an undefeated season in its second full season at the school. Clearly, Heisman had found a niche in coaching football, and his illustrious career was just beginning.

His coaching career continued with stints at the University of Akron, Auburn University, Clemson University, the University of Pennsylvania, Washington and Jefferson College, and Rice University. However, while his coaching career extended from 1892–1927, his most memorable years were from 1904–1919 when he coached at the Georgia Institute of Technology in Atlanta, GA. At Georgia Tech, Heisman had an astounding record of 102–29–6, and even held three undefeated seasons with 33 straight wins. Heisman went on to retire from the game he loved and so heavily influenced in 1927 at the age of 62. Even though Georgia Tech is my own alma mater, I think that every football player, coach, and fan will recognize that Heisman's record of achievement deserves our praise.

John Heisman's retirement did not last long as he moved to New York and found time to write about his experiences and served in various advisory positions. Because of his influence on the athletic community there he was asked to serve as the first Athletic Director of the Downtown Athletic Club in New York City on May 23, 1930. While serving in this capacity, Heisman organized and founded the Touchdown Club of New York, and later the National Football Coaches Association.

The Downtown Athletic Club insisted that Heisman design a voting system to honor and award the best collegiate football player of each year. Because of his humble love and respect for the game of football, he initially did not want to design such a system due to his misgivings about promoting a player over the importance of teamwork. However, he later noted that it would be a consummate team accomplishment to have such an award for one of its players. The first Downtown Athletic Club Award was given to Jay Berwanger in 1935, but John Heisman would be unable to award this distinguished honor to another young man in 1936 as he contracted pneumonia and passed away later that year. Shortly thereafter, the Downtown Athletic Club renamed their renowned trophy after its founder, calling it the Heisman Memorial Trophy.

Mr. Speaker, John Heisman has had a lasting impact on the game of football, and he undoubtedly inspires young men each year. The Heisman Trophy Award is the most sought after accolade in college football, and those who have honorably achieved that distinction will forever remember the accomplishments of the man that bears its name. Heisman molded the game of football to include the ''hike'' from a center to a quarterback, and he claimed his most notable achievement was enacting the forward pass into the rules of the game; both of which are staples of today's sport of football. I applaud John Heisman and recognize his lifetime of service and accomplishment in the game of football.

I urge all of my colleagues to support this resolution, and I yield back.

TRIBUTE TO RUTH YVONNE WILLOUGHBY POOLE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 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 Ruth Yvonne Willoughby Poole. We are all saddened that Yvonne is gone, but joyful that she has gone to be with her Heavenly Father.

On this occasion, we join with the immediate family and loved ones in saying farewell and praising God for her life. Yvonne's tremendous character and accomplishments earned her the respect of her family, friends, and community. Yvonne was a role model for so many young people, founding her own real estate brokerage at the age of 29. Her trailblazing in this industry was truly inspirational and paved the way for so many others to succeed. As you experience this tremendous loss, please know that our thoughts and prayers are with the entire family, especially Yvonne's son, R. Donahue Peebles Jr., and Yvonne's grandchildren, R. Donahue Peebles III and Chloe Alexandra Peebles.

We are happy to stand with everyone recognizing Yvonne's life on July 27 at 11 a.m. in The Washington National Cathedral in Washington, D.C. There is an emptiness that only those who have lost a close relative can understand. May the sympathy of those who care make the sorrow of your heart less difficult to bear. Along with all residents of Congressional District Three, I extend my best

wishes to you and your family in these difficult times. I hope you will never hesitate to call on me or my staff if we may be of service in the future.

TRIBUTE TO BRIAN AND CONNIE VERMEULEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a couple from my congressional district who have spent their lives giving back to their community in Orange County, California. Brian and Connie Vermeulen are dedicated public servants, fully committed to improving the quality of life in the City of San Juan Capistrano for both neighbors and visitors. I was happy to learn that their selfless commitment to the values, ideals and traditions that this country was founded upon has earned them recognition from the San Juan Capistrano Chamber of Commerce as Man and Woman of the Year.

Brian and Connie both moved with their families to the Capistrano Valley in the early 1960s. They also both attended the parish grammar school and have remained members of the San Juan Mission parish ever since. Over the years, while busy running a business and raising children and grandchildren, they have never missed an opportunity to get involved with the community.

Together, Brian and Connie have become champions for a number of cherished local organizations, such as the Boys and Girls Club and the Fiesta Association. They have logged countless hours as yearly volunteers for the San Juan Historical Society and the Capistrano 4–H Rangers. Aside from their joint ventures, the Vermeulens also pursue their passions individually. Brian volunteers his time and talent as a Little League Coach and Connie is involved with religious education programs at the Mission parish.

The Vermeulens are the kind of citizens that this country can be proud of; humble and hardworking, they truly represent the heart of America. I want to thank Brian and Connie Vermeulen not just for their tremendous sacrifice and remarkable accomplishment, but for providing us all with a glowing example of what it means to be an American.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of H.R. 3288, the Department of Transportation, Housing and Urban Development and Related Agencies Appropriations Act of Fiscal Year 2010.

For the project titled ''Henderson Street Bridge Construction at the Trinity River, City of Fort Worth, TX,'' which received $1.35 million in H.R. 3288, Surface Transportation Priorities, the legal name and address of the receiving entity is the City of Fort Worth, Texas, 1000 Throckmorton Street, Fort Worth, TX 76102. The City of Fort Worth, Texas, will use this funding for the design, engineering and construction of SH 199 (Henderson Street) through the Trinity Uptown area of the Trinity River Vision. The aging levee system is no longer adequate to provide protection for an area adjacent to downtown Fort Worth that is undergoing revitalization. The U.S. Army Corps of Engineers recommends in the final Environmental Impact Statement an integrated, comprehensive solution for flood control in this area to include transportation, environmental restoration and community redevelopment components in constructing a 1.5 mile flood-control bypass channel. Local cost share is $23.5 million.

For the project titled ''Alliance Airport Runway Extension Program, TX,'' which received $750,000 in H.R. 3288, Airport Improvement Program, the legal name and address of the receiving entity is Alliance Air Services, City of Fort Worth, TX, 2221 Alliance Boulevard, Suite 100, Fort Worth, TX 76177. Funds will be used to extend the existing main runway. The extension project includes lengthening the runway by 1,400 feet to 11,000 feet and includes extension of taxiways, relocation of FM Road 156, relocation of BNSF main line, and extension of Eagle Parkway, at a total cost of $212 million. Local match is $50 to $60 million.

For the project titled ''CNG Bus Replacement,'' The Fort Worth Transportation Authority, Fort Worth, TX, which received $750,000 in H.R. 3288, Buses and Bus Facilities, the legal name and address of the receiving entity is the Fort Worth Transportation Authority, 1600 E. Lancaster Avenue, Fort Worth, TX 76102. These funds will continue the replacement of the T's aging bus fleet and pay for the cost of replacing buses. When the total project is completed, the fleet will be 100 percent wheel chair accessible and complete with security cameras for driver and passenger safety. Local cost match is 20 percent.

For the project titled ''Interstate-20 Interchanges, Parker County, TX,'' which received $500,000 in H.R. 3288, Interstate Maintenance Discretionary, the legal name and address of the receiving entity is Parker County, TX, One Courthouse Square, Weatherford, TX 76086. Parker County, TX, approved an $80 million transportation bond program that would improve its roadway systems, decrease congestion and provide additional capacity for the heavy truck traffic. This project would upgrade two IH–20 interchanges: the Western Loop and the FM 1187 interchanges. The amount requested will be utilized for environmental studies involved with the planning and design, engineering design, surveys, geotechnical studies for the bridge structure, and right-of-way acquisition for the two IH–20 interchanges at FM 1187 and at the Western Loop. This bond program was approved in November 2008 with a 64 percent approval. In the lead up to the vote, Parker County created a public website on the package, held at least 12 public outreach meetings. Parker County is working with the Federal Highway Administration, TXDOT and the local regional transportation council.

For the project titled ''Fort Worth Transportation Authority Southwest-to-Northeast Rail Corridor, TX,'' which received $4 million in H.R. 3288, Capital Improvement Grants, the legal name and address of the receiving entity is Fort Worth Transportation Authority, 1600 E. Lancaster Avenue, Fort Worth, TX 76102. The Fort Worth Transportation Authority has developed plans for a rail line across Tarrant County. This project is a 37-mile commuter rail project linking Southwest Fort Worth with downtown (with interface to existing Trinity Rail Express), northeast Tarrant County, and D/FW International Airport. This project would create a western light rail loop into the metroplex's major airport, and complement an eastern rail loop being developed by DART. The draft environmental impact statement was recently completed, and it is in the engineering level range. The local and state match is 50 percent through the T's dedicated sales tax funds as well as other municipal sales tax funds. Federal CMAQ funds have also been used for a portion of this project.

For the project titled ''Trinity River Vision Land Acquisition,'' which received $500,000 in H.R. 3288, Economic Development Initiative, the legal name and address of the receiving entity is the City of Fort Worth, Texas, 1000 Throckmorton Street, Fort Worth, TX 76102. The aging levee system is no longer adequate to provide protection for an area adjacent to downtown Fort Worth that is undergoing revitalization. The Army Corps of Engineers recommends in the final Environmental Impact Statement an integrated, comprehensive solution for flood control in this area to include transportation, environmental restoration and community redevelopment components in constructing a 1.5 mile flood-control bypass channel. These funds will be used for property acquisition for land that will be needed to construct the bypass channel and bridges over the Trinity River. Local cost share is $15 million.

HONORING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF COMMANDER MARK MESERVEY OF THE UNITED STATES COAST GUARD

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LARSEN of Washington. Madam Speaker, I rise today to recognize and honor the accomplishments and contributions of Commander Mark Meservey of the United States Coast Guard for his professional and credible service to the United States Congress.

A native of Chatham, Massachusetts, Commander Meservey has served as Director of the Coast Guard's House of Representatives Liaison Office with distinction since July 2006. In this capacity, he worked directly with Member offices resolving hundreds of constituent issues as well as with the Coast Guard's appropriations and authorizing committees to ensure the Service received the necessary resources and legislative authorities to effectively execute its eleven congressionally-mandated missions. CDR Meservey's precise attention to detail, tested operational experience as a military aviator, and selfless dedication to the U.S. Coast Guard and U.S. House of Representatives made him an invaluable asset to both Members and Staff. I personally came to

rely on his professionalism and responsiveness.

Upon graduation from Chatham High School in Massachusetts, Commander Meservey attended Norwich University as an Army Reserve Officer Training Corps scholar, graduating magna cum laude and with a commission as an Army Aviation officer in 1985. He completed flight training at Fort Rucker, AL in 1986 and served as a Black Hawk helicopter pilot through the last days of the Cold War in Cyprus and Germany. Assignments included serving as a Flight Platoon Leader, aviation Company Executive Officer, and United States Embassy Liaison Officer to a classified State Department mission. While in Europe, he deployed to Ethiopia to participate in an internationally sensitive search and rescue operation for the late Congressman Mickey Leland and planned Return of Forces to Germany 1990 for an aviation battalion. For his efforts working with the U.S. Air Force in Ethiopia, he was personally decorated by the Army's Chief of Staff, General Carl Vuono. Upon his return to the United States, he graduated from the U.S. Army's Aviation Officer Advanced Course as an Honor Graduate.

In 1990, Commander Meservey accepted a direct commission in the U.S. Coast Guard as a Lieutenant Junior Grade and initially served at Air Station Clearwater, FL as an HH–3F and HH–60J search and rescue pilot and flew in support of Operation Bahamas and Turks and Caicos, working closely with the Drug Enforcement Administration, the Department of Defense, and the Commonwealth of the Bahamas Drug Enforcement Unit to stem the flow of illegal drugs entering the United States through the Caribbean.

In 1994, he transferred to Air Station Cape Cod and served as an HH–60J Instructor Pilot and Flight Examiner. While serving as the unit's Public Affairs officer, he earned back-to-back CDR Jim Simpson awards for excellence in media relations. He participated in numerous hazardous weather search and rescue operations and planned and provided air security for Constitution Sail 200, the USS CONSTITUTION's first sail alone in over 116 years.

In 1998, he attended Syracuse University's Maxwell School of Citizenship and Public Affairs as a full graduate scholar, earning a Master of Public Administration degree. Following graduate school, Commander Meservey completed a two-year assignment with the U.S. Department of Transportation in Washington, DC in the Office of the Secretary of Transportation as the lead budget analyst for the Federal Transit Administration (FTA) responsible for developing and justifying FTA's multi-billion dollar budgets to the President's Office of Management and Budget and the United States Congress.

Commander Meservey returned to Coast Guard aviation in 2001, serving as Deputy Executive Officer and Gulfstream I fixed wing VIP and logistics pilot at Air Station Miami, one of the Coast Guard's largest aviation units. In 2004, he transferred to Air Station Washington where he served as Executive Officer flying the C–37A Gulfstream V executive jet across the globe for Department of Homeland Security Secretaries Ridge and Chertoff and Coast Guard Commandants Collins and Allen. In this assignment, he gained additional international experience working closely with the State Department and foreign militaries and governments ranging from Malaysia to the United Kingdom.

He's recently completed the Massachusetts Institute of Technology's prestigious Seminar XXI, a year-long Washington, DC-based program in foreign politics and international relations.

Commander Meservey has earned numerous military decorations thus far in his twenty-four years of active duty service, including Naval and Army Aviator Wings, the two Meritorious Service Medals, three Coast Guard Commendation Medals, two Army Commendation Medals, two Coast Guard Achievement Medals, the Army Achievement Medal, the Commandant's Letter of Commendation, and a variety of other personal, team and unit commendations.

This week, Commander Meservey will leave his post on the Hill to assume a newly created position as liaison to the Federal Aviation Administration's Unmanned Aircraft Program Office where he will serve as the Coast Guard's voice on all matters relating to unmanned aerial systems in particular and aviation in general.

I am honored to pay tribute to Commander Meservey in the United States Congress, and on behalf of the Representatives and staff who have been fortunate enough to work with him over the past three years. I wish him, his wife Kathleen, and his three children, Nicole, Maura and Seth, the best in their future endeavors.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman MIKE ROGERS (MI–08)

Bill Number: H.R. 3288

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: City of Howell

Address of Requesting Entity: Michigan Department of Transportation, 425 West Ottawa Street, Lansing, Michigan, USA

Description of Request: Provide an earmark of $500,000 to purchase the right of ways necessary to complete the construction of an interchange and overpass at the interchange of Interstate 96 and Laston Road. The purpose of this project is to provide the eastern and western sides of Livingston County access to the major interstate of I–96 and the remainder of Livingston County. 40 percent of this funding will be used to purchase the right of ways and 60 percent will be used for construction.

Requesting Member: Congressman MIKE ROGERS (MI–08)

Bill Number: H.R. 3288

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Capitol Area Transportation Authority

Address of Requesting Entity: Capitol Area Transportation Authority, 4615 Tranter Street, Lansing, Michigan, USA

Description of Request: Provide an earmark of $500,000 for bus purchases, facility renovations, and planning studies. The purpose of this project is to continue to provide citizens of the greater Lansing area with jobs, a vital connection to employers, safe equipment for transportation, and planning studies that may lead to future advanced public transportation projects. 80 percent of the funds will be used to replace old, less-efficient busses with buses that offer greater fuel efficiency, lower cost of maintenance, and omit fewer emissions and 20 percent of the funds will be used to conduct a study to find more efficient, improved public transportation alternatives.

Requesting Member: Congressman MIKE ROGERS (MI–08)

Bill Number: H.R. 3288

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Cleary University—Livingston Campus

Address of Requesting Entity: Cleary University, 3750 Cleary Drive, Howell, Michigan, USA

Description of Request: Provide an earmark of $250,000 to renovate the Livingston Campus Community Center. This facility is used by the community service agencies, local school districts, and government agencies providing services to low and moderate income individuals. 80 percent of these funds will be used for necessary renovations and upgrades, and 20 percent will be used to enhance energy efficiency.

EARMARK DECLARATION

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. ROONEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

One request was funded in this bill and is a previously Congressionally authorized project.

$800,000: State Road (SR) 80, Hendry County, Florida. The entity to receive the funds for the project is Hendry County, Florida located at Courthouse Square, 165 S. Lee Street, La Belle, Florida 33975. SAFETEA–LU, Item 1487 authorized the widening of SR 80 in Hendry County, Florida. SR 80 serves as a major route for the movement of freight and agriculture products throughout the county, as well as a connector between Florida's east and west coast counties. It is the nearest cross-state highway north of I–75, extending from eastern Palm Beach County to Fort Myers on Florida's west coast. Funds will be used to further widen the road from two lanes to four.

All of my projects are Congressionally authorized and go only to public government agencies.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3288

Account: TCSP

Name of Requesting Entity: City of Doral

Address of Requesting Entity: 8300 NW 53rd Street, Suite 100, Doral, FL 33166

Description of Request: I have secured $400,000 for the City of Doral Street Improvements. This funding will be used for the resurfacing of two current streets and the construction of six new streets within the City of Doral. It is the City of Doral's intention to provide its residents and visitors with the safest and most convenient transportation within its limits. The completion of these small sections of roadway would complete the City's grid pattern and provide additional options for increasing traffic to avoid already congested intersections. This project will help to alleviate traffic congestion and improve driver and pedestrian safety. Additionally, this project is estimated to create over 300 jobs in the area.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3288

Account: Buses & and Bus Facilities

Name of Requesting Entity: City of Doral

Address of Requesting Entity: 8300 NW 53rd Street, Suite 100, Doral, FL 33166

Description of Request: I have secured $350,000 for the City of Doral Transit Circular. This funding will be used for further implementation and expansion of its Transit Circulator Program. The City of Doral is a municipality incorporated in 2003 which is located in west-central Miami-Dade County, directly west of the Miami-Dade International Airport (MIA). Approximately 40,000 people live in Doral and over 100,000 more travel to and through the City each day for employment and business activities. Due to its proximity to the urban core of Miami-Dade and major transportation facilities, as well as the rapid development of its component communities, Doral contends with a unique array of transportation concerns that require immediate and significant attention. The City of Doral launched the Transit Circulator Program in early 2008. The goals were to alleviate traffic congestion and reduce pollutant emissions by removing vehicles from the roadways. Additionally, the Doral Transit Circulator serves residents who are outside of the routes operated by Miami-Dade County's transit system (North of 41 Street and west of 97 Avenue). Since its introduction, the Transit Circulator Program has been extremely successful. Its usage and demand are far greater than were originally expected. The City of Doral is now looking to expand the routes of the Circulator and provide greater services to the residents of Doral via the purchasing of two new trolleys. This will further the City's goal of bringing convenient, safe, and environmentally-friendly transportation to its residents. The federally-funded portion of the project is estimated to create four new jobs within the City of Doral. The City of Doral embarked upon this program to bring public transportation to the City for a number of reasons. The most socially-conscious of these reasons are to reduce traffic congestion and reduce pollutant emissions. The City also wants to make sure that there are alternatives for transportation available to residents, since the County Transit system does not service much of Doral—the area north of 41st Street and west of 97th Avenue.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3288

Account: TCSP

Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 E. Tamiami Trail Naples, FL 34112

Description of Request: I have secured $500,000 for the Interstate 75/Everglades Blvd. Interchange. This funding will be used or the design of a proposed interchange at or around Interstate 75 and Everglades Boulevard. Much of Collier County's current growth is occurring in an area known as Golden Gate Estates, one of the largest platted subdivisions of its kind in the world. This area is roughly the size of Washington, D.C. and is adjacent to the Big Cypress development which is anticipated to add another 23,000 dwelling units to the area. The only east-west routes between the eastern Estates and Naples area activity/employment centers are Golden Gate Boulevard and Immokalee Road and while the western portion of the Estates and Golden Gate City proper have access to interchanges at Immokalee Road, Pine Ridge Road, State Road 951 (Collier Boulevard) and Golden Gate Parkway, residents of the eastern portion of the Estates have no access to Interstate 75. Also, the lack of an interchange at Everglades Boulevard forces additional traffic onto already congested portions of Interstate 75, affecting not only local but inter-regional traffic on the Interstate. The lack of access to the Estates also creates safety problems, particularly in the event that its residents must be evacuated during hurricane or wildfire season. As Collier County's population expands from the nearly 330,000 residents today to a projected 1,066,000 at buildout, this situation will worsen. The current IJR and PD&E Study will evaluate the amount of traffic that would use a new interchange at Everglades Boulevard and the impact that it will have on adjacent interchanges and the Interstate's mainline operations. In order to ensure that there will be minimal to no environmental impacts associated with this project particular attention will be paid to the need for wildlife crossings or other such mitigation measures. An interchange at Everglades Boulevard and I-75 is an identified need in the MPO's Cost Feasible and Needs Plan and is the highest priority with the residents of Golden Gate Estates. Funds will be used for the next appropriate phase which may include design, right of way, mitigation of construction, depending on the availability of potential state and local funds that may expedite the project. The project will provide better access for an area that covers more than 100 square miles while improving interchange operations at three (3) existing overburdened interchanges. Additionally, the interchange would provide critical access to a route for safe evacuations from storms and fires as significant growth continues in eastern Collier County.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3288

Account: New Starts/ Fixed Guideway

Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st St., Suite 1032, Miami, FL 33128

Description of Request: I have secured $4,000,000 for the Metrorail Orange Line Expansion. This funding will be used for the construction of a 9.2-mile Metrorail extension along NW 27th Avenue between the existing Dr. Martin Luther King, Jr. Metrorail station and the Broward County line. The Department is also undertaking the implementation of the alternative analysis for Phase 3 of the Miami-Dade County East-West Corridor Rapid Transit Project. This 10–13-mile Metrorail project will extend from the Miami Intermodal Center to Florida International University and points west. This expansion will allow for more options for commuting and travel around Miami-Dade County. Additionally, this will take vehicles off the road in the County, allowing for increased public transit, which is more environmentally-friendly. The target population includes those who live along the areas of the expansion both NW 27th Avenue, as well as from the Miami Intermodal Center to Florida International University, who could utilize the expanded Metrorail service for commuting/ traveling throughout Miami-Dade County. The North Corridor provides transportation access to the City of Opa-locka and the City of Miami Gardens. Additionally, the corridor will provide access to Miami-Dade College, Florida Memorial University and St. Thomas University as well as major employment and activity centers including Dolphin Stadium and Calder Race Course. The East-West Corridor will provide transit access to the City of Miami, the City of Sweetwater and the City of Doral. Additionally, the corridor will provide access to Florida International University as well as major employment and activity centers including Miami International Airport, Dolphin Mall, Miami International Mall, Mall of the Americas and Waterford at Blue Lagoon Corporate Park.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3288

Account: FL—Federal Lands (Public Lands Highways)

Name of Requesting Entity: Miccosukee Tribe of Indians of Florida

Address of Requesting Entity: P.O. Box 440021, Tamiami Station, Miami, FL 33144

Description of Request: I have secured $1,750,000 for the Tamiami Trail (U.S. 41) Safety Improvements. This funding will be used to create east and west turn lanes on Tamiami Trail (U.S. 41) into the Miccosukee Tribe's Headquarter at Mile Marker 68 and 70. The funds will be used for the clearing & grubbing, excavation, embankment, asphalt, guardrails and traffic stripes needed to create the turn lanes and widen the Tamiami Trail entrance. This project would address significant safety concerns associated with turning into the Miccosukee Tribe Headquarters from Tamiami Trail, U.S. 41, on the Miccosukee Reservation. These entrances lead to housing for all Tribal members as well as the School, Clinic, Court and all other government offices. Currently, the entrance is a two-lane highway where speed limits are reduced upon approach from 55 M.P.H. to 45 M.P.H., but pose serious risks to Tribal members and tourists who visit attractions. Many accidents have

been reported at this section of Tamiami Trail because of the deceleration needed to safely turn into the Headquarters, resulting in severe injuries and damage. The creation of the turn lanes from the east and west will significantly reduce the current danger of serious accidents.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Transportation, Housing and Urban Development Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: HR 3288—Transportation, Housing and Urban Development Appropriations, 2010

Account: Transportation and Community and System Preservation

Legal Name of Requesting Entity: Town of Lexington, South Carolina

Address of Requesting Entity: 111 Maiden Lane, Lexington, SC 29072

Description of Request: I have secured $500,000 for the Town of Lexington. This will fund construction of improvements to the intersections along U.S. Route 378 (Columbia Avenue) at Route S–127 (Park Road), U.S. Route 1 (W. Main) and Route S–131 (W. Butler Street). The purpose of the project is to relieve congestion along this continually developing corridor as well as improve traffic flow. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: HR 3288—Transportation, Housing and Urban Development Appropriations, 2010

Account: Transportation and Community and System Preservation

Legal Name of Requesting Entity: Town of Hardeeville, South Carolina

Address of Requesting Entity: 205 East Main Street, Hardeeville, SC 29927

Description of Request: I have secured $500,000 for the Town of Hardeeville. Funding will construct a new 4 lane divided highway from U.S. 170 to Interstate 95 and provide alternative hurricane evacuation route. Includes new interchange on I–95 at Mile Marker 3. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, H.R. 3288.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: HR 3288

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Clinton

Address of Requesting Entity: 415 Gary Blvd., Clinton, Oklahoma 73601

Description of Request: I received $400,000 for the City of Clinton to reconstruct Chapman Road. The location of this project is between sections 22 and 27 of T12N, R17W Custer County Oklahoma and west of Neptune Dr. and east of 28th St. in Clinton, OK. This funding will be used to improve Chapman Road to modern day standards so that is can better serve the citizens that use the road daily as well as provide a safer roadway to visitors. The improvements needed include the acquisition of seven feet of right-of-way, clearing ditch and channel drainage runoff areas, reconstructing a portion of the roadway adversely affected by storm water runoff, resurfacing the remaining portion to meet both current and future traffic demands, installing roadway lighting, and installing traffic control and directional signs.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: HR 3288

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: Oklahoma Department of Transportation

Address of Requesting Entity: 200 NE 21st Street, Oklahoma City, Oklahoma 73105

Description of Request: I received $400,000 for the Oklahoma Department of Transportation to widen US 60 between Bartlesville and Pawhuska in Osage County, Oklahoma. The project will reconstruct the existing two lane US 60 to an adequate two lane facility with shoulders, adequate bridge load-bearing capacity, and corrected substandard geometric features (hills and curves) from the US/SH99 intersection north of Pawhuska eastward approximately 16 miles. Increased safety will result with the addition of adequate lane widths, shoulders, bridges and improved sight distances.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of the H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration (FHWA), FL—Federal lands (Public Lands Highways)

Legal Name of Requesting Entity: Bibb County Commission

Address of Requesting Entity: 157 S W Davidson Drive, Centreville, AL 35042

Description of Request: Provide $298,000 for the new Cahaba River National Wildlife Refuge, where trails are under construction at present to several scenic overlooks on the bluffs over the Cahaba River. The parking at the trailhead currently consists of a small paved lot with space for 6 vehicles total, including handicap parking. The current entrance off Co. Rd. 24 is located in a location with poor sight distance. This project would add turn lanes, move the entrance to a safer location, and enlarge the parking lot to about one acre. The project designs will move the entrance to a new location which will double the sight distance, and add turn lanes for much enhanced safety. The project's total budget is $298,000. Specifically within the budget, $8,000 will go toward clearing and grubbing, $28,000 for unclassified excavation, $25,000 for barrow (fill), $10,000 for roadbed processing, $1,000 for machine grading shoulders, $190,000 for plant mix paving, $7,500 for traffic stripe and markings, $2,000 for signs, $2,000 for erosion control, $1,500 for seeding and mulching and $23,000 for mobilization. This request is consistent with the intended and authorized purpose of the Federal Highway Administration (FHWA), FL—Federal lands (Public Lands Highways) Account. The Bibb County Commission will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Springville

Address of Requesting Entity: PO Box 919, Springville, AL 35156

Description of Request: Provide $500,000 to provide improvements to Main Street in Springville. The funding will be used for Site Preparation, Street Resurfacing, Construction of turn lanes and Engineering near Springville Elementary School and Springville Middle School. The drainage and traffic improvements in this area are critical to the safety of residents and particularly of children accessing Springville Elementary and Springville Middle School. The project's total budget is $500,000. Specifically in the budget, $50,000 will go towards site preparation, $250,000 for street resurfacing, $150,000 for turn lanes, and $50,000 for engineering. This request is consistent with the intended and authorized purpose of the Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation Account. The City of Springville will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Gardendale

Address of Requesting Entity: 970 Main Street, Gardendale, AL 35071

Description of Request: Provide $100,000 to provide for renovations and improvements to the Miracle Field, including parking improvements, lighting, sidewalks and walkways, accessibility, and landscaping. This project offers a unique recreational opportunity for mentally and physically challenged individuals. The project's total budget is $250,000. Specifically within the budget, $80,000 is for parking improvements, $80,000 is for lighting, $50,000 is for sidewalks and walkways, $20,000 is for accessibility, and $20,000 is for landscaping. This request is consistent with the intended and authorized purpose of the Housing and Urban Development (HUD), Economic Development Initiatives (EDI) Account. The City of Gardendale will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Irondale

Address of Requesting Entity: PO Box 100188, Irondale, AL 35210

Description of Request: Provide $200,000 to provide renovation of historic downtown Irondale known as the Whistle Stop District. Improvements will concentrate on public infrastructure including sidewalks, lighting, and landscaping. The project will help stimulate economic development in the area, assisting in job creation and development of the downtown area. The project's total budget is $275,000. Specifically within the budget, $80,000 is for sidewalk renovation, $50,000 is for a parking area, $20,000 is for landscaping, $90,000 is for lighting, and $35,000 is for engineering. This request is consistent with the intended and authorized purpose of the Housing and Urban Development (HUD), Economic Development Initiatives (EDI) Account. The City of Irondale will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Tarrant

Address of Requesting Entity: 1604 Pinson Valley Parkway, Tarrant, AL 35217

Description of Request: Provide $150,000 to for a streetscaping project for the Five Mile Creek Greenway through the historic downtown. The current funding request will provide for additional streetscaping to enhance the access to the Greenway trail. This project will allow for continued economic development and improve the Tarrant access to the Greenway trail, benefitting the people of Tarrant as well as those who visit. The project's total budget is $150,000. Specifically within the budget, $70,000 is for lighting and electrical work, $20,000 is for landscape items, $10,000 is for benches, garbage depositories, and bike racks, and $50,000 is for concrete work. This request is consistent with the intended and authorized purpose of the Housing and Urban Development (HUD), Economic Development Initiatives (EDI) Account. The City of Tarrant will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. CAPITO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

Awarded under: Department of Education Higher Education (includes FIPSE)

College Summit Program

College Summit West Virginia, 100L Faculty Circle, Dunbar, WV 25064

Funding would be granted to the College Summit, which creates and enhances post-secondary transition systems within low-income public school districts. College Summit seeks to ensure that every student has an adequate plan for a successful life after high school.

Awarded under: Department of Health & Human Services Health Resources and Services Administration (HRSA)—Health Facilities and Services

Senior Center Renovation

Roane County Committee on Aging, Inc., 811 Madison Avenue, Spencer, WV 25276

Funding will go towards structure renovation for senior center.

Awarded under: Department of Health & Human Services Health Resources and Services Administration (HRSA)—Health Facilities and Services

Patient Room Expansion

Hospital St. Francis Hospital, 333 Laidley St, Charleston, WV 25301

Funding will go towards a patient room expansion to meet increased need.

RECOGNIZING PATIENT SAFETY DAY

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DELAHUNT. Madam Speaker, I rise today to invite my colleagues in the House of Representatives to join me in recognizing Patient Safety Day, which will be observed across our country and around the world this weekend.

Every year, as many as 98,000 Americans die and thousands more are left seriously injured as the result of an avoidable medical error. These incidents are extremely costly to our society—in monetary terms, but more importantly in the devastating pain and suffering that individuals and families experience in the wake of such a tragedy. As the wealthiest nation in the world, we can and must do more to ensure that our health care system promotes healing, prevents harm, and protects patients from dangerous medical errors.

Today, my thoughts and prayers are with John McCormack, a Massachusetts state trooper, loving father, and a constituent of mine. In 2000, John lost his precious 13-month-old daughter, Taylor, after doctors postponed emergency surgery to relieve pressure on her brain. Channeling his grief and anger, John seized the opportunity to advocate for medical malpractice reform at the state level to ensure that no family need experience a similar loss. In 2004, the Massachusetts legislature passed Taylor's Law, a measure safeguarding the ability for patients and their families to be present with an attorney and confront doctors at disciplinary hearings.

John fought admirably to turn his heartbreaking experience into a positive for our Commonwealth's families, but we must also ensure that meaningful steps are taken at the federal level to strengthen the safety of our health care system. Ten years ago, the Institute of Medicine (IOM) issued a seminal report, To Err is Human, which offered a forward-thinking, constructive set of recommendations toward that end. With health care reform front-and-center on Congress's agenda, now is the moment for us to draw on those ideas and to work together—as legislators, health care providers, patients, and consumer advocacy groups—to accomplish the goal of quality health care for every American.

Patient Safety Day, which has been celebrated for the past eight years on July 25, falls at an opportune time. There could be no better occasion for us to remember those whose lives have been lost or harmed due to preventable medical errors and to commend the physicians, nurses, and other medical providers who dedicate their lives to providing safe, quality, compassionate care to those in need. I encourage all Americans—at home, at work, or wherever they may be—to join hands and hearts in a moment of silence this Saturday at noon and 6 p.m. in their respective time zones in honor of Patient Safety Day. And I look forward to working with my colleagues on both sides of the aisle in efforts to improve the quality and safety of our health care system.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman TED POE

Bill Number: H.R. 3288, Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration

Legal Name of Requesting Entity: Texas Department of Transportation

Address of Requesting Entity: 125 East 11th Street, Austin, TX 78701

Description of Request: I have secured $400,000 in funding to help upgrade Loop 494 from Sorters McClellan Road through Northpark Drive in Kingwood, TX. The goal of the project is to widen the existing two-lane road into a four-lane concrete boulevard with medians, curbs and appropriate drainage similar to the look of existing streets in Kingwood. The project helps the flow of traffic on this busy road and increases safety.

Requesting Member: Congressman TED POE

Bill Number: H.R. 3288, Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010

Account: Federal Highway Administration

Legal Name of Requesting Entity: Texas Department of Transportation

Address of Requesting Entity: 125 East 11th Street, Austin, TX 78701

Description of Request: I, along with Reps. GENE GREEN and RON PAUL, have secured $400,000 in funding to help construct a flyover ramp connecting southbound Highway 146 traffic directly to Spur 330 in Baytown, TX, which is a direct connector to Interstate 10. This project will help with improved mobility in the community and is needed especially in disaster evacuations as a result of hurricanes.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. KINGSTON. Madam Speaker, I submit the following:

Chatham Area Transit Bus and Bus Facilities

Requesting Member: Congressman JACK KINGSTON

Bill Number: HR 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: Chatham Area Transit

Address of Requesting Entity: 900 E. Gwinnett Street, PO Box 9118, Savannah GA, 31401

Description of Request: bus and bus facilities

Glynn County Airfield and Taxiway Improvements

Requesting Member: Congressman JACK KINGSTON

Bill Number: HR 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: FAA—AIP

Legal Name of Requesting Entity: Glynn County Airport Commission

Address of Requesting Entity: 295 Aviation Parkway Suite 205, Brunswick, Georgia 31525.

Description of Request: airfield drainage rehabilitation and general aviation taxiway expansion

North Berrien Industrial Park Infrastructure Improvements

Requesting Member: Congressman JACK KINGSTON

Bill Number: HR 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: HUD—EDI

Legal Name of Requesting Entity: The Berrien County Economic Development Authority

Address of Requesting Entity: PO Box 724, 201 North Jefferson, Nashville, Georgia 31639

Description of Request: The funding would be used for design and construction that includes installation of a new sewer system that will serve the new industrial park.

Ray City Street Scape and Safety Improvements

Requesting Member: Congressman JACK KINGSTON

Bill Number: HR 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Account: HUD—EDI

Legal Name of Requesting Entity: City of Ray City, Georgia

Address of Requesting Entity: 704 Main Street, Ray City, Georgia 31645.

Description of Request: The funds would be used for streetscape and safety improvements

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. HARPER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288—Department of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3288

Account: AIP—Airport Improvement Program

Project Name: Essential Air Field Infrastructure Improvements, Jackson-Evers International Airport

Recipient and Address: Jackson-Evers International Airport, 100 International Drive, Jackson, MS 39298

Amount: $750,000

Description: Jackson-Evers International Airport is in need of essential airfield infrastructure improvements that involve rehabilitation and replacement of security systems and airfield erosion and drainage systems.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3288

Account: Delta Regional Transportation Development

Program Project Name: East Metropolitan Corridor

Recipient and Address: City of Flowood, P.O. Box 320069, Flowood, MS 39232

Amount: $250,000

Description: Funds will be used to finish preconstruction activities. The East Metropolitan Corridor is 5 miles in length and links Interstate 20, at the Crossgates Interchange in Brandon, MS, with Lakeland Drive at its intersection with Old Fannin Road in Flowood, MS.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Project Name: City Center Renovation and Construction Project

Recipient and Address: City of Ridgeland, P.O. Box 217, Ridgeland, MS 39158

Amount: $100,000

Description: Funds will be used to analyze, plan, and commence the conversion of an existing concrete plant site in the heart of Ridgeland into a new city complex and mixed use development. The City Center will be located near the intersection of U.S. Hwy 51 and the Natchez Trace Parkway.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Project Name: Pelahatchie Site Development for Economic Development Recipient and Address: Town of Pelahatchie, 705 Second Street, Pelahatchie, MS 39145

Amount: $150,000

Description: The Town of Pelahatchie seeks funds to ready 450 acres for site development along the Interstate 20 corridor.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010:

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Federal Highway Administration, Surface Transportation Priorities, Title: Larry Holmes Drive Traffic Calming, Legal Name of Requesting Entity: City of Easton, Address of Requesting Entity: 1 South Third Street, Easton, PA 18042, Description of Request: This funding will be used to improve the traffic flow and safety of a Delaware River waterfront gateway between Pennsylvania and New Jersey. The project will enhance access to one of the only remaining steel truss suspension bridges in the nation near the City of Easton's National Register Historic District. These modifications will reduce vehicular speeds and benefit local economic development by allowing disabled pedestrians and bicyclists to more easily access adjacent trails and parks, and the city's downtown area.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Federal Transit Administration, Alternatives Analysis, Title: Lehigh Valley Bus Rapid Transit Analysis, Legal Name of Requesting Entity: Lehigh and Northampton Transportation Authority (LANTA), Address of Requesting Entity: 1060 Lehigh Street, Allentown, PA 18103, Description of Request: This funding will be used to conduct an analysis of the feasibility and components of a Bus Rapid Transit (BRT) program along high density transit corridors within the Lehigh Valley by the

Lehigh and Northampton Transportation Authority (LANTA). The investigation of BRT service is an outcome of a regional transit development planning process designed to establish a long term vision for regional transit, as well as short range development priorities. LANTA's service expansion effort will be focused, to a significant degree, on improving job accessibility. This is needed to support economic development and job growth within the Lehigh Valley, one of the fastest growing areas in the northeast region. This analysis is an essential part of a project development effort that could lead to a future comprehensive project.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Federal Transit Administration, Buses & Bus Facilities, Title: Lehigh Valley Hybrid Transit Bus Purchase, Legal Name of Requesting Entity: Lehigh and Northampton Transportation Authority (LANTA), Address of Requesting Entity: 1060 Lehigh Street, Allentown, PA 18103, Description of Request: This funding will be used to support the purchase of heavy-duty, hybrid powered transit buses for the Lehigh and Northampton Transportation Authority (LANTA). The buses will replace vehicles purchased in 1998 in order to continue LANTA's expansion efforts. Service expansion over the last 10 years has been supported through a combination of timely bus fleet replacements and fleet expansions, resulting in an 80% increase in ridership, with 51% of those riders using the system to access jobs. An active service and equipment update program is necessary to support the demand to improve services in the growing Lehigh Valley region.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI), Title: Souderton Train Station and Freight Buildings Restoration, Legal Name of Requesting Entity: Borough of Souderton, Address of Requesting Entity: 31 West Summit Street, Souderton, PA 18964, Description of Request: This funding will be used to renovate and restore the interior and exterior of the historic Souderton Train Station and two adjacent freight buildings by the Borough of Souderton. Souderton is one of at least seven communities with rail buildings built at the turn of the 20th century to accommodate freight and passenger service on the Quakertown-Stony Creek line. With an active effort being made to return passenger rail service to the existing line, which currently handles a large amount of freight traffic, these local facilities are being restored throughout the region. The buildings in Souderton reflect the history of communities that blossomed around rail lines and will serve as a warm welcome to residents using this line when passenger service is restored.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI), Title: New Bethany Ministries Building Rehabilitation, Legal Name of Requesting Entity: Episcopal Ministries of the Diocese of Bethlehem, Address of Requesting Entity: 333 West 4th Street, Bethlehem, PA 18015, Description of Request: This funding will be used to rehabilitate a building into a community asset where low-income, mentally disabled and homeless people will receive groceries, meals, financial case management, used clothing, and a variety of emergency walk-in services. The upper floor will be transformed into safe and secure single room occupancy units of case-managed housing for low-income mentally disabled or chronically homeless adults.

Bill Number: H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, FY2010, Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI), Title: Sunnybrook Historic Revitalization, Legal Name of Requesting Entity: Sunnybrook Foundation, Address of Requesting Entity: 50 Sunnybrook Road, Pottstown, PA 19464, Description of Request: This funding will be used for the preservation and revitalization of a historic ballroom, a National Historic Register site, which will be used by the community for seniors and youth programs. The funding will also advance the completion of a conference center and performing arts venue to bolster regional tourism. This project will benefit the greater Pottstown area by providing a modern facility for community activity and enhancing tourism in the region.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. GOHMERT. Madam Speaker, pursuant to Republican Leadership standards, the following information is submitted regarding funding received in the first district of Texas as part of H.R. 3288—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Veterans Shuttle Service Project. The Brazos Transit District, 1759 N. Earl Rudder Freeway, Bryan, Texas 77803, $300,000, Federal Transit Authority Buses and Bus Facilities account, to provide round-trip shuttle service for Veterans who need to go to the Veterans Administration (VA) Outpatient Clinic in Lufkin, Texas and/or to the VA Medical Center in Houston, Texas. This shuttle will provide many of our nation's ailing Veterans vital access to both medical facilities.

Angelina County Cassells-Boykin County Park Project. Angelina County, Texas, 606 East Lufkin Avenue, Lufkin, Texas 75902, $500,000, Housing and Urban Development Economic Development Initiative account, to make improvements and renovations to the Cassells-Boykin County Park on federal Lake Sam Rayburn in Angelina County. This project will finally make improvements necessary to make the federal investment in the lake more accessible and available.

Discovery Learning Center. Texas College, 2404 North Grand Avenue, Tyler, Texas 75702, $250,000, Housing and Urban Development Economic Development Initiative account, to establish a Discovery Learning Center to serve pre-school students and train teachers studying Early Childhood Education. The initiative will help fill the void of quality trained professionals in Early Childhood Education, while also elevating families' first-time college attendees from poverty to the realm of the productive.

Texas State Technical College (TSTC) Marshall Transportation and Industrial Manufacturing Building. TSTC Marshall, 2650 East End Blvd. South, Marshall, Texas 75672, $200,000, Housing and Urban Development Economic Development Initiative account, for assistance with construction of a Transportation and Industrial Manufacturing Technology building, which would assist the community with a hands-on training facility for welding, computer-aided manufacturing, transportation technology, diesel equipment technology, small engine repair, light/medium duty truck and motorcycle driving school, and a truck driving school. This would be far more beneficial for our economy than paying unemployment benefits as it will train and retrain workers for available jobs.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mrs. MILLER of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293 the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293 Labor, Health and Human Services and Education Appropriations Act of 2010

Account: FIPSE

Legal Name of Requesting Entity: St. Clair County Community College

Address of Requesting Entity: 323 Erie St., Port Huron, MI 48061

Description of Request: This request, in the amount of $100,000.00, would be used to further facilitate and develop curriculum for their Water Quality Technology Program.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293, Labor, Health and Human Services and Education Appropriations Act of 2010

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Eva's Place Domestic Violence Shelter

Address of Requesting Entity: P.O. Box 29, Sandusky, MI 48471

Description of Request: This request, in the amount of $200,000.00, would be used for shelter funding and to further facilitate domestic violence shelter programs.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293, Labor, Health and Human Services and Education Appropriations Act of 2010

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Huron County Safe Place Domestic Violence Shelter

Address of Requesting Entity: P.O. Box 8, Bad Axe, MI 48316

Description of Request: This request, in the amount of $150,000.00, would be used for

shelter funding and to further facilitate domestic violence shelter programs.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293, Labor, Health and Human Services and Education Appropriations Act of 2010

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Lapeer Area Citizens Against Domestic Assault

Address of Requesting Entity: P.O. Box 356, Lapeer, MI 48446

Description of Request: This request, in the amount of $200,000.00, would be used for shelter funding and to further facilitate domestic violence shelter programs.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3293, Labor, Health and Human Services and Education Appropriations Act of 2010

Account: Administration for Children and Families—Social Services

Legal Name of Requesting Entity: Safe Horizons Domestic Violence Shelter

Address of Requesting Entity: P.O. Box 610968, Port Huron, MI 48061

Description of Request: This request, in the amount of $200,000.00, would be used for shelter funding and to further facilitate domestic violence shelter programs.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 2009

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, Transportation, HUD and Related Agencies Appropriations Act of 2010.

I hereby certify that to the best of my knowledge the requests (1) are not directed to an entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable. I further certify that should this request be included in the bill, I will place a statement in the CONGRESSIONAL RECORD justifying the use of federal taxpayer funds. I certify that this project does not have a direct and foreseeable effect on the financial interests of my spouse or me.

South Orient Rail Line Rehabilitation in San Angelo, TX—The South Orient Rail line connects Ft. Worth, Texas, to the deep water port in Topolobampo, Mexico, on the Pacific Coast. This funding will be used to repair railroad crossings that are found in poor or worse condition to improve rail safety, speed and allow the transport of new wind turbines and towers in San Angelo, TX. The project is of the highest priority to San Angelo and the city is ready and willing to contribute to the line for speed and safety and sees the potential in future commercial growth with new freight transit from the deep water port in Mexico and Chihuahua City. I am requesting funding in the Transportation, Housing and Urban Development, and Related Agencies Appropriations bill in fiscal year 2010. The entity to receive funding for this project is the Texas Department of Transportation, 125 East 11th Street, Austin, TX 78701—Committee amount: $1 million.

Concho Valley Multi-Modal Terminal in San Angelo, TX—The funding will be used for construction of a multi-modal terminal that will house customer service centers, administrative offices and development space for the Concho Valley Transit District. The Texas Department of Transportation has awarded a multi-year $1.5 million grant to support future development and the project received. This project has been authorized by SAFETEA-LU. I am requesting funding in the Transportation, Housing and Urban Development, and Related Agencies Appropriations bill in fiscal year 2010. The entity to receive funding for this project is the Texas Department of Transportation, 125 East 11th Street, Austin, TX 78701—Committee amount: $250,000.

Daily Digest

HIGHLIGHTS

Senate passed S. 1390, National Defense Authorization Act.

The House passed H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010

Senate

Chamber Action

Routine Proceedings, pages S7945–S8065

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1505–1512, and S. Res. 222. **Pages S8038–39**

Measures Reported:

S.J. Res. 17, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. **Page S8038**

Measures Passed:

National Defense Authorization Act: By 87 yeas to 7 nays (Vote No. 242), Senate passed S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, after taking action on the following amendments proposed thereto: **Pages S7947–S8025**

Adopted:

Lieberman Amendment No. 1627, to require the Secretary of Defense to make certain certifications with respect to the development of an alternative propulsion system for the F–35 Joint Strike Fighter program before funds may be obligated or expended for such system and to provide, with offsets, an additional $282,900,000 for the procurement of UH–1Y/AH–1Z rotary wing aircraft and an additional $156,000,000 for management reserves for the F–35 Joint Strike Fighter program. **Pages S7949–52, S7964–65**

Schumer Amendment No. 1764, to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted. **Pages S7965–67**

Burr Amendment No. 1554, to guarantee the equity of spouses of military personnel with regard to matters of residency. **Pages S7973–74**

Lieberman Amendment No. 1744, to express the sense of the Senate on and reserve funds for the development and deployment of missile defense systems to Europe. **Pages S7976–85**

Levin Amendment No. 1710, to provide for classified information procedures for military commissions, and to provide for interlocutory appeals by the United States of certain orders and rulings of military judges. **Pages S7987–99**

Lincoln Amendment No. 1487, to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program. **Pages S7999–S8000**

Kyl Amendment No. 1807 (to Amendment No. 1760), to require a report on the plan for the United States nuclear weapons stockpile, nuclear weapons complex, and delivery platforms, and to express the sense of the Senate on follow-on negotiations to the START Treaty. **Page S8003**

Kyl Amendment No. 1760, to pursue United States objectives in bilateral arms control with the Russian Federation. **Pages S7965, S7947, S8002–03**

Lieberman/Graham Modified Amendment No. 1650, to express the sense of Congress that military commissions are the preferred forum for the trial of alien unprivileged belligerents for violations of the law of war and other offenses triable by military commission. **Pages S8003–05**

Levin (for Reid) Amendment No. 1481, to require the Director of National Intelligence to submit a report to Congress on retirement benefits for former employees of Air America. **Pages S8005–06**

Levin (for Shaheen) Modified Amendment No. 1621, to improve and expand suicide prevention and

community healing and response training under the Yellow Ribbon Reintegration Program.

Pages S8005–06

Levin (for Feingold/Murkowski) Amendment No. 1675, to ensure that members of the reserve components of the Armed Forces who are injured while on active duty are advised of programs to assist in their transition back to civilian life. **Pages S8005, S8006–07**

McCain Amendment No. 1700, to ensure the security of Iraq through defense cooperation between the United States and Iraq. **Pages S8005, S8007**

McCain (for Voinovich) Amendment No. 1680, to authorize the availability of appropriated funds for certain activities conducted under the State Partnership Program of the National Guard.

Pages S8005, S8007

McCain (for Brownback) Amendment No. 1697, to require a biennial report on the military power of Iran. **Pages S8005, S8007**

McCain (for Hutchison) Amendment No. 1494, to require a report on criteria for the selection of strategic embarkation ports and ships layberth locations.

Pages S8005, S8007–08

Levin Amendment No. 1718, to provide authority to transfer covered defense articles no longer needed in Iraq and to provide defense services to the security forces of Iraq and Afghanistan.

Pages S8005, S8008

Levin (for Nelson (NE)/Graham) Amendment No. 1601, to require a report on simplifying defense travel. **Pages S8005, S8008–09**

Levin (for Casey/Bayh) Amendment No. 1738, to provide for an annual comprehensive report on the status of United States efforts and the level of progress achieved to counter and defeat Al Qaeda and its related affiliates and undermine long-term support for the violent extremism that helps sustain Al Qaeda's recruitment efforts. **Pages S8005, S8009**

Levin (for Landrieu/Snowe) Amendment No. 1703, to reauthorize the SBIR program and the STTR program. **Pages S8005, S8009**

Levin (for Conrad) Amendment No. 1656, to require a report on the recruitment and retention of members of the Air Force in nuclear career fields.

Pages S8005, S8009–10, S8017

McCain (for Collins) Amendment No. 1523, to amend provisions relating to Federal civilian employee retirement. **Pages S8005, S8010**

Levin (for Lautenberg) Amendment No. 1647, to express the sense of the Senate on costs for health care for members of the Armed Forces and their families. **Pages S8005, S8010**

Levin (for Durbin/Nelson (NE)) Amendment No. 1662, to expand the provision authorizing special compensation for members of the uniformed services with certain injuries or illnesses incurred in the line of duty. **Pages S8005, S8010**

McCain (for Risch/Crapo) Amendment No. 1741, to require the Secretary of Defense to report on the status of the Air National Guard and the Air Force Reserve. **Pages S8005, S8010**

Levin (for Bingaman) Amendment No. 1746, to require reports on the service life and replacement of AC–130 gunships of the Air Force.

Pages S8005, S8011

McCain (for Risch/Crapo) Amendment No. 1543, to authorize the service Secretaries to increase the end strength of the Selected Reserve by two percent.

Pages S8005, S8011

McCain (for Hatch/Bennett) Amendment No. 1740, to require a plan for sustaining the land-based solid rocket motor industrial base. **Pages S8005, S8011**

Levin (for Menendez/Corker) Amendment No. 1687, to require a national security interest certification for Coalition Support Fund reimbursements provided to the Government of Pakistan.

Pages S8005, S8011

Levin (for Landrieu) Amendment No. 1702, to require the Secretary of Defense and the Secretary of Veterans Affairs to submit to Congress a report on the use of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals. **Pages S8005, S8011**

Levin (for Franken) Amendment No. 1717, to carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. **Pages S8005, S8011–12**

McCain (for Ensign/Brown) Amendment No. 1521, to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces. **Pages S8005, S8012**

McCain (for Graham) Amendment No. 1768, to authorize the Secretary of Defense to carry out a pilot program for providing cognitive rehabilitative therapy services under the TRICARE program.

Pages S8005, S8012

Levin (for Boxer/Bond) Amendment No. 1752, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care and to provide an offset. **Pages S8005, S8012**

McCain (for Hatch) Modified Amendment No. 1739, to provide for an increase in the maximum age limit for an original appointment to certain Federal employee positions for retirees of the Armed Forces and eligibility for an annuity under Federal Employees Retirement System for such retirees.

Pages S8005, S8012–13

McCain Amendment No. 1775, to support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran, to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference. **Pages S8005, S8013**

McCain (for Brownback) Amendment No. 1735, to express the sense of Congress regarding the development of manned airborne irregular warfare platforms. **Pages S8005, S8013**

Levin (for Tester) Amendment No. 1564, to enhance travel and transportation benefits for survivors of deceased members of the uniformed services for purposes of attending memorial ceremonies. **Pages S7967–73, S8005, S8013**

McCain (for Kyl) Amendment No. 1773, to require the Comptroller General to conduct a study on the stockpile stewardship program. **Pages S8005, S8013**

McCain (for Kyl) Amendment No. 1774, to extend the sunset for the Congressional Commission on the Strategic Posture of the United States and to require an additional report. **Pages S8005, S8013–14**

McCain (for Martinez) Amendment No. 1795, to express the sense of Congress on continued support by the United States for a stable and democratic Republic of Iraq. **Pages S8005, S8014**

Levin (for Boxer) Amendment No. 1788, to express the sense of Congress that flexible spending arrangements should be established for members of the uniformed services. **Pages S8005, S8014**

Levin (for Shaheen) Amendment No. 1780, to require a Yellow Ribbon Reintegration Program and plans for further implementation. **Pages S8005, S8014, S8017–18**

Levin (for Casey) Amendment No. 1782, to require a report on the feasibility of requiring post-deployment health assessments of Guard and Reserve members deployed in connection with contingency operations at their home stations or counties of residence. **Pages S8005, S8014**

Levin (for Baucus) Amendment No. 1779, to provide for the notification of certain individuals regarding options for enrollment under Medicare part B. **Pages S8005, S8014**

Levin (for Warner/Nelson (FL)) Amendment No. 1785, to require a report on the defense modeling and simulation industrial base. **Pages S8005, S8014–15**

McCain (for Thune) Amendment No. 1806, to include additional members and additional duties for the independent panel assessing the 2009 quadrennial defense review. **Pages S8005, S8015**

McCain (for Inhofe) Amendment No. 1803, to require the Secretary of the Army to conduct a comparative evaluation of extended range modular sniper rifle systems. **Pages S8005, S8015**

McCain (for DeMint/Shaheen) Amendment No. 1727, to require the report on the global defense posture realignment to include information relating to the effect of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations on United States security commitments under international security treaties and the current security environments in the combatant commands. **Pages S8005, S8015**

Levin (for Dorgan/Conrad) Amendment No. 1706, to require the Secretary of Defense and the Secretary of Transportation to develop a plan for providing access to the national airspace for unmanned aircraft. **Pages S8005, S8015–16**

McCain (for Leahy/Bond) Modified Amendment No. 1749, to reestablish the position of Vice Chief of the National Guard Bureau. **Pages S8005, S8016**

Levin (for Klobuchar) Modified Amendment No. 1799, (to Amendment No. 1753), to require the Department of Defense to improve access to mental health care for family members of members of the National Guard and Reserve who are deployed overseas. **Pages S8005, S8016, S8018–23**

Levin (for Landrieu) Amendment No. 1620, to amend the Small Business Act to create parity among certain small business contracting programs. **Pages S8005, S8016**

McCain (for Snowe) Amendment No. 1688, to create parity among small business contracting programs. **Pages S8005, S8016**

McCain (for Chambliss) Amendment No. 1765, to require a report on the re-engining of E–8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft. **Pages S8005, S8016–17**

Graham (for Sessions) Further Modified Amendment No. 1657, to preempt requirements that Al Qaeda terrorists who are captured by the United States military or intelligence services be given Miranda warnings. **Pages S8000, S8002, S8023**

Levin (for Begich) Amendment No. 1572, to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay for members of the Armed Forces. **Page S8025**

Levin (for Dodd) Amendment No. 1802, to extend the monthly special pay benefit for members of the reserve components of the Armed Forces to include time spent performing pre-deployment and reintegration duty. **Page S8025**

Levin (for Gillibrand) Amendment No. 1801, to require the Secretary of the Navy to solicit competing bids for the procurement of steam turbines for the ships service turbine generators and main

propulsion turbines for the Ohio-class submarine replacement program. **Pages S8025, S8026**

Levin (for McCaskill) Modified Amendment No. 1606, to express the sense of the Senate on the need for domestic production of molybdenum-99. **Pages S8025, S8026**

Levin (for Nelson (FL)) Amendment No. 1808, to provide to members of the Armed Forces and their families comprehensive information on benefits for members of the Armed Forces and their families. **Pages S8025, S8026**

Levin (for Nelson (FL)) Amendment No. 1705, to extend the deadline for the completion of the independent study of concepts and systems for boostphase missile defense. **Pages S8025, S8027**

Levin (for Lautenberg) Modified Amendment No. 1797, to reauthorize the Maritime Administration. **Pages S8025, S8027**

Levin (for Feingold) Amendment No. 1732, to provide for an additional duty for the advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents. **Pages S8025, S8027**

Levin (for Klobuchar) Amendment No. 1753, to require the Department of Defense to ensure full access to mental health care for family members of members of the National Guard and Reserve who are deployed overseas. **Pages S8025, S8027**

Levin (for Reed/Wicker) Amendment No. 1758, to require a report on enabling capabilities for Special Operations forces. **Pages S8025, S8027**

Levin (for Warner/Webb) Amendment No. 1751, to authorize a study on the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System. **Pages S8025, S8027**

Levin (for Kerry/Chambliss) Amendment No. 1661, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay. **Pages S8025, S8028**

McCain (for Cornyn) Amendment No. 1653, to require a report on Taiwan's Air Force. **Pages S8025, S8028**

McCain (for Coburn/Kerry) Amendment No. 1811, to extend and enhance reporting requirements related to United States contributions to the United Nations. **Pages S8025, S8028**

Levin (for Casey) Modified Amendment No. 1516, to provide certain requirements with respect to public-private competitions. **Pages S8025, S8028**

Levin (for Leahy) Amendment No. 1812, relative to feasibility and desirability of establishing general uniform procedures and guidelines for the provision of monetary assistance by the United States to civilian foreign nationals for losses incident to combat activities of the Armed Forces. **Pages S8025, S8028–29**

Levin (for Sanders) Amendment No. 1658, to require the Comptroller General of the United States to report to Congress on financial assistance for child care available to deployed members of the reserve components of the Armed Forces. **Pages S8025, S8029**

McCain (for Chambliss) Modified Amendment No. 1796, to modify the provision requiring a report on potential foreign military sales of the F–22A fighter aircraft to have the report developed by a federally funded research and development center. **Pages S8025, S8029**

McCain (for Sessions) Modified Amendment No. 1533, to clarify that the definition of unprivileged enemy belligerent includes members of al Qaeda. **Pages S8025, S8029**

Rejected:

By 38 yeas to 59 nays (Vote No. 240), Bayh Amendment No. 1767, to provide for the continued development of a competitive propulsion system for the Join Strike Fighter program and additional amounts, with an offset, for UH–1Y/AH–1Z rotary wing aircraft and Join Strike Fighter program management reserves. **Pages S7952–64**

Burr/Hagan Amendment No. 1519, to prohibit the establishment of an outlying landing field at Sandbanks or Hale's Lake, North Carolina. **Pages S7985–87**

By 40 yeas to 54 nays (Vote No. 241), Isakson Amendment No. 1525, to repeal the sunset of authority to procure fire resistant rayon fiber for the production of uniforms from foreign sources. **Pages S8000–02**

Withdrawn:

Akaka Amendment No. 1522, to amend provisions relating to Federal civilian employee retirement. **Pages S7974–76, S7997–99**

Department of Defense Authorization Act: Senate passed S. 1391, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 1390, National Defense Authorization, as passed. **Page S8024**

Military Construction Authorization Act: Senate passed S. 1392, to authorize appropriations for fiscal year 2010 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1390, National Defense Authorization, as passed. **Page S8024**

Department of Energy National Security Act: Senate passed S. 1393, to authorize appropriations

for fiscal year 2010 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 1390, National Defense Authorization, as passed. **Page S8024**

National Defense Authorization: Senate passed H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1390, Senate companion measure, as passed by the Senate. **Page S8024**

Senate insisted on its amendment, requested a conference with the House on the disagreeing votes of the two Houses, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson (FL), Nelson (NE), Bayh, Webb, McCaskill, Udall (CO), Hagan, Begich, Burris, McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Martinez, Wicker, Burr, Vitter, and Collins. **Page S8024**

Burmese Freedom and Democracy Act: Senate passed H.J. Res. 56, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, clearing the measure for the President. **Pages S8060–61**

Nominations Received: Senate received the following nominations:

Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2013.

4 Army nominations in the rank of general.

Routine lists in the Army. **Pages S8061–65**

Messages from the House: **Page S8034**

Measures Referred: **Page S8034**

Executive Communications: **Pages S8034–35**

Petitions and Memorials: **Pages S8035–38**

Executive Reports of Committees: **Page S8038**

Additional Cosponsors: **Pages S8039–41**

Statements on Introduced Bills/Resolutions: **Pages S8041–44**

Additional Statements: **Pages S8032–34**

Amendments Submitted: **Pages S8044–60**

Authorities for Committees to Meet: **Page S8060**

Privileges of the Floor: **Page S8060**

Record Votes: Three record votes were taken today. (Total—242) **Pages S7964, S8002, S8024**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 11:10 p.m., until 9:30 a.m. on Friday, July 24, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8061.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill entitled, ''The Public Transportation Extension Act of 2009''.

SYSTEMIC RISK REGULATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine establishing a framework for systemic risk regulation, after receiving testimony from Sheila C. Bair, Chairman, Federal Deposit Insurance Corporation; Mary L. Schapiro, Chairman, United States Securities and Exchange Commission; Daniel K. Tarullo, Member, Board of Governors of the Federal Reserve System; Alice M. Rivlin, The Brookings Institution, Vincent Reinhart, American Enterprise Institute, and Paul Schott Stevens, Investment Company Institute, all of Washington D.C.; and Allan H. Meltzer, Carnegie Mellon University Tepper School of Business, Pittsburgh, Pennsylvania.

WATER AND POWER LEGISLATION

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 637, to authorize the construction of the Dry-Redwater Regional Water Authority System in the State of Montana and a portion of McKenzie County, North Dakota, S. 789, to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, S. 1080, to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and S. 1453, to amend Public Law 106–392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023, after receiving testimony from Michale L. Connor, Commissioner, Bureau of

Reclamation, Department of the Interior; Tod Kasten, Dry Redwater Regional Water Authority, Circle, Montana; Ryan Garfield, Tule River Tribe of California, Porterville; and John F. Sullivan, Salt River Project, Phoenix, Arizona.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

S.J. Res. 17, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; and

The nominations of Miriam E. Sapiro, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador, Executive Office of the President, Daniel M. Tangherlini, of the District of Columbia, to be Chief Financial Officer, William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel, Kim N. Wallace, of Texas, to be Deputy Under Secretary, George Wheeler Madison, of Connecticut, to be General Counsel, and Rosa Gumataotao Rios, of California, to be Treasurer, all of the Department of the Treasury.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Jon M. Huntsman, Jr., of Utah, to be Ambassador to the People's Republic of China, who was introduced by Senators McCain, Hatch, and Bennett, John Victor Roos, of California, to be Ambassador to Japan, who was introduced by former Vice President Walter Mondale, former Senator Bill Bradley, former Speaker of the House Tom Foley, Jonathan S. Addleton, of Georgia, to be Ambassador to Mongolia, Teddy Bernard Taylor, of Maryland, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu, Martha Larzelere Campbell, of Michigan, to be Ambassador to the Republic of the Marshall Islands, and Kenneth E. Gross, Jr., of Virginia, to be Ambassador to the Republic of Tajikistan, all of the Department of State, after the nominees testified and answered questions in their own behalf.

D.C. PUBLIC SCHOOLS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine D.C. public schools, focusing on education reform, after receiving testimony from Cornelia M. Ashby, Director, Education, Workforce, and Income Security, Government Accountability Office; Michelle Rhee, District of Columbia Public Schools Chancellor, Victor Reinoso, and Kerri L. Briggs, both of the District of Columbia Department of Education, all of Washington, D.C.

BANKRUPTCY REFORM

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine the reconsideration of bankruptcy reform, after receiving testimony from Alys Cohen, National Consumer Law Center, on behalf of the National Association of Consumer Advocates and the National Association of Consumer Bankruptcy Attorneys, Adam J. Levitin, Georgetown University Law Center, and Mark A. Calabria, Cato Institute, all of Washington, D.C.; Richard Genirberg, Genirberg Law Office, Jonesboro, Georgia; and Joe Verdelotti, Jr., West Warwick, Rhode Island.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 3303–3323; and 4 resolutions, H. Con. Res. 168; and H. Res. 674–675 were introduced. **Pages H870607**

Additional Cosponsors: **Pages H870708**

Reports Filed: Reports were filed today as follows:

H. Res. 602, requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism, with an amendment (H. Rept. 111–221);

H. Res. 673, providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and

Education, and related agencies for the fiscal year ending September 30, 2010 (H. Rept. 111–222);

H.R. 3219, to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care (H. Rept. 111–223);

H.R. 3155, to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, with an amendment (H. Rept. 111–224);

H.R. 2770, to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, with an amendment (H. Rept. 111–225); and

H.R. 1293, to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services (H. Rept. 111–226). **Page H8706**

Speaker: Read a letter from the Speaker wherein she appointed Representative Jackson-Lee (TX) to act as Speaker Pro Tempore for today. **Page H8587**

Chaplain: The prayer was offered by the Guest Chaplain, Chaplain Mark Campbell, Office for the Deputy Under Secretary of Defense, Washington, DC. **Page H8587**

Privileged Resolution—Intent to Offer: Representative Price (GA) announced his intent to offer a privileged resolution. **Page H8591**

Privileged Resolution—Intent to Offer: Representative Hensarling announced his intent to offer a privileged resolution. **Pages H8591–92**

Privileged Resolution—Intent to Offer: Representative Broun (GA) announced his intent to offer a privileged resolution. **Page H8592**

Privileged Resolution—Intent to Offer: Representative Tiahrt announced his intent to offer a privileged resolution. **Page H8592**

Privileged Resolution—Intent to Offer: Representative Bachmann announced her intent to offer a privileged resolution. **Pages H8592–93**

Question of Privilege: The Chair ruled that the resolution offered by Representative Nunes did not constitute a question of the privileges of the House. Agreed to the motion to table the appeal of the ruling of the Chair by a yea-and-nay vote of 249 yeas to 179 nays, Roll No. 616. **Pages H8600–01**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, July 21st:

Congratulating the 2008–2009 National Basketball Association Champions, the Los Angeles Lakers, on an outstanding and historic season: H. Res. 566, to congratulate the 2008–2009 National Basketball Association Champions, the Los Angeles Lakers, on an outstanding and historic season, by a ⅔ yea-and-nay vote of 413 yeas to 8 nays with 8 voting ''present'', Roll No. 618 and **Pages H8602–03**

Honoring the life and accomplishments of Harry Kalas for his invaluable contributions to the national past-time of baseball, the community, and the Nation: H. Res. 350, to honor the life and accomplishments of Harry Kalas for his invaluable contributions to the national past-time of baseball, the community, and the Nation, by a ⅔ yea-and-nay vote of 426 yeas with none voting ''nay'', Roll No. 619. **Page H8603**

Discharge Petition: Representative Blackburn moved to discharge the Committee on Energy and Commerce from the consideration of H.R. 391, to amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes (Discharge Petition No. 5).

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010: The House passed H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, by a yea-and-nay vote of 256 yeas to 168 nays, Roll No. 637. **Pages H8593–8602, H8604–82**

Latham motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment was withdrawn. **Pages H8674–79**

Rejected the second Latham motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 192 yeas to 226 nays, Roll No. 636. **Pages H8679–81**

Agreed to:

Olver manager's amendment (No. 1 printed in part A of H. Rept. 111–219) that decreases funding for the DOT Office of the Secretary by $250,000 to increase funding for alternative fuel vehicle safety; increases the Federal Railroad Administration's Railroad Research and Development account by $3,000,000 and decreases the Financial Management Capital account by the same amount; increases funding for the FAA's Office of Commercial Space by $1,000,000 and decreases funding for the FAA's Information Services account by the same amount; eliminates a Neighborhood Initiatives project and lowers the CDBG and Neighborhood Initiatives funding levels by $2,000,000; modifies the Home Equity Conversion Mortgage program to ensure that it can be implemented; prohibits funds from being used to purchase light bulbs that do not have Energy Star or Federal Energy Management Program designation; and prohibits first class travel for employees of agencies funded in the bill; **Pages H8638–39**

Schock amendment (No. 5 printed in part A of H. Rept. 111–219) that transfers from HUD Home

Investment Partnership Program to the HUD Housing Counseling Assistance for the sole purpose of providing pre-home purchase counseling; **Page H8643**

Cao amendment (No. 6 printed in part A of H. Rept. 111–219) that requires the Neighborhood Reinvestment Corporation to report to Congress on a quarterly basis on their efforts to mitigate mortgage default (rather than bi-annually); **Pages H8643–44**

Burton (IN) amendment (No. 9 printed in part A of H. Rept. 111–219) that requires that none of the funds in this act may be used by Amtrak to provide free alcohol; **Pages H8646–47**

Turner amendment (No. 13 printed in part A of H. Rept. 111–219) that prevent funds in the bill from being used to prohibit the establishment of any occupancy preference for veterans in supportive housing for the elderly that is assistance by HUD and is located on Department of Veteran's Affairs (VA) property or is subject to an enhanced use lease with the VA; and **Page H8650**

Rangel amendment (No. 14 printed in part A of H. Rept. 111–219) that prohibits the use of funds for the implementation of the community service requirement for public housing residents. **Pages H8650–52**

Rejected:

Hensarling amendment (No. 2 printed in part A of H. Rept. 111–219) that sought to strike funding in the bill for the HOPE VI program (by a recorded vote of 152 ayes to 276 noes, Roll No. 620); **Pages H8639–41, H8664**

Latham amendment (No. 3 printed in part A of H. Rept. 111–219) that sought to reduce the "Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service" by $3,000,000,000 to the President's request of $1,000,000,000 and strike the transfer authority for the National Infrastructure Bank (by a recorded vote of 136 ayes to 284 noes, Roll No. 621); **Pages H8641–42, H8664–65**

Frelinghuysen amendment (No. 7 printed in part A of H. Rept. 111–219) that sought to require that the FAA restrict the use of any funding for the implementation of the New York/New Jersey/Philadelphia metropolitan area airspace redesign (by a recorded vote of 116 ayes to 313 noes, Roll No. 622); **Pages H8644–45, H8665–66**

Blackburn amendment (No. 8 printed in part A of H. Rept. 111–219) that sought to make an across the board cut of 5% to all funding accounts in the bill (by a recorded vote of 181 ayes to 252 noes, Roll No. 623); **Pages H8645–46, H8666**

Jordan (OH) amendment (No. 10 printed in part A of H. Rept. 111–219) that sought to reduce spending in the bill by $20,050,000,000 in order to reflect FY2008 levels (by a recorded vote of 145 ayes to 287 noes, Roll No. 624); **Pages H8647, H8666–67**

Neugebauer amendment (No. 11 printed in part A of H. Rept. 111–219) that sought to reduce spending in the bill by $13,533,000,000 (by a recorded vote of 166 ayes to 267 noes, Roll No. 625); **Pages H8647–49, H8667–68**

Stearns amendment (No. 12 printed in part A of H. Rept. 111–219) that sought to reduce by 25% the amount appropriated or otherwise made available by the bill that is not required to be appropriated or otherwise made available by a provision of law (by a recorded vote of 152 ayes to 279 noes, Roll No. 626); **Pages H8649–50, H8668**

Flake amendment (No. 1 printed in part B of H. Rept. 111–219) that sought to prohibit $500,000 from being used for the Terminal Replacement project at Grand Forks International Airport in Grand Forks, North Dakota, and reduce the amount of the bill by the same amount (by a recorded vote of 108 ayes to 327 noes, Roll No. 627); **Pages H8652–53, H8668–69**

Flake amendment (No. 4 printed in part B of H. Rept. 111–219) that sought to prohibit $250,000 from being used for the Murphy Theatre Community Center, Inc. in Wilmington, Ohio, and reduce the amount of the appropriate section of the bill by the same amount (by a recorded vote of 105 ayes to 328 noes, Roll No. 628); **Pages H8653–55, H8669–70**

Flake amendment (No. 7 printed in part B of H. Rept. 111–219) that sought to prohibit $250,000 from being used for the construction of the Triangle Building by Alianza Dominicana, Inc., in New York, New York, and reduce the amount of the appropriate section of the bill by the same amount (by a recorded vote of 124 ayes to 310 noes, Roll No. 629); **Pages H8655–56, H8670**

Flake amendment (No. 8 printed in part B of H. Rept. 111–219) that sought to prohibit $400,000 from being used for the renovation of a vacant building for economic development by the City of Jal, New Mexico, and reduce the amount of the appropriate section by the same amount (by a recorded vote of 125 ayes to 310 noes, Roll No. 630); **Pages H8656–57, H8670–71**

Flake amendment (No. 9 printed in part B of H. Rept. 111–219) that sought to prohibit $250,000 from being used for the Monroe County Farmer's Market facility construction project of the Monroe County Fiscal Court and reduce the amount of the appropriate section of the bill by the same amount (by a recorded vote of 98 ayes to 331 noes, Roll No. 631); **Pages H8657–58, H8671–72**

Flake amendment (No. 10 printed in part B of H. Rept. 111–219) that sought to prohibit $500,000 from being used for the Millennium Technology Park in New Castle, Pennsylvania, and reduce the amount of the appropriate section of the bill by the same amount (by a recorded vote of 105 ayes to 329 noes, Roll No. 632); **Pages H8658–60, H8672**

Flake amendment (No. 11 printed in part B of H. Rept. 111–219) that sought to prohibit $500,000

from being used for the reconstruction of Rib Mountain in Wisconsin, and reduce the amount of the appropriate section of the bill by the same amount (by a recorded vote of 105 ayes to 329 noes, Roll No. 633); **Pages H8660–61, H8672–73**

Hensarling amendment (No. 3 printed in part C of H. Rept. 111–219) that sought to strike $2 million for the Doyle Drive Replacement project in San Francisco, California and reduce the overall cost of the bill by the same amount (by a recorded vote of 124 ayes to 309 noes, Roll No. 634); and **Pages H8661–62, H8673–74**

Hensarling amendment (No. 4 printed in part C of H. Rept. 111–219) that sought to strike $750,000 for the Philadelphia Museum of Art Transportation Improvement Program in Pennsylvania and reduce the overall cost of the bill by a commensurate amount (by a recorded vote of 109 ayes to 326 noes, Roll No. 635). **Pages H8662–64, H8674**

Withdrawn:

McHenry amendment (No. 4 printed in part A of H. Rept. 111–219) that was offered and subsequently withdrawn that would have increased funding for Amtrak's Office of Inspector General by $1 million, offset by a reduction for Amtrak Operating Grants. **Pages H8642–43**

H. Res. 669, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 235 yeas to 183 nays, Roll No. 617, after it was agreed to order the previous question without objection. **Pages H8593–S8602**

A point of order was raised against the consideration of H. Res. 669 and it was agreed to proceed with consideration of the resolution by voice vote. **Pages H8593–H8600**

Financial Crisis Inquiry Commission—Appointment: The Chair announced a joint appointment by the Speaker and the Majority Leader of the Senate and an appointment by the Speaker on the part of the House to the Financial Crisis Inquiry Commission: Joint Appointment: Mr. Phil Angelides of Sacramento, CA, Chairman. Speaker's appointments: Ms. Brooksley Born of Washington, DC and Mr. John W. Thompson of Woodside, CA. **Page H8682**

Financial Crisis Inquiry Commission—Appointment: Read a letter from Representative Boehner, Minority Leader, in which he appointed the following individuals to the Financial Crisis Inquiry Commission: The Honorable William M. Thomas of Bakersfield, CA (Vice Chairman) and Mr. Peter J. Wallison of Old Snowmass, CO. **Page H8682**

Quorum Calls—Votes: Six yea-and-nay votes and 16 recorded votes developed during the proceedings of today and appear on pages H8601, H8602, H8601–03, H8603, H8664, H8664–65, H8665–66, H8666, H8666–67, H8667–68, H8668, H8668–69, H8669–70, H8670, H8670–71, H8671–72, H8672, H8672–73, H8673–74, H8674, H8681, H8681–82. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:30 p.m.

Committee Meetings

OVERSIGHT—CAPITOL VISITOR CENTER

Committee on Appropriations: Subcommittee on Legislative Branch held an oversight hearing on the Capitol Visitor Center. Testimony was heard from Stephen Ayers, Acting Architect of the Capitol; Terri Rouse, CEO, Visitor Services for the Capitol Visitor Center; Phillip Morse, Chief, U.S. Capitol Police; Bernie Ungar, CVC Project Executive; and Terrell Dorn, Director, Physical Infrastructure Issues, GAO.

NATIONAL DEFENSE STOCKPILE RECONFIGURATION

Committee on Armed Services: Subcommittee on Readiness held a hearing on proposed reconfiguration of the National Defense Stockpile. Testimony was heard from the following officials of the Department of Defense: Rick A. Lowden, Senior Materials Analyst, Office of the Deputy Under Secretary, (Industrial Policy); and Cornel Holder, Administrator, National Defense Stockpile Center, Defense Logistics Agency; and a public witness.

SECTION 8 VOUCHER REFORM ACT OF 2009

Committee on Financial Services: Ordered reported, as amended, H.R. 3045, Section 8 Voucher Reform Act of 2009.

CLIMATE CHANGE AND VULNERABLE SOCIETIES

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific and the Global Environment held a hearing on From L'Aquila to Copenhagen: Change and Vulnerable Societies. Testimony was heard from Thomas Karl, Director, National Climate Data Center, NOAA, Department of Commerce; and public witnesses.

U.S. INTERNATIONAL BROADCAST ORGANIZATIONS

Committee on Foreign Affairs: Subcommittee on Europe held a hearing on Radio Free Europe/Radio Liberty and Voice of America: Soft Power and the Free Flow of Information. Testimony was heard from the following officials of the Broadcasting Board of Governors: Jeffrey Gedmin, President and CEO, Radio Free Europe/Radio Liberty; and Danforth W. Austin, Director, Voice of America.

FEDERAL AIR MARSHAL SERVICE

Committee on Homeland Security: Subcommittee on Management, Investigations and Oversight met in executive session to hold a hearing entitled "Protecting the Protectors: Examining the Personnel Challenges Facing the Federal Air Marshal Service." Testimony was heard from Robert Bray, Assistant Administrator/Director, Office of Law Enforcement/Federal Air Marshal Service, Transportation Security

Administration, Department of Homeland Security; Stephen Lord, Director, Homeland Security and Justices Issues, GAO; and a public witness.

ENGAGING THE ELECTORATE

Committee on House Administration: Held a hearing on Engaging the Electorate—Strategies for Expanding Access to Democracy. Testimony was heard from Cameron P. Quinn, former Secretary, Board of Elections, State of Virginia; and public witnesses.

CATASTROPHIC ATTACK—CONTINUITY OF CONGRESS

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on Continuity of Congress in the Wake of a Catastrophic Attack. Testimony was heard from Representatives Baird and Rohrabacher; R. Eric Petersen, Analyst, American National Government, CRS, Library of Congress; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law approved for full Committee action the following measures: H.R. 3290, September 11 Family Humanitarian Relief and Patriotism Act of 2009; and H. J. Res. 26, Proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

The Subcommittee began markup of H.R. 42, Commission Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

Will continue tomorrow.

The Subcommittee also approved requests to the Department of Homeland Security for Departmental Reports on the Beneficiaries of certain private bills.

AMERICA VIEW GEOSPATIAL IMAGERY MAPPING PROGRAM ACT; OVERSIGHT—FEDERAL GEOSPATIAL DATA MANAGEMENT

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources H.R. 2489, America View Geospatial Imagery Mapping Program Act. Testimony was heard from Suzette M. Kimball, Acting Director, U.S. Geological Survey, Department of the Interior; and public witnesses.

The Subcommittee also held an oversight hearing on Federal Geospatial Data Management. Testimony was heard from Karen C. Siderelis, Geospatial Information Officer, Department of the Interior; Michael Byrne, Geospatial Information Officer, State of California; and public witnesses.

E-VERIFY: CHALLENGES AND OPPORTUNITIES

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization and Procurement held a hearing entitled "E-Verify: Challenges and Opportunities." Testimony was heard from Gerri Ratliff, Deputy Associate Director, National Security and Records Verification Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security; David Rust, Deputy Commissioner, SSA, Department of Health and Human Services; and public witnesses.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The Committee on Rules: Granted, by a record vote of 7 to 4, a structured rule providing for consideration of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read through page 134, line 12. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

The rule makes in order the amendments printed in the report of the Committee on Rules. The rule provides that each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House on in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI.

The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without demand for division of the question. The rule provides one motion to recommit with or without instructions.

The rule provides that after disposition of the amendments specified in the first section of the rule, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). Finally, the rule provides that during consideration of the bill, the Chair may reduce to two minutes the minimum time for electronic voting. Testimony was heard from Chairman Obey and Representatives Polis, Sestak, Tiahrt, Kingston, Pence, King (IA), Franks (AZ), Kline, McCaul, Wittman, and Cao.

ELECTRIC SMART GRID IMPLEMENTATION

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on Effective Transforming Our Electric Delivery System to a Smart Grid. Testimony was heard from George Arnold, National Coordinator, Smart Grit Interoperability, National Institute of Standards and Technology, Department of Commerce; the following officials of the Department of Energy: Patricia Hoffman, Acting Assistant Secretary, Office of Electricity Delivery and Energy Reliability; Suedeen G. Kelly, Commissioner, Federal Energy Regulatory Commission; and public witnesses.

SBA'S CAPITAL ACCESS PROGRAMS

Committee on Small Business: Subcommittee on Finance and Tax, hearing entitled ''Legislative Proposals to Reform the SBA's Capital Access Programs.'' Testimony was heard from public witnesses.

EXAMINING QUALITY OF LIFE—ANCILLARY BENEFITS ISSUES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on Examining Quality of Life and Ancillary Benefits Issues. Testimony was heard from Bradley G. Myes, Director, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

HIGHWAY TRUST FUND FINANCING

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on possible Long-Term Financial Options for the Highway Trust Fund, including Member Proposals. Testimony was heard from Representatives Oberstar, Mica, DeFazio, Meek of Florida, Brady of Texas, Calvert, Smith of Washington, Moran of Kansas, and Corrine Brown of Florida.; Roy Kienitz, Under Secretary, Policy, Department of Transportation; Allen D. Biehler, Secretary, Department of Transportation, State of Pennsylvania; and public witnesses.

Joint Meetings

BALANCING WORK AND FAMILY IN THE RECESSION

Joint Economic Committee: Committee concluded a hearing to examine balancing work and family in the recession, focusing on employees and employers, after receiving testimony from Ellen Galinsky, Families and Work Institute, New York, New York; Cynthia Thomas Calvert, University of California Hastings College of the Law Center for Work Life Law, San Francisco, California; and Karen Nussbaum, Working America, Washington, D.C.

COMMITTEE MEETINGS FOR FRIDAY, JULY 24, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, hearing on reforming the Military Commissions Act of 2006 and detainee policy, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on the Recovery Act: Strengthening Our Economy, 10 a.m., 210 Cannon.

Committee on Financial Services, hearing entitled ''Regulatory Perspectives on the Obama Administration's Financial Regulatory Reform Proposals—Part Two,'' 10:30 a.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, to continue markup of H.R. 42, Commission Wartime Relocation and Internment of Latin Americans of Japanese Descent Act and to mark up H.R. 1425, Wartime Treatment Study Act, 1 p.m., 2141 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, July 24

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

(At approximately 9:30 a.m., Senate will observe a moment of silence in honor of the fallen Capitol Police officers.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m. Friday, July 24

House Chamber

Program for Friday: Consideration of H.R. 3293—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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Congressional Record

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